

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



**Belfast
City Council**

9th August, 2022

MEETING OF THE PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in a Hybrid format on Tuesday, 16th August, 2022 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

1. Routine Matters

- (a) Apologies
- (b) Minutes (Pages 1 - 12)
- (c) Declarations of Interest

2. Committee Site Visits (Pages 13 - 14)

3. Request to hold two Special Planning Committee Meetings

- **5pm, Wednesday, 31st August** – to consider the following application:
LA04/2021/2856/O - Proposed mixed use regeneration development comprising office (Class B1), residential apartments (including affordable), retail (Class A1), hotel, leisure (Class D2), public realm, active travel uses, cafes, bars and restaurants, and community uses (Class D1), on lands surrounding the new Belfast Transport Hub and over the Transport Hub car park, to the east and west of Durham St and south of Grosvenor Rd; and
- **5pm, Thursday, 29th September** - an additional meeting in advance of the new Planning IT system.

4. **Planning Appeals Notified** (Pages 15 - 16)
5. **Planning Decisions Issued** (Pages 17 - 78)
6. **DFI Notifications - Provision of Accessible/Disabled Parking Bays** (Pages 79 - 86)
7. **Proposed Removal of a Post Box** (Pages 87 - 90)
8. **Planning Applications**
 - (a) (Reconsidered item) LA04/2020/1959/F - New parkland (Section 2 Forthmeadow Community Greenway) - foot and cycle pathways, lighting columns, new entrances and street furniture on site including vacant land bounded by the Forthriver Industrial Park in the east, Springfield Road to the South and Paisley Park & West Circular Road & Crescent to the West. Area also includes links through the Forthriver (Pages 91 - 186)
 - (b) (Reconsidered item) LA04/2019/1819/F & LA04/2019/1820/DCA - Demolition of existing dwelling and erection of 3 storey (and basement) detached dwelling with garage and landscaping to front and rear at 28 Malone Park (Pages 187 - 246)
 - (c) (Reconsidered item) LA04/2021/2519/F - Variation of Condition relating to Operating Hours at Former Church of the Holy Rosary, 348-350 Ormeau Road (Pages 247 - 256)
 - (d) (Reconsidered item) LA04/2021/2285/F - Apartments development 29 Parkside Gardens (Pages 257 - 284)
 - (e) LA04/2022/0293/F - Erection of hotel/aparthotel comprising 162 hotel beds and 94 aparthotel beds, conference facilities, restaurant /cafe/bar uses (including roof top bar), gym, landscaped public realm, car parking, cycle parking and associated site and road works at lands directly south of Titanic Belfast and north-west of Hamilton Dock located off Queens Road (Pages 285 - 310)
 - (f) LA04/2022/0023/O - Site for 15 storey residential development, 32no. 1 bedroom apartments, 35no. 2 bedroom apartments and 1no. studio apartment at Holmes Street to the rear of 15-21 Bruce Street (Pages 311 - 332)
 - (g) LA04/2022/0510/F - Construction of 90no. apartments (change of house type from that approved LA04/2019/0025/F) with associated car parking and landscaping at Parklands, Knocknagoney Dale, Knocknagoney (Pages 333 - 352)
 - (h) LA04/2022/0646/F - Section 54 to vary Condition 2 of planning permission LA04/2017/2753/F (relating to details of public realm improvements) at 30-44 Bradbury Place (Pages 353 - 382)
 - (i) LA04/2022/1256/F - Conversion of existing residential property into a house of multiple occupation, with a minor single storey extension to the rear of the property, Innov8 Living, 14 Belmont Avenue (Pages 383 - 392)

- (j) LA04/2021/2114/F & LA04/2021/2113/ DCA - Demolition of existing dwelling and car part, construction of a new replacement one and a half storey detached dwelling with integral garage; and associated site works, 27 Cleaver Avenue (Pages 393 - 404)
- (k) LA04/2022/0683/F - Awning installed to front of existing building, Spectrum Centre 331 Shankill Road (Pages 405 - 412)
- (l) LA04/2022/0155/F - Extension of time for temporary change of use of and alterations of former printing hall to event space for a period of 3 years, The Limelight Belfast Ltd, Ground floor print hall, 122-144 Royal Avenue (Pages 413 - 424)
- (m) LA04/2021/2602/F & LA04/2021/2611/LBC - Removal of Existing 3m High Palisade Perimeter Fence. New Metal Railings and Gates with associated Lighting, Central Steps, Belfast City Cemetery, Falls Road (Pages 425 - 432)

9. **Restricted Items**

- (a) LDP update on engagement with DFI
- (b) LDP update on Supplementary Planning Guidance (SPG) consultation
- (c) Update on the replacement Planning Portal
- (d) Financial Reporting - Quarter 4 2021/2022 (Pages 433 - 438)

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Planning Committee

Tuesday, 14th June, 2022

HYBRID MEETING OF THE PLANNING COMMITTEE

Members present: Councillor Whyte (Chairperson);
The High Sheriff, Councillor Hussey;
Alderman Rodgers;
Councillors Carson, Douglas, Garrett,
Groogan, Hanvey, Hutchinson,
Maskey, Murphy and Spratt.

In attendance: Ms. K. Bentley, Director of Planning and Building Control;
Mr. E. Baker, Planning Manager (Development Management);
Ms. N. Largey, Divisional Solicitor;
Ms. C. Donnelly, Democratic Services Officer; and
Mrs. L. McLornan, Democratic Services Officer.

Apologies

Apologies for inability to attend were reported from Councillors Bower and Collins.

Minutes

The minutes of the meetings of 17th May were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st June, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

Councillor Whyte declared an interest in item 6a - (Reconsidered Item) LA04/2020/1959/F - New parkland (Section 2 Forthmeadow Community Greenway), in that he had previously met with Participation and the Practice of Rights (PPR), who were objecting to the application, and that he would leave the meeting for the duration of the discussion on the item.

He also declared an interest in item 6h - LA04/2021/0859/F - Retention of 21-23 Victoria Street and 41-51 Waring Street, Belfast with minor alterations to facades and erection of a 3 storey extension to the buildings to facilitate a 164 bedroom hotel, in that he had previously met with the applicant and had expressed support for it, and that he would leave the meeting for the duration of the discussion on the item.

He also declared an interest in item 6j - LA04/2022/0207/F - Change of use from Church halls to offices at Townsend Street Presbyterian Church, 32 Townsend Street, in that he was on the Board of the Ulster Orchestra, which was the intended end user for the application, and that he would leave the meeting for the duration of the discussion on the item.

Councillor Maskey also declared an interest in item 6a - (Reconsidered Item) LA04/2020/1959/F - New parkland (Section 2 Forthmeadow Community Greenway), in that

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the organisation that he was employed by had worked with Sustrans to recruit walking and cycling volunteers for the Forthmeadow Community Greenway and that he would leave the meeting for the duration of the discussion on the item.

Committee Site Visit

Request for a Pre-Emptive Site Visit

The Committee agreed to undertake a pre-emptive site visit in respect of the following applications, on Thursday, 16th June:

- **LA04/2022/0535/F & LA04/2022/0468/DCA** - Physical development - re-cladding of the exterior of the building, creation of a new access point to the upper floors and central core on Castle Arcade, demolition of bridge link over Castle Arcade and erection of a new oversail section at the junction of Castle Lane and Castle Arcade. Change of use - partial change of use of upper floors from storage and back of house facilities to a mixed use of Assembly and Leisure (class D2) and a sui-generis multifaceted leisure use combined with the sale of food and drink for the consumption on the premises. Reconfiguration of existing ground floor storage, associated public realm improvements and ancillary development. Net reduction in gross floorspace of approximately 331 sqm. Partial demolition of existing facade treatment on Castle Lane, Castle Arcade and Cornmarket, demolition of existing internal staircases and internal walls and demolition of bridge link over Castle Arcade, at 13-25 Castle Lane Belfast BT1 5DA; Castle Arcade Belfast BT1 5DF and 3-9 Cornmarket.

Planning Appeals Notified

The Committee noted the receipt of correspondence in respect of a number of planning appeals which had been submitted to the Planning Appeals Commission, together with the outcomes of a range of hearings which had been considered by the Commission.

Planning Decisions Issued

The Committee noted a list of decisions which had been taken under the delegated authority of the Director of Planning and Building Control, together with all other planning decisions which had been issued by the Planning Department between 10th May and 9th June 2022.

Proposed Abandonments

The Committee noted that correspondence had been received from the Department for Infrastructure, advising the Council that it proposed to abandon land at Little Victoria Street Car Park and at Charlotte Street Car Park under the Roads (NI) Order 1993.

The Committee:

- noted the proposal to abandon land at Little Victoria Street Car Park; and

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- deferred consideration of the Department's intention to abandon land at Charlotte Street Car Park and requested that further information be sought from DFI in relation to the reason(s) for the abandonment. It further agreed that DFI be requested to provide the Council with further information in respect of future abandonments under the Roads (NI) Order 1993.

Withdrawn Items

The Committee noted that the following two items had been withdrawn from the agenda by officers:

- (Reconsidered Item) LA04/2019/0775/F - 18 dwellings to include revision of site layout of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings) and additional 11 No. dwellings, including landscaping, access via Hampton Park and other associated site works on lands approximately 50m to the north of 35 Hampton Park and approximately 30m to the west of 60 Hampton Park, Galwally; and
- Update on Planning Portal replacement IT system (Restricted Item).

The following item was withdrawn by the applicant:

- LA04/2021/2440/F & LA04/2021/2439/DCA - Demolition of existing dwelling and garage to allow for the erection of a new semi-detached dwelling and two apartments at 362 Lisburn Road.

Planning Applications

**THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF THE
POWERS DELEGATED TO IT BY THE COUNCIL UNDER STANDING ORDER 37(e)**

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

(The Chairperson, having declared an interest in the item, left the meeting while the item was under consideration.)

(Councillor Groogan in the Chair.)

Moved by Councillor Garrett,
Seconded by Councillor Councillor Groogan and

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Resolved – that the Committee agrees to defer consideration of the application, to the Special Meeting on 27th June, in order to allow the objectors more time to consider the Case officer's report and the Judicial Review findings.

(Reconsidered Item) LA04/2020/1666/F - Demolition of existing two storey building and erection of an office development with heights of 9-14 storeys with landscaping, parking, and associated development. At Lands at 102-127 Grosvenor Road and adjoining the Westlink/Grosvenor Road junction

(Councillor Whyte, Chairperson, resumed the Chair.)

The Committee was provided with the key details of the application.

The Principal Planning officer explained that the application had been before the Committee in March 2021, where it had agreed to grant permission with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 Planning Agreement.

The Committee's attention was drawn to the Late Items pack, whereby Legal Services had since confirmed that the Section 76 Agreement had since been executed.

The Principal Planning officer explained that, due to the length of time taken to finalise the Section 76 Agreement following the Committee meeting, the Planning Service had reconsulted NI Water and that it had responded in June 2021 advising that there was insufficient Waste Water Treatment Capacity available at present for the proposed development.

The response from NI Water stated that:

"Belfast WWTW no longer has headroom capacity to serve this proposal. However, initial improvement works currently under construction at Belfast WWTW, once completed, together with base maintenance of the activated sludge process of the existing works, will result in providing some additional capacity in advance of the major phased upgrade of Belfast WWTW.'

In a further response dated June 2022 NI Water had advised that:

"Our only requirement is that this proposal shall not be occupied before 1 July 2023, which is the date when additional treatment capacity will be available as a result of completion of initial phase of upgrade work at Belfast WWTW. The developer has already confirmed to NI Water that this condition would be acceptable as this proposal will not be completed until after this date.'

The Principal Planning officer explained that officers felt that the condition from NI Water was not required given that the improvements to the WWTW were expected by July 2023 and should provide increased capacity by the time that the development was completed.

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The Committee granted approval to the application, subject to conditions and a Section 76 Planning Agreement, with delegated authority given to the Director of Planning and Building Control to finalise the wording.

**(Reconsidered Item) LA04/2022/0275/F - Awning attached
to existing façade at 26 University Avenue**

The Principal Planning officer explained that the application was one of four applications which had initially been presented to the Committee on 17th May 2022, and which had been deferred in order that the Committee would be provided with clarification of the Area of Townscape Character (ATC) between the BUAP and draft BMAPs.

She explained that the proposed site was outside the adopted ATC under the BUAP 2001. Under draft BMAP 2004 and 2015, the site was within a proposed ATC.

The Committee was advised that, within adopted ATCs, Planning Policy Statement 6 Addendum was applicable. However, PPS6 Addendum was not applicable to proposed ATCs, as confirmed by the Planning Appeals Commission. However, regardless of this, the Principal Planning officer explained that the impact of the proposal on the overall character of the proposed ATC could still be objectively assessed in the context of the surrounding built form. She outlined that the impact of the proposal had been assessed in relation to the character of the area including the proposed ATC and was considered acceptable.

The proposal was for a minor awning to the front door which did not negatively impact the existing property or surrounding built form. The character of the area, including the draft ATC, would be maintained.

The key issues which had been considered included the design/impact on character and appearance, amenity and public safety.

She outlined that the amended plans which had been uploaded to the planning portal on 3rd May, 2022, had reduced the size and design of the awning to address concerns of anti-social behaviour and being out of character with the existing building and in a residential area. The Members were advised that the proposal would not negatively impact the amenity of neighbouring properties and would not prejudice public safety.

DFI Roads had been consulted and had no objections and no third party representations were received.

The Committee granted approval to the application, with delegated power given to the Director of Planning and Building Control to finalise conditions.

**(Reconsidered Item) LA04/2022/0276/F - Awning attached
to existing façade at 27 University Avenue**

The Principal Planning officer explained that the application was one of four applications which had initially been presented to the Committee on 17th May 2022, and were

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deferred in order that the Committee would be provided with clarification of the Area of Townscape Character (ATC) between the BUAP and draft BMAPs.

She explained that the proposed site was outside the adopted ATC under the BUAP 2001. Under draft BMAP 2004 and 2015, the site was within a proposed ATC.

The Committee was advised that, within adopted ATCs, Planning Policy Statement 6 Addendum was applicable. However, PPS6 Addendum was not applicable to proposed ATCs, as confirmed by the Planning Appeals Commission. However, regardless of this, the Principal Planning officer explained that the impact of the proposal on the overall character of the proposed ATC could still be objectively assessed in the context of the surrounding built form. She outlined that the impact of the proposal had been assessed in relation to the character of the area including the proposed ATC and was considered acceptable.

The key issues which had been considered included the design/impact on character and appearance, amenity and public safety.

The proposed awning and materials were considered in keeping with the existing ground floor commercial unit of the building. The proposal would not negatively impact the amenity of neighbouring properties and would not prejudice public safety.

DFI Roads had been consulted and had no objections and no third party representations were received.

The Committee granted approval to the application, with delegated power given to the Director of Planning and Building Control to finalise conditions.

**(Reconsidered Item) LA04/2022/0277/F - Awning attached
to existing façade at 65-67 University Avenue**

The Principal Planning officer explained that the application was one of four applications which had initially been presented to the Committee on 17th May 2022, and were deferred in order that the Committee would be provided with clarification of the Area of Townscape Character (ATC) between the BUAP and draft BMAPs.

She explained that the proposed site was outside the adopted ATC under the BUAP 2001. Under draft BMAP 2004 and 2015, the site would be within the ATC.

The Committee was advised that, within adopted ATCs, Planning Policy Statement 6 Addendum was applicable. However, PPS6 Addendum was not applicable to proposed ATCs, as confirmed by the Planning Appeals Commission. However, regardless of this, the Principal Planning officer explained that the impact of the proposal on the overall character of the proposed ATC could still be objectively assessed in the context of the surrounding built form. She outlined that the impact of the proposal had been assessed in relation to the character of the area including the proposed ATC and was considered acceptable.

The key issues which had been considered included the design/impact on character and appearance, amenity and public safety.

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The proposed awning and materials were considered in keeping with the existing ground floor commercial unit of the building. The proposal would not negatively impact the amenity of neighbouring properties and would not prejudice public safety.

DFI Roads had been consulted and had no objections and no third party representations were received.

The Committee granted approval to the application, with delegated power given to the Director of Planning and Building Control to finalise conditions.

(Reconsidered Item) LA04/2022/0138/F - Awning attached to existing façade at 1 Rugby Avenue

The Principal Planning officer explained that the application was one of four applications which had initially been presented to the Committee on 17th May 2022, and were deferred in order that the Committee would be provided with clarification of the Area of Townscape Character (ATC) between the BUAP and draft BMAPs.

She explained that the proposed site was outside the adopted ATC under the BUAP 2001. Under draft BMAP 2004 and 2015, the proposed site would be considered within the proposed ATC.

The Committee was advised that, within adopted ATCs, Planning Policy Statement 6 Addendum was applicable. However, PPS6 Addendum was not applicable to proposed ATCs, as confirmed by the Planning Appeals Commission. However, regardless of this, the Principal Planning officer explained that the impact of the proposal on the overall character of the proposed ATC could still be objectively assessed in the context of the surrounding built form.

She advised that the impact of the proposal had been assessed in relation to the character of the area including the proposed ATC and was considered acceptable. The rear property line was adjacent to the adopted ATC. The proposal was for a minor awning to the front door which would not negatively impact the existing property or surrounding built form. The character of the area, including the draft ATC, would be maintained.

The Members were advised that amended plans had uploaded to the planning portal on 3rd May 2022, reducing the size and design of the awning to address concerns of anti-social behaviour and it being out of character with the existing building and in a residential area.

DFI Roads had been consulted and had no objections. Two objections had been received, raising concerns over anti-social behaviour, noise and safety, as well the awning not being in keeping with the residential area. She explained that those matters had been addressed within the Case officer's report and that the amended proposed scheme was considered acceptable.

The Committee granted approval to the application, with delegated power given to the Director of Planning and Building Control to finalise conditions.

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LA04/2021/0859/F - Retention of 21-23 Victoria Street and 41-51 Waring Street, Belfast with minor alterations to facades and erection of a 3 storey extension to the buildings to facilitate a 164 bedroom hotel with ground floor bar/restaurant, meeting rooms and fitness centre, back of house facilities, 7th floor bar, and public realm improvements

(The Chairperson, having declared an interest in the following two items, left the meeting while they were under consideration.)

(Councillor Maskey in the Chair.)

The Principal Planning officer presented the Committee with the details of the application. He outlined that the demolition and alterations included the:

- dropping of window cills and installation of new aluminium framed windows;
- removal and relocation of existing doors to form fire exits;
- removal of existing roller shutter door and installation of a new entrance door;
- removal of existing doors and installation of new aluminium framed windows;
- demolition of wall sections and formation of new window openings;
- alteration of existing window configurations; and
- demolition of existing internal columns, stairs and removal of lift shafts and non-structural internal walls.

The Members were advised that the key issues which had been considered during the assessment of the proposal included:

- the principle of the proposal at that location;
- demolition, impact on amenity / character of the area, Conservation Area and listed buildings;
- design and layout of the proposed accommodation;
- impact on transport and other infrastructure;
- flood and drainage risks;
- amenity and contamination issues;
- Employability and Skills; and
- Developer contributions.

The Principal Planning officer explained that the site comprised a vacant unlisted former warehouse/commercial building located within the Cathedral Conservation Area. The area was commercial in character and use, comprising office, retail, and bar, food/restaurant uses.

He reported that the scheme would introduce a three-storey extension above both 21- 23 Victoria Street and 41-43 Waring Street, with internal demolition to enable the new floor

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layouts to be achieved. The Members were advised that the extension had been subject to detailed discussions through the preapplication discussion (PAD) process with both the Council and HED, and that it had evolved significantly from the initial iterations in an effort to address concerns around scale, height massing and design of the proposed extension. The Committee was advised that the current proposal was considered acceptable in scale, form and massing and design. The acceptability of a three storey extension was a key consideration and was much discussed during the PAD. Overall, the extension was considered acceptable following key design changes to minimise its impact on the character and appearance of the host building, the setting of adjacent listed buildings and the conservation area.

The Members were advised that weight had also been given to the value of retaining and re-using the original, vacant buildings, given that a previous permission had included the demolition of both buildings, and the efforts made to ensure that the design and elevational treatment were of suitable quality to compliment and respect the surrounding buildings.

Some internal demolition works were proposed, however, given the positive response from HED and the Conservation Officer, the extent and nature of demolition was considered acceptable. A method statement detailing the methodology and 'making good' of all demolition works would be required by condition in order to ensure the protection of historic features. The Members were advised that the Urban Design Officer had also considered the design solution to be acceptable and would not adversely impact on the local townscape. The proposal was therefore considered acceptable in relation to heritage issues, as set out in the SPPS and PPS6. No other consultees had any objections subject to conditions and/or informatives.

The Principal Planning officer reported that the application had been neighbour notified and advertised in the local press and that one objection had been received in relation to the retention of a heritage, tiled street sign. He explained that the sign would be retained as part of the proposals.

He drew the Committee's attention to the Late Items pack, whereby a final consultation response had been received from Environmental Health, on 9th June, confirming it had no objection subject to conditions and informatives, including a proposed hours of use restriction on the hotel bars.

The Committee was also advised that correspondence had been received, on 13th June, from Beannchor, the owner/operator of the nearby Merchant Hotel, advising that they had:

- not received a neighbour notification;
- no objection in principle to hotel use at the site but that they had concerns about the scale, height and massing of the extension and impact on the listed Merchant Hotel building; and
- concerns about the proximity of the proposed extension which might give rise to noise, odour and overlooking and overshadowing impacts on the amenity of residents within their hotel.

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The Principal Planning officer advised the Committee that notification had been undertaken in accordance with standard practice. He reported that neighbour notification letters had been sent to the bar and the hotel at “35-39 Waring Street” on 1st March 2022. He further advised that correspondence indicated that Beannchor was aware of the planning application back in May 2021 and therefore no prejudice had occurred. He explained that the issues raised by Beannchor had been considered within the committee report. He added that HED, the Conservation officer and Urban Design officer had no objections to the scale, height and massing of the proposal and that Environmental Health had considered noise and odour information and had no objections subject to conditions. The Committee was advised that no harmful overlooking issues arose due to the location of existing window positions. The window positions of the upper floor extension would not overlook adjacent properties to an unacceptable degree given the city centre context and filtering by rooftop structures and plant on neighbouring buildings.

The Committee was advised that two further emails had been received from Beannchor requesting that the Committee would defer consideration of the application and reiterating their concerns about overshadowing. The Principal Planning officer advised the Committee that it was considered that there would be no unacceptable overshadowing, taking into account the separation distance between the proposal and the adjacent hotel, the orientation of the buildings, the city centre location/tight urban grain, the proposed and existing uses as hotels and not in permanent residential dwelling use and for efficient use of land.

Councillor Maskey, in the Chair, welcomed Mr. M. Worthington, agent, to the meeting.

Mr. Worthington advised the Committee that the main area of interest had concentrated on the design and the potential for impact on the Cathedral Conservation Area and the listed buildings around the proposal. He explained that the design was an area which had taken some deliberation to finalise but that it had been dealt with in a positive manner by the Council, the consultees and the applicant and had resulted in a final proposal which had been recommended for approval. He confirmed that the applicant was content to the proposed planning conditions and with the proposal for a Section 76 Planning Agreement in respect to employability and skills provision.

In response to a Member’s question, the Principal Planning officer advised the Committee of the issues which had been raised by HED during the PAD process. He advised the Committee that the issues around the style of windows and the paint colour would be conditioned as part of any approval.

The Committee granted approval to the full planning application and to the demolition consent, subject to conditions, with delegated authority given to the Director of Planning and Building Control to finalise the wording of the conditions and agreed to enter into a Section 76 Planning Agreement with the applicant to secure employability and skills Developer Contributions.

**LA04/2022/0207/F - Change of use from Church halls
to offices at Townsend Street Presbyterian Church,
32 Townsend Street**

(Councillor Maskey in the Chair.)

The Principal Planning officer provided the Committee with the principal aspects of the application.

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She explained that the application was before the Committee as the officer's recommendation to approve was contrary to a statutory consultee's recommendation, Northern Ireland Water (NI Water).

The Committee was advised that the proposal was for the change of use of a listed building, The Old School House, which currently had the use of "class D1 community". She explained that it was in use as a church hall associated with Townsend Street Presbyterian Church – which was also a listed building. The Members were advised that the Old Schoolhouse was situated to the rear of the church. It was proposed the building would be used for office space - use class - B1(a). The building was to be used as the administrative offices of the Ulster Orchestra.

She reported that the building had three floors. The ground floor included offices, file storage, a meeting room and other ancillary facilities, whilst the first floor contained open plan office space, a training room and a breakout area. No office accommodation was included on the second floor. Occasionally the Ulster Orchestra would propose to use the space to meet prior to rehearsal, which currently happened within the adjacent Church.

The Committee was advised that Historic Environment Division (HED) had no objection to the proposal.

The Members were advised that NI Water had objected to the proposal as it had stated that there was insufficient capacity at the wastewater treatment works. The Principal Planning officer detailed that the applicant had submitted calculations which indicated that there would be a reduction in the amount of water usage as a result of the 'change of use'. Officers considered that there would be no significant impact on the infrastructure from the development relative to its current use.

She reported that the proposal was in keeping with development plan designations and with all other planning policy. It complied with the SPPS -'listed buildings' (paragraph 6.13) and accorded with policy BH7 of PPS6. There was also an application for 'Listed Building Consent' associated with the application, LA04/2022/0208/LBC.

The Committee granted approval to the application, with delegated power given to the Director of Planning and Building Control to finalise the wording of conditions.

Chairperson

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Planning Committee

Friday, 5th August, 2022

PLANNING COMMITTEE SITE VISITS – NOTE OF MEETING

Due to the ongoing pandemic, the following site visit was carried out in accordance with Public Health Agency guidance.

LA04/2021/2519/F - Variation of Condition relating to Operating Hours at Former Church of the Holy Rosary, 348-350 Ormeau Road

Members Present: Councillor Whyte (Chairperson); and
Councillors Bower and Spratt.

Officers in Attendance: Ms. K. Mills, Principal Planning officer.

Apologies: Councillor Garrett.

The Members and the officer convened at the site at 12.00 p.m. for the purpose of undertaking a site visit in respect of the application to allow the Members to acquaint themselves with the location and the proposals at first hand.

The Members viewed the site with the proposed plans.

The visit concluded at 12.20 p.m.

LA04/2021/2856/O - Proposed mixed use regeneration development comprising office (Class B1), residential apartments (including affordable), retail (Class A1), hotel, leisure (Class D2), public realm, active travel uses, cafes, bars and restaurants, and community uses (Class D1), on lands surrounding the new Belfast Transport Hub and over the Transport Hub car park, to the east and west of Durham Street and south of Grosvenor Road

Members Present: Councillor Whyte (Chairperson) and
Councillors Bower, Groogan and Spratt.

Officers in Attendance: Mr. P. Fitzsimons, Principal Planning officer; and
Ms. L. Walshem Senior Planning officer.

Apologies: Councillor Garrett.

The applicants attended in order to open the site for the Members.

The Members and the officers convened at the site at 12.35 p.m. for the purpose of undertaking a site visit in respect of the application to allow the Members to acquaint themselves with the location and the proposals at first hand.

The Members viewed the site from the top of the multi-storey carpark adjacent to the Europa Hotel with the benefit of the plans and visuals provided.

The visit concluded at 1.00 p.m.

LA04/2019/1819/F & LA04/2019/1820/DCA - Demolition of existing dwelling and erection of 3 storey (and basement) detached dwelling with garage and landscaping to front and rear at 28 Malone Park

Members Present: Councillor Whyte (Chairperson); and
Councillors Bower, Groogan and Spratt.

Officers in Attendance: Mr. E. Baker, Planning Manager
(Development Management).

Apologies: Councillor Garrett.

The Members and the Planning Manager convened at the site at 2.00 p.m. for the purpose of undertaking a site visit in respect of the application to allow the Members to acquaint themselves with the location and the proposals at first hand.

Access to the site was given and the Members and the Planning Manager went onto the site and grounds.

The Members viewed the site with the proposed plans.

The visit concluded at 2.30 p.m.

Chairperson

PLANNING COMMITTEE – 16 AUGUST 2022

APPEALS NOTIFIED (CONTINUED)

ITEM NO	4	PAC REF:	2022/A0077
PLANNING REF:	LA04/2020/1084/F		
APPLICANT:	McKay Dundonald Ltd		
LOCATION:	Land to rear of 16-48 Gilnahirk Road		
PROPOSAL:	2 semi-detached and one detached dwellings		
PROCEDURE:			

APPEAL DECISIONS NOTIFIED

ITEM NO	1	PAC REF:	2021/A0024
PLANNING REF:	LA04/2020/1687/F		
RESULT OF APPEAL:	DISMISSED		
APPLICANT:	Mr Conor Rooney – OTMNI Limited		
LOCATION:	Old Pump House, N8 Balmoral Park, BT10 0QD		
PROPOSAL:	Infill site located between 8 and 9 Balmoral Park, BT10 0QD		

ITEM NO	2	PAC REF:	2021/A0101
PLANNING REF:	LA04/2020/0949/A		
RESULT OF APPEAL:	ALLOWED		
APPLICANT:	Hastings Hotel Group Ltd		
LOCATION:	Europa Hotel Belfast, Great Victoria Street, Belfast		
PROPOSAL:	Surface mounted, non-projecting, fabric/membrane sign approximately 5m (H) x 3m (W). Uplit by surface mounted light.		

Decisions Issued between 7 June and 9 August 2022

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2019/0517/F	MAJDEV	El Divino Nightclub and car park and adjacent open space Mays Meadow Belfast BT1 3PH.	Residential development comprising 154 units and ground floor retail unit, including reception and management suite area, internal and external communal space, open space and environmental improvements, car parking with access of Mays Meadow, bin storage, cycle parking, plant equipment and storage. (amended plans)	PERMISSION GRANTED
LA04/2019/2450/DC	LOCDEV	Clarence Chambers 18-19 Donegall Square East Belfast BT1 5HE	Discharge of Condition 4 of Planning approval LA04/2018/2049/LBC and LA04/2018/2271/F.	CONDITION NOT DISCHARGED
LA04/2019/2453/DC	LOCDEV	Clarence Chambers 18-19 Donegall Square East Belfast BT1 5HE	Discharge of condition no6 of planning approval LA04/2018/2271/F	CONDITION DISCHARGED
LA04/2019/2454/DC	LOCDEV	Clarence Chambers 18-19 Donegall Square East Belfast BT1 5HE	Discharge of condition no13 of LA04/2018/2271/F	CONDITION NOT DISCHARGED
LA04/2019/2455/DC	LOCDEV	Clarence Chambers 18-19 Donegall Square East Belfast BT1 5HE	Discharge of condition 17 of planning approval LA04/2018/2271/F and Condition 6 of LA04/2018/2049/LBC.	CONDITION NOT DISCHARGED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2019/2458/DC	LOCDEV	Clarence Chambers 18-19 Donegall Square East Belfast BT1 5HE	Discharge of condition no5 of planning approval LA04/2018/2271/F and LA04/2018/2019/LBC.	CONDITION NOT DISCHARGED
LA04/2020/0342/DC	LOCDEV	18b Newforge Lane Belfast BT9 5NW	Discharge of Condition no.2 of Z/2014/1768/F (samples)	CONDITION DISCHARGED
LA04/2020/0559/F	LOCDEV	24 Malone Park Belfast BT9 6NJ	Renovation and single storey rear extension to dwelling, construction of a new detached garage and new entrance gates and pillars, alterations to existing driveway and extension and upgrade of existing parking area (amended description to include extended driveway and new hardstanding area).	PERMISSION GRANTED
LA04/2020/0562/DC	LOCDEV	24 Malone Park Belfast BT9 6NJ	Demolition of rear extension (partly single storey, partly one and a half storey) and existing shed and summerhouse	PERMISSION GRANTED
LA04/2020/0737/DC	LOCDEV	Bombardier Wing Manufacturing and Assembly Facility Airport Road West Belfast BT3 9ED.	Discharge of condition 11 LA04/2019/2850/F	CONDITION DISCHARGED
LA04/2020/0741/DC	LOCDEV	Bombardier Wing Manufacturing And Assembly Facility Airport Road Belfast BT3 9ED.	Discharge of condition 12 of LA04/2019/2850/F	CONDITION DISCHARGED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0743/DC	LOCDEV	Bombardier Wing Manufacturing And Assembly Facility Airport Road Belfast BT3 9ED.	Discharge of condition 14 LA04/2019/2850/F.	CONDITION DISCHARGED
LA04/2020/1084/F	LOCDEV	Lands to the rear of 16-48 Gilnahirk Road BT5 7DG	Erection of 2no semi detached dwellings and one detached dwelling with improved access arrangements, incurtilage car parking, private amenity space and ancillary development	PERMISSION REFUSED
LA04/2020/1239/LB	LOCDEV	Ten Square Hotel 10 Donegall Square North Belfast BT1 5JD	Proposed partial demolition of internal/external walls. Proposed extension to hotel to accommodate 12no. new hotel bedrooms and kitchen/ancillary accommodation, with associated refurbishment works. Internal works to facilitate change of use of 11no. bedrooms to office space at first floor (Amended Description and drawings)	PERMISSION GRANTED
LA04/2020/1240/DC	LOCDEV	Ten Square Hotel 10 Donegall Square South Belfast BT1 5JD	Proposed partial demolition of internal/external walls.	PERMISSION GRANTED
LA04/2020/1326/F	LOCDEV	Ten Square Hotel 10 Donegall Square South Belfast. BT1 5JD	Proposed change of use of 11no. bedrooms to office space at first floor. Proposed extension to hotel to accommodate 12no. new hotel bedrooms and kitchen/ancillary accommodation, with associated refurbishment works. Provision of new kitchen extract ducts (Amended Drawings)	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/2032/DC	LOCDEV	Queens University Students Union 77-79 University Road Belfast BT7 1NN.	Discharge of condition 13 LA04/2019/1019/F.	CONDITION DISCHARGED
LA04/2020/2069/F	LOCDEV	5 Wellington Park Belfast BT96DJ.	Internal & external alterations and rear extension to Apt 1. Internal alterations to all other apartments.	PERMISSION GRANTED
LA04/2020/2070/DC	LOCDEV	5 Wellington Park Belfast BT9 6DJ.	Partial demolition of rear wall	PERMISSION GRANTED
LA04/2020/2106/F	LOCDEV	163-169 Donegall Road Belfast BT12 5NA	Proposed conversion and adaptation of 163-169 Donegall Rd to provide 10no. 1 bed apartments with associated communal garden (amended plan and information)	PERMISSION GRANTED
LA04/2020/2120/DC	LOCDEV	Lands bounded by Bedford Street (N) Building McClintock Street and Franklin Street BT2 7GP	Discharge of condition 3, parts 1 and 2 LA04/2015/0264/F and Listed Building Consent LA04/2015/0094/LBC	CONDITION NOT DISCHARGED
LA04/2020/2338/F	LOCDEV	73-75 Ravenhill Road Belfast BT6 8DP	Retrospective change of use from car sales/showroom to Church. (Amended description)	PERMISSION GRANTED
LA04/2020/2424/F	LOCDEV	2 & 4 Thorndale Avenue Belfast BT14 6BL	Refurbishment and extension of existing dwellings to provide 6no. apartments. (Amended Plans)	PERMISSION GRANTED
LA04/2020/2428/A	LOCDEV	Unit A Hollywood Exchange Retail Park 304 Airport Road West Belfast BT3 9EJ	1 no. free standing sign, 4 no. logo signs and 3 no. poster display panels	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/2429/F	LOCDEV	Rear Garden to No 26 Marlborough Park South Belfast BT9 6HR.	Amendments to previously approved dwelling (Z/2014/0208/F & Z/2015/0015/F) to include changes to Garage, terrace, exterior finishes, window & door alterations, front wall and driveway gates and railings and first floor rear extension	PERMISSION GRANTED
LA04/2020/2434/F	LOCDEV	Grace Family Centre 77-79 Alliance Avenue Belfast BT14 7PJ	Amendments to boundary and landscaping to previously approved scheme LA04/2017/2629/RM, including 2.4m roadside fence	PERMISSION GRANTED
LA04/2021/0249/DC	LOCDEV	The Kings Hall And RUAS Site South Of Upper Lisburn Road/Balmoral Avenue West Of Harberton Park And North-east Of Balmoral Golf Club Belfast BT9 6GW.	Discharge of condition 13 of planning approval LA04/2020/0747/F.	CONDITION DISCHARGED
LA04/2021/0275/F	LOCDEV	298-320 Crumlin Road Belfast	Demolition of existing forecourt shop and vacant building and construction of new forecourt shop including works to forecourt canopy to remove link to building and add an additional island removal of existing car wash and lance wash relocation of existing pole sign and general repairs to forecourt drainage and site access	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/0290/DC	LOCDEV	31-33 Queen Street Belfast BT1 6EA	Demolition of building and redevelopment of site at 31-33 Queen St relating to associated planning application for:"Redevelopment, refurbishment, and partial change of use of building at 35-39 Queen St & demolition of building and redevelopment of site at 31-33 Queen St. Provision of ground floor offices/professional services units (use class B1/A2), cafe and retail unit and offices above (use class B1)"	PERMISSION GRANTED
LA04/2021/0303/F	MAJDEV	31-39 Queen Street Belfast BT1 6EA.	Redevelopment, refurbishment, and partial change of use of building at 35-39 Queen St & demolition of building and redevelopment of site at 31-33 Queen St. Provision of ground floor offices/professional services units (use class B1/A2), cafe and retail unit and offices above (use class B1).	PERMISSION GRANTED
LA04/2021/0416/F	LOCDEV	Lands at former Visteon Factory Blacks Road Belfast BT10 0JL	Proposed amalgamation of 3no small formal play areas (as approved under planning ref Z/2013/1434/f) to create 1no large formal play area located within 'Village Green A' and all associated site works	PERMISSION GRANTED
LA04/2021/0846/DC	LOCDEV	Queens University Students Union 77-79 University Road Belfast BT7 1NN	Discharge of condition no 19 of planning approval LA04/2019/1019/F	CONDITION NOT DISCHARGED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/0908/F	LOCDEV	Parklands on lands west of numbers 70 to 76 Knocknagoney Road Knocknagoney Belfast	Proposed construction of 4no. apartments with associated car parking and landscaping.	PERMISSION REFUSED
LA04/2021/1043/F	LOCDEV	205 Antrim Road Belfast BT15 2GW.	Replacement shopfront & conversion of 1st and 2nd floors to apartments with external alterations to facade	PERMISSION GRANTED
LA04/2021/1046/F	LOCDEV	51 Lisburn Road Belfast BT9 7AB.	Proposed water sprinkler storage tank, water sprinkler pump room, installation of fencing, security gates, realignment of ramps and all associated site works.	PERMISSION REFUSED
LA04/2021/1127/F	LOCDEV	122-128 Ravenhill Road Belfast BT6 8ED	Proposed change of use from a Church to Office space.	PERMISSION GRANTED
LA04/2021/1134/F	LOCDEV	38-40 University Road former 1 Mount Charles 3 Mount Charles 5 Mount Charles and external space to north of buildings on Mount Charles. Belfast. BT7 1NN.	Refurbishment of existing buildings to provide new Seamus Heaney Educational Centre including exhibition, offices and teaching spaces; external building works include chimney alterations, lift shaft and new rooflights; external works include a new landscaped plaza, lighting & soft landscaping.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/1135/LB	LOCDEV	38-40 University Road former 1 Mount Charles 3 Mount Charles 5 Mount Charles and external space to north of buildings on Mount Charles. Belfast. BT7 1NN.	Refurbishment of existing buildings to provide new Seamus Heaney Educational Centre including exhibition, offices and teaching spaces; external building works include chimney alterations, lift shaft and new rooflights; external works include a new landscaped plaza, lighting & soft landscaping	PERMISSION GRANTED
LA04/2021/1180/O	LOCDEV	Lands to the rear of 63 Kings Road Belfast	New dwelling & garage, access, landscaping and associated site works	PERMISSION GRANTED
LA04/2021/1338/F	LOCDEV	642-644 Springfield Road Belfast.	Proposed petrol filling station including retail, ATM, fuel forecourt, tanks, canopy and 2No. jet wash's and 1No. retail unit, 2No. light industrial units and 3No. hot food units and associated development (amended scheme to previous approval LA04/2017/0121/F).	PERMISSION GRANTED
LA04/2021/1371/F	LOCDEV	Lands immediately west and north west of No. 35 Hampton Park and immediately west of No. 40 Hampton Park Belfast BT7 3JP	Erection of 4 no. dwellings (change of house type to sites 1, 33, 34, 35 of previous approval Z/2007/1401/F) garages, and all other associated site works.	PERMISSION GRANTED
LA04/2021/1388/LD	LOCDEV	Apartment 2 11 Wolseley Street Belfast BT7 1LG	House in multiple occupancy HMO	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/1409/F	LOCDEV	Approximately 20m North of the Entrance to St Anthony's Parish Catholic Church 3 Willowfield Crescent On footway off Woodstock Road Belfast BT6 8HP	Proposed Installation of a 15m High Telecoms Streetpole c/w wraparound cabinet, with Integrated Antenna, and 3no. additional equipment cabinets and ancillary equipment.	PERMISSION REFUSED
LA04/2021/1414/F	LOCDEV	29 Stockmans Park Belfast BT11 9AX	First floor side and rear extension, widening of front vehicular entrance	PERMISSION GRANTED
LA04/2021/1436/A	LOCDEV	Rear of 88 Great Victoria Street Belfast adjacent to Bruce Street carpark BT2 7JD.	Replacement of existing High Density Advertising Screen with new High Density Advertising Screen- see previous approval Ref:Z/2008/1954/A.	PERMISSION REFUSED
LA04/2021/1469/F	LOCDEV	33-35 Sandown Road Belfast BT5 6GT	Proposed erection of new two storey extension to the side of the existing dental practice including external works	PERMISSION GRANTED
LA04/2021/1486/F	LOCDEV	15 Whitecliff Crescent Belfast BT12 7JR	Single storey rear extension with ramped access to front	PERMISSION GRANTED
LA04/2021/1582/LD	LOCDEV	101-105 Airport Road West Belfast BT3 9EA.	Two vertical storage tanks 4m diameter X 11.38m high and total operating capacity of 248,000 litres.	PERMITTED DEVELOPMENT
LA04/2021/1591/F	LOCDEV	Adjacent to and 135 Cavehill Road Belfast BT15 5BL.	Attached dwelling and on site parking to existing dwelling.	PERMISSION REFUSED
LA04/2021/1637/A	LOCDEV	Castlecourt Shopping Centre Royal Avenue Belfast BT1 1DD.	Erection of 2no. illuminated advertisement digital display panels 5m x 2.5m.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/1677/F	LOCDEV	40c Donegall Pass Belfast BT7 1BS	Change of use to restaurant works to include ground floor extension to front connection into restaurant at no 40b. Demolition of dilapidated two storey rear return and the construction of three storey rear return for restaurant extension	PERMISSION GRANTED
LA04/2021/1678/F	LOCDEV	On the Public Footpath Approximately 11m East of No.2 Rosevale Street Belfast BT14 6GJ	Proposed Installation 15m High Telecoms Streetpole C/W Wraparound Cabinet, with Integrated Antenna, and 3no. Additional Equipment Cabinets and Ancillary Equipment.	PERMISSION REFUSED
LA04/2021/1798/F	LOCDEV	24 Springvale Parade Belfast BT14 8DB	Two storey rear extension with lower ground level, roofspace conversion with side dormer and external alterations to dwelling. Raised patio/ levels with new access steps and boundary walls/fencing. Detached granny flat to rear and widening of access. (Amended Scheme)	PERMISSION GRANTED
LA04/2021/1825/F	LOCDEV	10-16 Castle Place Belfast BT1 1GB.	Part change of use to sub divide the current ground floor retail to one cafe use and one retail unit with elevational changes. Removal of existing stair cases and provisions for bin storage.	PERMISSION GRANTED
LA04/2021/1826/LB	LOCDEV	10-16 Castle Place Belfast BT1 1GB.	Part change of use to sub divide the current ground floor retail to one cafe use and one A1 retail unit with elevational changes. Removal of existing stair cases and provisions for bin storage.	PERMISSION GRANTED
LA04/2021/1946/DC	LOCDEV	Land between 55 Ormeau Road and 163-169 Donegall Pass Belfast	Discharge of conditions nos 3 and 12 of planning approval LA04/2017/2780/F	CONDITION DISCHARGED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/1965/F	LOCDEV	126 Earlswood Road Strandtown Belfast BT4 3EB.	Demolition of existing two storey and single storey rear extension. Erection of two storey rear extension, decking to rear, front elevation changes and associated alterations.	PERMISSION GRANTED
LA04/2021/1994/F	LOCDEV	125 Sicily Park Belfast BT10 0AP	Roof space conversion with side dormer and internal alterations including an additional stair case and a rear single-storey extension with the demolition of external shed	PERMISSION GRANTED
LA04/2021/2019/LB	LOCDEV	41 Malone Road Belfast BT9 6RX	Minor internal alterations to convert existing offices on ground floor to 1 self contained apartment with minor alterations to rear return.	PERMISSION GRANTED
LA04/2021/2021/F	LOCDEV	41 Malone Road Belfast BT9 6RX	Conversion of existing offices on ground floor to 1 self contained apartment with elevational alterations.	PERMISSION GRANTED
LA04/2021/2035/DC	LOCDEV	Brook Activity Centre 25 Summerhill Road Belfast BT17 0RL.	Discharge of condition 25 LA04/2016/2561/F.	CONDITION DISCHARGED
LA04/2021/2045/F	LOCDEV	20 Lucerne Parade Belfast BT9 5FT.	Two storey extension to rear and side of dwelling and widening of existing vehicular access (amended plans and description)	PERMISSION REFUSED
LA04/2021/2058/A	LOCDEV	Lands at Queen's University Students Union 77-79 University Road Belfast BT7 1NN.	2nr facade mounted signs (1nr to Elmwood Avenue elevation, 1nr to Fitzwilliam Street elevation) 1nr perpendicular projecting sign (on Elmwood Avenue) 6nr totems (2x tall, 2x medium height, 2x small height)	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2061/F	LOCDEV	537 Falls Road Belfast BT11 9AB.	Retrospective: Erection of Steel Frame Pergola Structure above an Existing External Seating Area. Retractable PVC Roof Covering with integrated drainage and LED Lighting.	PERMISSION GRANTED
LA04/2021/2086/LD	LOCDEV	21 Castlegowan Park Belfast BT5 7WG	Construction of an ancillary building to provide motor cycle storage and utility space.	PERMITTED DEVELOPMENT
LA04/2021/2091/F	LOCDEV	2 Coolnasilla Park South Belfast BT11 8LF	Single storey detached building as ancillary accommodation (amended plans and description)	PERMISSION GRANTED
LA04/2021/2093/F	LOCDEV	Lands at Blackstaff Square bounded by Ameila Street Brunswick Street and Keylands Place Belfast BT2	Proposed fenced dining area on existing public square. Proposal includes retractable awnings over seating area, loose tables with integral umbrellas and space for small mobile coffee trailer. Development associated with neighbouring restaurant.	PERMISSION REFUSED
LA04/2021/2129/F	LOCDEV	Old Victorian Corridor The Royal Hospitals Grosvenor Road Belfast BT12 6BA.	Installation of new building facade along the 150m of South Western Elevation.	PERMISSION REFUSED
LA04/2021/2130/LB	LOCDEV	Old Victorian Corridor The Royal Hospitals Grosvenor Road Belfast BT12 6BA.	Internal restoration works and external remedial works including a facade installation to the Old Victorian Corridor within the Royal Victorian Hospital site.	PERMISSION REFUSED
LA04/2021/2139/F	LOCDEV	On the Public Footpath Approximately 40m North-East to the Entrance of Whiterock Business Park Springfield Road Belfast BT12 7HR	Proposed Installation of a 15m High Telecoms Streetpole C/W Wraparound Cabinet, with Integrated Antenna, and 3no. Additional Equipment Cabinets and Ancillary Equipment.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2160/F	LOCDEV	Retail Unit 40 Ann Street Belfast BT1.	Change of use from retail and storage to restaurant/ cafe.	PERMISSION GRANTED
LA04/2021/2264/DC	LOCDEV	Marrowbone Millennium Park Oldpark Road Belfast BT14 6QS.	Discharge of condition no22 of planning approval LA04/2020/1593/f	CONDITION NOT DISCHARGED
LA04/2021/2289/F	LOCDEV	2 Sperrin Park Belfast BT5 7RX	In-curtilage development consisting of (a) timber garden shed for use as home offices and (b) timber garden shed for use as playroom, Retrospective Permission sought. (amended plans and description)	PERMISSION GRANTED
LA04/2021/2320/F	LOCDEV	Lands between no. 7 and 11 Manse Road Castlereagh Belfast BT6 9SB	Retention of existing hardstanding to facilitate agricultural activity.	PERMISSION REFUSED
LA04/2021/2345/F	LOCDEV	243 Lisburn Road Belfast BT9 7EN	Change of use of Lower Ground Floor from A1 (Retail) to D2 (Yoga Studio) (Amended Description)	PERMISSION GRANTED
LA04/2021/2351/F	LOCDEV	Lands adjacent to 99 Stockmans Lane Belfast BT9 7JD	Amendment to previous application LA04/2018/1844/F to change of house type. (Amended plans and description).	PERMISSION GRANTED
LA04/2021/2355/F	LOCDEV	60 Malone Road Belfast BT9 5BT	Fire escape stair to the rear yard area.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2454/NM	LOCDEV	Land to a section of existing Tesco car park Ballygomartin Road Belfast BT13 3LD.	NMC to planning approval LA04/2020/0550/F	NON MATERIAL CHANGE GRANTED
LA04/2021/2502/LD	LOCDEV	151-167 Antrim Road and 12 Halliday's Road Belfast BT15 2GW.	Demolition of existing public house, betting office and snooker hall, completion of construction of betting office, public house, ATM and 26 no. apartments, as per planning approval Z/2013/1402/F.	APPLICATION REQUIRED
LA04/2021/2503/NM	LOCDEV	151-167 Antrim Road and 12 Halliday's Road Belfast BT15 2GW.	Non material change Z/2013/1402/F.	NON MATERIAL CHANGE REFUSED
LA04/2021/2522/A	LOCDEV	7 Arthur Square Belfast BT1 4FD.	Shop sign with individual lettering Halo effect (Amended Description)	PERMISSION GRANTED
LA04/2021/2548/F	LOCDEV	Lands west of 60 Quarry Road (Glenalmond Farm) Belfast BT4 2NQ	Construction of a New Two Storey Detached Dwelling (Change of House Type from that Previously Approved under LA04/2016/1907/F).	PERMISSION GRANTED
LA04/2021/2582/F	LOCDEV	166 Woodstock Road Belfast BT6 8AF.	Conversion of Existing Dwelling to 5 Bedroom HMO.	PERMISSION GRANTED
LA04/2021/2603/DC	LOCDEV	Lands at "The Bullring" located parallel to the Westlink motorway and adjacent Denmark Street/California Close between Peters Hill and Regent Street Belfast.	Discharge of condition 12 of LA04/2020/0673/F	CONDITION DISCHARGED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2612/F	LOCDEV	87 Castlereagh Road Belfast BT5 5FE	Change of Use from Class C1 Residential on the First and Second Floors to Short-Term Holiday Let Accommodation. No External Changes to the Building.	PERMISSION GRANTED
LA04/2021/2635/F	LOCDEV	213 Belmont Road Belfast BT4 3DU.	2 storey side extension, internal alterations & roofspace conversion to supersede approved extension LA04/2020/0891/F	PERMISSION GRANTED
LA04/2021/2666/DC	LOCDEV	Queens University Students Union 77-79 University Road Belfast BT7 1NN.	Discharge of condition 32 LA04/2019/1019/F.	CONDITION DISCHARGED
LA04/2021/2690/F	LOCDEV	Little Mexican Deli Unit 2 The Dairy Farm Centre Belfast BT17 0AW	Retrospective: Change of Use from Retail Unit to Restaurant and Take-Away Facility. Additional Extraction Flue.	PERMISSION GRANTED
LA04/2021/2732/DC	LOCDEV	60 Malone Road Belfast BT9 5BT.	2 door openings off a fire escape external staircase to rear yard.	PERMISSION GRANTED
LA04/2021/2733/F	LOCDEV	20 Springvale Parade Belfast.	Proposed extension to rear of dwelling with basement level store and terrace (amended design)	PERMISSION GRANTED
LA04/2021/2758/F	LOCDEV	2 Clonaver Park Ballymisert Belfast BT4 2EZ.	Retrospective application for new fence and garden room to side garden.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2760/F	LOCDEV	140 Barnetts Road Belfast BT5 7BD.	Two storey rear extension to existing dwelling comprising enlarged kitchen, new utility room, master bedroom and bedroom. Extension to include raised paved steps to rear elevation. To include new rendered garden wall and timber fence.	PERMISSION GRANTED
LA04/2021/2766/RM	LOCDEV	2A Abbey Park Belfast BT5 7HQ	New Dwelling.	PERMISSION GRANTED
LA04/2021/2777/F	LOCDEV	33 Riverdale Park Drive Belfast BT11 9DN.	Single storey rear extension.	PERMISSION GRANTED
LA04/2021/2800/DC	LOCDEV	Lands to the rear of 34-66 Onslow Parade Belfast BT6 0AS.	Discharge of condition 21 LA04/2015/0543/F.	CONDITION NOT DISCHARGED
LA04/2021/2829/F	LOCDEV	Lands on McClure Street to include land south of railway and north of 38-52 Cromwell Road Belfast BT7 1SH.	Construction of 1No. 5 person 3 bed social housing dwelling wheelchair bungalow with the removal of plot 01 from the approved application LA04/2018/2659/F.	PERMISSION GRANTED
LA04/2021/2851/F	LOCDEV	12 Lead Hill Belfast BT6 9RU.	2 storey side and rear extension with removal of hipped roof. Internal reconfiguration and roofspace conversion with dormer and 2No. rooflights to front elevation and new window to first floor gable elevation (Amended description)	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2857/DC	LOCDEV	Lands at "The Bullring" located parallel to the Westlink motorway and adjacent Denmark Street/California Close between Peters Hill and Regent Street Belfast.	Discharge of condition 6 LA04/2020/0673/F.	CONDITION DISCHARGED
LA04/2021/2863/F	LOCDEV	23 Cambourne Park Belfast BT9 6RL	Proposed internal and external alterations to existing dwelling with new two storey side extension with glazed lobby area and terrace at first floor level. Detached garage to the front, patio area to side and associated site works. (amended plans)	PERMISSION GRANTED
LA04/2021/2890/NM	LOCDEV	Lands at 155 171-177 Lisburn Road and 16 Ashley Avenue Belfast BT9 7AG	Non material change re LA04/2018/0832/F	NON MATERIAL CHANGE GRANTED
LA04/2021/2895/F	LOCDEV	Part of Second Floor Ulster Sports Club 96-98 High Street Belfast BT1 2BG	The conversion of storage area to extend existing public house. (Amended description)	PERMISSION GRANTED
LA04/2022/0008/F	LOCDEV	Lands at Ross Street formerly no.s 2-36 Ross Street Belfast BT12 4EA	Social housing development of 22no. dwellings and associated and ancillary works.	PERMISSION GRANTED
LA04/2022/0016/F	LOCDEV	2 Malone Hill Park Belfast BT9 6RD	Single storey extension to side/ rear and conversion of existing pool house / store to habitable space with external alterations including solar panels. (Amended Description)	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0021/F	LOCDEV	26 Grey Castle Manor Belfast BT6 9QT	Single storey rear extension to dwelling with associated raised decking, internal alterations, extension of canopy to front of dwelling with associated stone work cladding to front of the dwelling	PERMISSION GRANTED
LA04/2022/0028/F	LOCDEV	90 Marlborough Park North Belfast BT9 6HL	Single storey extension to side of dwelling and two storey extension to rear. Single storey studio building, bin & bike store and boiler to rear.(amended plans and description)	PERMISSION GRANTED
LA04/2022/0038/F	LOCDEV	64 Springbank Place Glenwood Business Centre Dunmurry Belfast BT17 0YU	Single storey extension to front of existing Unit to house new computerised printing press.	PERMISSION GRANTED
LA04/2022/0042/DC	LOCDEV	Lands between 55-71 Ormeau Road and 163-169 Donegall Pass Belfast	Discharge of Condition no.6 - LA04/2017/2780/F	CONDITION DISCHARGED
LA04/2022/0049/F	LOCDEV	82 Fruithill Park Belfast BT11 8GF	Two storey rear extension to property to increase size of kitchen and provide an additional bedroom, with existing garage converted to play room and store.	PERMISSION GRANTED
LA04/2022/0059/F	LOCDEV	47 Malone Road Belfast BT9 6RY	Retrospective change of use application and elevational alterations to convert ground floor offices to domestic dwelling as part of larger 4 storey dwelling. (first - third floor previously approved LA04/2015/1290/F & LA04/2015/1283/LBC	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0074/LB	LOCDEV	53-59 Camden Street Malone Lower Belfast BT9 6AT.	The proposed works involve; the demolition and re-construction of 3Nr chimney stacks, painting of the external facade to the colour scheme agreed in LA04/2019/3005/LBC, the removal and installation of a tanking system to the basement flats	PERMISSION GRANTED
LA04/2022/0076/LB	LOCDEV	47 Malone Road Belfast BT9 6RY	Retrospective change of use to ground floor of premises from offices to domestic dwelling as part of larger 4 storey dwelling. Elevations alterations and internal subdivision of rooms within rear return.	PERMISSION GRANTED
LA04/2022/0078/F	LOCDEV	62-78 Grosvenor Road Belfast BT12 5AP.	Proposed external s/steel exhaust to be fixed to existing facade.	PERMISSION GRANTED
LA04/2022/0081/DC	LOCDEV	90 Marlborough Park North Belfast BT9 6HL.	Demolition of a timber garage, timber shed used as a studio, existing rear bay and side elevation windows. (amended description and plans)	PERMISSION GRANTED
LA04/2022/0091/DC	LOCDEV	Robinson Leisure Centre Montgomery Road Belfast BT6 9HS	Discharge of condition no.22 - LA04/2016/2560/F	CONDITION NOT DISCHARGED
LA04/2022/0098/F	LOCDEV	Unit 2 Upper Springfield Development Trust 689 Springfield Road Belfast BT12 7FP.	Retention of a Change of Use from Office to Toddlers Playgroup.	PERMISSION GRANTED
LA04/2022/0100/F	LOCDEV	7 Kingsland Drive Belfast BT5 7EY	Two storey rear extension and external alterations to dwelling (Amended Plans)	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0117/F	LOCDEV	Air Products Wolff Road Harbour Estate Belfast BT3 9FA.	Proposed installation of vaporiser container/unit and nitrogen storage tank. Retention of portacabin for existing staff.	PERMISSION GRANTED
LA04/2022/0125/F	LOCDEV	Telecommunications site at Owen O'Cork Mill 288 Beersbridge Road Belfast BT5 5DX.	Removal and replacement of 3No. antennas and all ancillary development.	PERMISSION GRANTED
LA04/2022/0138/F	LOCDEV	Ground Floor Office 1 Rugby Avenue Belfast BT7 1RD.	New awning to front facade. (amended scheme)	PERMISSION GRANTED
LA04/2022/0140/F	MAJDEV	Units E-F Westwood Shopping Centre 51 Kennedy Way Belfast BT11 9BQ.	Change of use from an indoor trampoline park (Sui Generis) to retail (Class A1) and minor elevational changes associated with the change of use.	PERMISSION GRANTED
LA04/2022/0145/F	LOCDEV	4 Glendarragh Belfast BT4 2WB.	Two storey side/rear extension to dwelling, patio area to rear. New first floor window at both gable walls. Demolition of existing detached garage and construction of a new detached garage,.	PERMISSION GRANTED
LA04/2022/0146/F	LOCDEV	7 Upper Knockbreda Road Castlereagh Belfast BT6 9QH.	Two storey extension to rear with raised patio area.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0149/F	LOCDEV	186 Gilnahirk Road Belfast BT5 7QR.	Single storey extension to front and rear of dwelling, storey and a half extension to side of dwelling to give ground floor garage with bedroom over, dormers to front and rear elevations and lifting of wall plate to main roof by 500mm to create storey and a half dwelling.	PERMISSION GRANTED
LA04/2022/0160/DC	LOCDEV	141 & 149 Upper Newtownards Road Belfast BT4 3HX.	Discharge of condition 8 LA04/2019/2334/F.	CONDITION DISCHARGED
LA04/2022/0162/DC	LOCDEV	Lands adjacent to 14 College Square North and south of 62-76 Hamill Street Belfast.	Discharge of condition 19 LA04/2018/1719/F relating to Archaeological Programme of Works	CONDITION NOT DISCHARGED
LA04/2022/0164/F	LOCDEV	49 Finaghy Park Central Belfast BT10 0HP.	Replacement of existing garage with new build home office, storage and ancillary accommodation.	PERMISSION GRANTED
LA04/2022/0172/F	LOCDEV	16 Dalebrook Park Belfast BT11 9EW.	Single storey rear extension and minor internal alterations.	PERMISSION GRANTED
LA04/2022/0176/LD	LOCDEV	31 Ardenlee Gardens BT6 8QH.	Extension to rear of dwelling along with new front first floor window.	PERMITTED DEVELOPMENT
LA04/2022/0177/F	LOCDEV	Lands approximately 25m west of 25Q Harberton Park Belfast (Plot 68 Harberton Park development) Belfast.	Change of house type to that approved under LA04/2021/0438/F.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0191/F	LOCDEV	152-154 Holywood Rd Belfast BT4 1NY.	Internal layout alterations, new fenestration to existing facade and new lift cores for Disability access. Minor alteration to site works.	PERMISSION GRANTED
LA04/2022/0202/LB	LOCDEV	7 Arthur Square Belfast BT1 4FD.	Installation of shop signage	PERMISSION GRANTED
LA04/2022/0206/F	LOCDEV	93 Trossachs Drive Belfast.	Change in roof profile with an increased roof height and loft conversion with dormer to rear elevation.	PERMISSION GRANTED
LA04/2022/0207/F	LOCDEV	The Old School House Townsend Street Presbyterian Church 32 Townsend Street Belfast BT13 2ES.	Proposed change of use from D1 use class (church halls) to B1(a) use class (offices) including ancillary storage (Amended description)	PERMISSION GRANTED
LA04/2022/0208/LB	LOCDEV	The Old School House Townsend Street Presbyterian Church 32 Townsend Street Belfast BT13 2ES.	Change of use from D1 use class (Church Halls) to B1(a) use class (offices) and ancillary storage space.	PERMISSION GRANTED
LA04/2022/0226/F	LOCDEV	21 Roddens Crescent Belfast BT5 7JN	Proposed single storey extension to rear of dwelling, and new patio area (amended description)	PERMISSION GRANTED
LA04/2022/0227/F	LOCDEV	29 Wynchurch Avenue Belfast BT6 0JP	Attic conversion including dormer to rear and demolition of existing side hipped roof to facilitate pitched roof meeting new side gable. (Amended Plans)	PERMISSION GRANTED
LA04/2022/0229/LB	LOCDEV	78 South Parade Ballynafoy Belfast BT7 2GQ	Internal and external alterations / upgrade of the 2-storey gabled wing to the northeast corner and 2-storey return to rear of existing dwelling	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0271/F	LOCDEV	Playing Pitch No.4 Queen's University Playing Pitches Dub Lane Belfast BT9 5NB.	Erection of ball-stop netting (10m tall by 30m long) on western side of pitch No.4.	PERMISSION GRANTED
LA04/2022/0272/F	LOCDEV	Dunmurry Gospel Hall Glenburn Road Dunmurry Belfast BT17 9AG.	Proposed Single Storey Extension to an Existing Gospel Hall.	PERMISSION GRANTED
LA04/2022/0275/F	LOCDEV	M&M Property Services 26 University Avenue Belfast BT7 1GY.	Awning installed to facade existing building. (Amended Scheme)	PERMISSION GRANTED
LA04/2022/0276/F	LOCDEV	SPAR University Avenue 27 University Avenue Belfast BT7 1GX.	Awning installed to facade of existing building.	PERMISSION GRANTED
LA04/2022/0277/F	LOCDEV	Bo Tree Kitchen 65-67 University Avenue Belfast BT7 1GX.	Awning installed to front of existing building.	PERMISSION GRANTED
LA04/2022/0284/DC	LOCDEV	Lands directly to the south of Kilwee Business Park Upper Dunmurry Lane Dunmurry Belfast BT17 OHO.	Discharge of condition 10 of LA04/2021/2780/F.	CONDITION DISCHARGED
LA04/2022/0300/F	LOCDEV	95 University Street Belfast BT7 1HP.	Section 54 application to remove condition 2 from planning permission LA04/2019/2518/F ie removal of condition which states that occupation shall be by the same person(s) for a consecutive period exceeding 90 days to allow for longer term occupation of flats	PERMISSION REFUSED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0308/F	LOCDEV	164 Cliftonville Road Belfast.	Retrospective change of use of the existing paved area in front of the restaurant to an outdoor seating area associated with the restaurant.	PERMISSION GRANTED
LA04/2022/0310/F	LOCDEV	135 Haypark Avenue Belfast BT7 3FG.	Demolition of existing single storey rear return & erection of single storey rear & side extension.	PERMISSION GRANTED
LA04/2022/0315/A	LOCDEV	17 Bedford Street Belfast BT2 7EH	Totem signage (partially lit) at the south entrance adjacent to the south gable of the Ewart Building and Totem signage (partially lit) adjacent to the revolving door entrances to the Tower.	PERMISSION GRANTED
LA04/2022/0316/F	LOCDEV	20 Cregagh Road Belfast BT6 8NT.	Retrospective application to regularise planning approval (Z/2007/0947/F Construction of new building comprising 3 no. ground floor retail units and 9 no. apartments.). Proposal involves an increase in height to the building, design changes to the roof form, amendments to the layout, materials and fenestration and all associated works	PERMISSION GRANTED
LA04/2022/0318/F	LOCDEV	The Treehouse Queens Elms 78 Malone Rd Belfast BT9 5BW.	Open up an existing window location to form a new door opening to provide access to an existing outdoor terrace.	PERMISSION GRANTED
LA04/2022/0333/F	LOCDEV	4 Edenderry Cottages Belfast BT8 8RY	Single storey extension to side of dwelling with raised patio.	PERMISSION GRANTED
LA04/2022/0342/F	LOCDEV	39 Rosepark Belfast BT5 7RH	Single storey rear extension with raised patio area. Front extension to form new porch. New gable window at side elevation.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0356/F	LOCDEV	Stranmillis University College Stranmillis Road Belfast BT9 5DY.	installation of Seven Street Lighting columns with new LED lantern heads to matching existing used throughout the campus site in the carpark to the rear of Stranmillis House.	PERMISSION GRANTED
LA04/2022/0359/LB	LOCDEV	Stranmillis University College Stranmillis Road Belfast BT9 5DY.	installation of Seven Street Lighting columns with new LED heads to matching existing used throughout the campus site in the existing car park to the rear of Stranmillis House.	PERMISSION GRANTED
LA04/2022/0362/F	LOCDEV	62 Andersonstown Park West Belfast BT11 8FP	Proposed additional Second Storey with Traditional Pitched Roof built on an existing single storey rear return extension to main dwelling. (amended description)	PERMISSION GRANTED
LA04/2022/0364/F	LOCDEV	62 Onslow Parade Belfast BT6 0AS	Replace existing rear returns with two storey and single storey rear and side extension, internal alterations and connection to neighbouring first floor extension roof, and rear decking	PERMISSION GRANTED
LA04/2022/0375/F	LOCDEV	40 & 40A Donegall Pass Belfast BT7 1BS.	Demolition of existing building & construction of ground floor retail unit with 6 no. accessible apartments above.	PERMISSION REFUSED
LA04/2022/0389/A	LOCDEV	Unit 34C Castle Court Shopping Centre Royal Avenue Belfast BT1 1DD.	Shop signs & hanging indoor sign.	PERMISSION GRANTED
LA04/2022/0392/F	LOCDEV	74 Salisbury Avenue Belfast BT15 5EB	Proposed alterations and first floor extension to front. Terrace area to side/rear. (amended description and plans)	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0403/LD	LOCDEV	Flat 6 122 Eglantine Avenue Belfast BT9 6EU.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0404/F	LOCDEV	21 Windsor Park Lower Malone Belfast BT9 6FR.	Two storey rear extension, 2 conservation style rooflights to rear main roof and associated site works. Patio area to rear.	PERMISSION GRANTED
LA04/2022/0405/DC	LOCDEV	21 Windsor Park Lower Malone Belfast BT9 6FR.	Demolition to existing rear return (refer to demolition drawing showing extent of demolition). Demolition to include existing dining, wc, utility room to ground floor and study , part landing and bathroom to first floor.	PERMISSION GRANTED
LA04/2022/0406/F	LOCDEV	2 Old Coach Lane Belfast BT9 5PS	Two storey front extension, two storey rear and side extension and single storey rear extension with external changes to dwelling including rendering. Proposed detached garage/ garden store to rear.	PERMISSION GRANTED
LA04/2022/0408/LB	LOCDEV	Premier Inn 2-6 Waring Street Belfast BT1 2DX.	Works generally comprise of the cleaning of the stone facade, repainting of render, repointing failed mortar joints and cracking, undertaking localised indent repairs, filling redundant fixing holes and removing redundant timber and metal fixings from the stonework.	PERMISSION GRANTED
LA04/2022/0409/DC	LOCDEV	25 Harberton Park Belfast BT9 6TW.	Removal of a section of side wall to facilitate a single storey extension and the removal of an existing window and section of rear wall to facilitate a new sliding door to living room.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0414/F	LOCDEV	14 Wynchurch Avenue Belfast BT6 0JQ	Proposed two storey rear and side extension with single storey extension at rear and external alterations.	PERMISSION GRANTED
LA04/2022/0419/A	LOCDEV	Top of Ballysillan Park at the junction with Crumlin Road.	Gateway welcome feature, Free standing lettering. Oak/aluminium construction	PERMISSION GRANTED
LA04/2022/0421/F	LOCDEV	547 Antrim Road Belfast BT15 3BU.	Change of use from offices to dental surgery.	PERMISSION GRANTED
LA04/2022/0429/F	LOCDEV	Lagan Meadows 58 Knightsbridge Park Belfast BT9 5EH.	Removal of existing after school portacabin and construction of new foyer to link existing P1-P3 and P4-P7 after school Portacabins together including cloaks, toilets and store.	PERMISSION GRANTED
LA04/2022/0432/DC	LOCDEV	Lands approx. 40M South of No 77 Edenderry Road Edenderry Village BT8 8JN.	Discharge of condition 23 LA04/2020/0995/F.	CONDITION DISCHARGED
LA04/2022/0434/F	LOCDEV	373-375 Springfield Road Belfast BT12 7DG.	Extension to the front of building to form new entrance and disabled access lift area, internal rearrangements, new entrance porch to youth facility.	PERMISSION GRANTED
LA04/2022/0435/DC	LOCDEV	Former Park Avenue Hotel 158 Holywood Road Belfast BT4 1PB.	Discharge of condition 18 LA04/2021/0493/F relating to decommissioning of fuel tanks and contamination verification	CONDITION DISCHARGED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0436/DC	LOCDEV	Queens University Students Union 77-79 University Road Belfast BT7 1NN.	Discharge of condition 8 LA04/2019/1019/F.	CONDITION NOT DISCHARGED
LA04/2022/0438/DC	LOCDEV	Thompson Dock Pump House and Car Park of Northern Ireland Science Park (Innovation Centre) Queens Road Belfast BT3 9DT.	Discharge of condition 11 LA04/2021/1778/F.	CONDITION DISCHARGED
LA04/2022/0440/F	LOCDEV	9 Glenview Park Belfast BT5 7LS.	Demolish existing attached garage and replace with single storey side extension to dwelling.	PERMISSION GRANTED
LA04/2022/0444/LD	LOCDEV	15 Agincourt Avenue Belfast BT7 1QA	House in multiple occupation (HMO)	PERMITTED DEVELOPMENT
LA04/2022/0445/F	LOCDEV	144 Connsbrook Avenue Belfast BT4 1JX	Change of use to House of Multiple Occupation	PERMISSION GRANTED
LA04/2022/0447/F	LOCDEV	38-40 Gilnahirk Road Belfast BT5 7DG.	Replacement shopfront facade.	PERMISSION GRANTED
LA04/2022/0449/F	LOCDEV	50 Sharman Road Belfast BT9 5FX	Two storey side and rear extension to dwelling, to allow open plan kitchen, living and dining, Utility with bedroom and en-suite above.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0458/LB	LOCDEV	Medical Illustrations ground Floor Royal Victoria Hospital Site Grosvenor Road Belfast BT12 6BA.	Provision of new staff changing facilities with replacement of external windows and doors within a redundant and deteriorating area of the Royal Victoria Hospital (Eastern extended section of the building) HB Ref; HB26/32/001 L. Strip out of existing wall linings and floor screeds back to the structure for the purpose of waterproofing. Fit out works include new walls, floor coverings, kitchenette and showering facilities. Electrical works include the installation of new Power, lighting data, containment, fire and intruder alarm. Mechanical works include the installation of ventilation system, heating, domestic services, showers, trays and new soil wastes.	PERMISSION GRANTED
LA04/2022/0468/DC	LOCDEV	13-25 Castle Lane Belfast BT1 5DA; Castle Arcade Belfast BT1 5DF and 3-9 Cornmarket Belfast BT1 4DA.	Partial demolition of existing facade treatment on Castle Lane, Castle Arcade and Cornmarket, demolition of existing internal staircases and internal walls and demolition of bridge link over Castle Arcade.	PERMISSION GRANTED
LA04/2022/0475/F	LOCDEV	26 Sans Souci Park Malone Lower Belfast BT9 5BZ.	Retrospective change of use of house type to single dwelling and associated site works approved under LA-04/2016/1526/F. Also, alterations and enhancement of amenity space approved under LA04/2017/2594/F.	PERMISSION REFUSED
LA04/2022/0477/F	LOCDEV	3 White Glen Lagmore Dunmurry BT17 0XN.	Single storey rear extension.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0479/F	LOCDEV	15 Malone View Road Ballyfinaghy Belfast BT9 5PH.	Replacement of an existing detached dwelling and garage with a new detached dwelling and garage. Provision of photovoltaic panels on pitched roof (front elevation). (Amended proposal description and drawings).	PERMISSION GRANTED
LA04/2022/0481/F	LOCDEV	10 Cadogan Park Belfast BT9 6HG.	Single storey rear extension with internal and external changes.	PERMISSION GRANTED
LA04/2022/0482/F	LOCDEV	11 The Mount Castlereagh Street Belfast BT5 4NA.	Conversion of House into a House of Multiple Occupation, Including Minor Alterations to External Elevations and Extension to Rear.	PERMISSION GRANTED
LA04/2022/0484/F	LOCDEV	11 Gilnahirk Park. Belfast BT5 7DX.	Two storey side and rear extension to dwelling (amended description & plans)	PERMISSION GRANTED
LA04/2022/0487/DC	LOCDEV	10 Cadogan Park Belfast BT9 6HG	Demolition of existing sunroom and partial demotion of external walls to facilitate extension/ alterations.	PERMISSION GRANTED
LA04/2022/0489/F	LOCDEV	6 Wynchurch Avenue Belfast	Two storey side and rear extension with external changes.	PERMISSION GRANTED
LA04/2022/0490/LD	LOCDEV	Flat 1,10 Lawrence Street Belfast BT7 1LF.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0491/LD	LOCDEV	Flat 2 10 Lawrence Street Belfast BT7 1LF.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0494/F	LOCDEV	St. Malachy's College 36 Antrim Road Belfast BT15 2AE.	New single storey extension to existing sport hall within school grounds to provide ancillary staff accommodation and entrance foyer.	PERMISSION GRANTED
LA04/2022/0497/F	LOCDEV	11 Ardmore Park South Ballyfinaghy BT10 0JF.	Single storey ground floor extension. 2 storey rear and side extension. New dormer to rear of dwelling.	PERMISSION GRANTED
LA04/2022/0499/F	LOCDEV	12 Jocelyn Gardens Belfast BT6 9BA	Conversion of existing residential property into a house of multiple occupation (HMO)	PERMISSION GRANTED
LA04/2022/0501/DC	LOCDEV	Former Park Avenue Hotel 158 Hollywood Road Belfast BT4 1PB.	Discharge of condition 6 LA04/2021/0493/F relating to retaining wall details	CONDITION NOT DISCHARGED
LA04/2022/0502/DC	LOCDEV	Land bounded by Library Street Stephen Street and Kent Street Belfast BT1 2JJ.	Discharge of condition 7 LA04/2015/0676/F.	CONDITION DISCHARGED
LA04/2022/0503/DC	LOCDEV	84-92 Ravensdale Street Belfast BT5 5GA.	Discharge of condition 5 LA04/2020/0321/F.	CONDITION DISCHARGED
LA04/2022/0507/DC	LOCDEV	18 Broomhill Park Belfast BT9 5JB	Proposed demolition of single storey boiler house and flat roof over kitchen area of existing dwelling Also removal of existing PVC windows to be replaced with moulded frame woodgrain PVC, and addition of solar panels to south and west elevations.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0508/F	LOCDEV	18 Broomhill Park Belfast BT9 5JB	Proposed single storey extension to rear of existing dwelling and outdoor covered dining area. Solar panels to south and west elevations.	PERMISSION GRANTED
LA04/2022/0511/DC	LOCDEV	Elmgrove Primary School (Avoniel Site) and Nursery Unit Avoniel Road Belfast BT5 4SF.	Discharge of conditions 5 & 8 LA04/2016/2121/LBC relating to materials	CONDITION NOT DISCHARGED
LA04/2022/0514/LD	LOCDEV	Flat 2 14 Rugby Avenue Belfast	House in multiple occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2022/0517/F	LOCDEV	Shaws Bridge Sports Association 123 Milltown Road Belfast BT8 4XP	Improvement of car park by addition of an automated access control system. An island measuring 3.5m x 0.85m must be constructed to place the equipment on.	PERMISSION GRANTED
LA04/2022/0525/LD	LOCDEV	32 Tates Avenue Belfast BT9 7BY	House in multiple occupation (HMO)	PERMITTED DEVELOPMENT
LA04/2022/0528/CC	LOCDEV	7 Eileen Gardens Belfast BT9 6FW.	Works to 5 trees.	WORKS TO TREES IN CA - AGREED
LA04/2022/0530/LD	LOCDEV	21 Great Northern Street Belfast BT9 7FJ.	House in multiple occupation (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0532/F	LOCDEV	25 Queensberry Park Belfast BT6 0HN.	Single storey extension to rear. (Renewal of LA04/2016/2482/F).	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0533/LD	LOCDEV	108 University Avenue Belfast.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0535/F	MAJDEV	13-25 Castle Lane Belfast BT1 5DA; Castle Arcade Belfast BT1 5DF and 3-9 Cornmarket Belfast BT1 4DA	Physical development - re-cladding of the exterior of the building, creation of a new access point to the upper floors and central core on Castle Arcade, demolition of bridge link over Castle Arcade and erection of a new oversail section at the junction of Castle Lane and Castle Arcade. Change of use - partial change of use of upper floors from storage and back of house facilities to a mixed use of Assembly and Leisure (class D2) and a sui-generis multifaceted leisure use combined with the sale of food and drink for the consumption on the premises. Reconfiguration of existing ground floor storage, associated public realm improvements and ancillary development. Net reduction in gross floorspace of approximately 331 sqm.	PERMISSION GRANTED
LA04/2022/0536/F	LOCDEV	7 Laganview Court Belfast BT5 4AR	Change of use from residential to short term holiday let accommodation (Retrospective) (Amended description)	PERMISSION REFUSED
LA04/2022/0538/F	LOCDEV	11 Cliftonville Court Belfast BT14 6LT	Loft conversion with front and rear dormer windows.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0539/F	LOCDEV	31 Carolhill Drive Belfast BT4 2FT	Proposed single storey extension to rear of dwelling.	PERMISSION GRANTED
LA04/2022/0540/LD	LOCDEV	25 Ridgeway Street Belfast	House in multiple occupation (HMO)	PERMITTED DEVELOPMENT
LA04/2022/0546/F	LOCDEV	23 Laganview Court Belfast BT5 4AR.	Change of use from residential to short term holiday let accommodation (Retrospective) (Amended description)	PERMISSION REFUSED
LA04/2022/0547/F	LOCDEV	25 Harberton Park Belfast BT9 6TW.	Proposed ground floor front/side extension, internal works and additional door to rear.	PERMISSION GRANTED
LA04/2022/0553/F	LOCDEV	244 Ormeau Road Ballynafoy Ormeau Belfast BT7 2FZ.	Change of use from taxi depot (sui generis) to class A1 retail (shop for the sale of goods other than hot food). Goods to be sold include coffee, donuts, ,milkshakes and ice-cream.	PERMISSION GRANTED
LA04/2022/0555/F	LOCDEV	48 Gilnahirk Park Belfast BT5 7DY.	Demolition of existing garage and construction of single storey side and rear extension.	PERMISSION GRANTED
LA04/2022/0566/F	LOCDEV	82 Ravenhill Park Belfast BT6 0DG.	Demolition of existing rear return. Construction of part single storey side and rear and first floor rear extension to dwelling.	PERMISSION GRANTED
LA04/2022/0569/F	LOCDEV	12 Creeve Walk Belfast BT11 8GU.	2 storey extension to side of dwelling.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0577/F	LOCDEV	8 Sunninghill Drive Belfast BT14 6SQ.	Single storey front extension.	PERMISSION REFUSED
LA04/2022/0580/F	LOCDEV	42 Dunmurry Lodge Blacks Road Belfast BT10 0GR.	Single Storey Rear Extension.	PERMISSION GRANTED
LA04/2022/0586/F	LOCDEV	389 Ormeau Road Belfast BT7 3GP.	Roofing over rear yard to form lobby of floor area at WC & store.	PERMISSION GRANTED
LA04/2022/0587/LD	LOCDEV	2 Landseer Street Belfast BT9 5AL.	House in multiple occupation (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0588/LD	LOCDEV	30 Eblana Street Belfast BT7 1LD.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0596/F	LOCDEV	17 Glenburn Park Belfast BT14 6TF.	Single storey rear extension.	PERMISSION GRANTED
LA04/2022/0597/F	LOCDEV	30 Ardmonagh Gardens Belfast BT11 8DY.	Single storey rear extension.	PERMISSION GRANTED
LA04/2022/0599/LD	LOCDEV	Flat 2 16B Wellesley Avenue Belfast BT9 5DG.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0602/F	LOCDEV	63 Knockvale Park Belfast BT5 6HJ.	Single storey side and two storey rear extension to dwelling. Insertion of two windows to ground floor gable.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0603/F	LOCDEV	130 Sydenham Avenue Belfast BT4 2DT.	Proposed two storey side extension with front elevation changed to render.	PERMISSION GRANTED
LA04/2022/0606/F	LOCDEV	St Johns Close 2 Laganbank Road Belfast BT1 3LX.	External insulation + render system to be applied to facing brick to increase thermal properties & small canopy to rear drying area to create covered drying zone.	PERMISSION GRANTED
LA04/2022/0607/DC	LOCDEV	Lands bounded by Little Victoria Street Bruce Street and Holmes Street Belfast.	Discharge of condition 11 LA04/2021/2242/F.	CONDITION DISCHARGED
LA04/2022/0610/LD	LOCDEV	Flat 2 (First Floor) 31 India Street Belfast BT7 1LJ.	House in multiple occupation (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0614/F	LOCDEV	201 Belmont Road Belfast BT4 2AG.	Roofspace conversion and provision of rear dormer.	PERMISSION GRANTED
LA04/2022/0616/LD	LOCDEV	Flat 2 23 India Street Belfast BT7 1LJ.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0617/F	LOCDEV	51 Cabin Hill Park Belfast BT5 7AN	Single and two storey rear extension with external changes.	PERMISSION GRANTED
LA04/2022/0620/F	LOCDEV	179 Upper Newtownards Road Belfast BT4 3HZ.	Single storey rear extension.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0624/LD	LOCDEV	Belfast Wastewater Treatment works (WWTW) Duncrue Street Belfast BT3 9JB	Oxygen and Hydrogen Demonstrator Project for Wastewater Works.	PERMITTED DEVELOPMENT
LA04/2022/0636/F	LOCDEV	17 Wynchurch Road Belfast BT6 0JH	Two storey extension to side and rear. Raised roof to existing garage. Attic conversion with rear facing dormer.	PERMISSION GRANTED
LA04/2022/0637/F	LOCDEV	23 Isadore Avenue Belfast BT13 3QQ	Proposed two storey side extension and single storey rear extension	PERMISSION GRANTED
LA04/2022/0638/F	LOCDEV	27 Kingsway Gardens Gilnahirk Belfast BT5 7DQ	Proposed single storey rear annex extension with single storey link to main dwelling. Proposed first floor bedroom extension to main dwelling.	PERMISSION GRANTED
LA04/2022/0639/LD	LOCDEV	56 Carmel Street Belfast BT7 1QE	House in multiple occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2022/0640/F	LOCDEV	17 Ladybrook Crescent Belfast BT11 9ES	Two storey rear extension.	PERMISSION GRANTED
LA04/2022/0653/LD	LOCDEV	30 Sandhurst Drive Belfast BT9 5AY.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0659/LD	LOCDEV	Flat 2 39 Wellesley Avenue Belfast BT9 6DG.	House in multiple occupation (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0662/F	LOCDEV	3 Flax Street Belfast BT14 7EJ	External canopy, playground area and 2.5m perimeter fence	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0665/DC	LOCDEV	9 Marlborough Park Cross Avenue Belfast BT9 6HQ.	Demolition of existing porch and store.	PERMISSION GRANTED
LA04/2022/0666/F	LOCDEV	9 Marlborough Park Cross Avenue Belfast BT9 6HQ	Proposed single storey side extension to dwelling, detached garden store to rear, terrace area and associated site works to front.	PERMISSION GRANTED
LA04/2022/0667/LD	LOCDEV	53 Surrey Street Belfast BT9 7FR	House of multiple occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2022/0673/LD	LOCDEV	Flat 2 6 India Street Belfast BT7 1LJ.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0674/LD	LOCDEV	Flat 2 25 Camden Street Belfast BT9 6AT.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0675/LD	LOCDEV	Flat 3 112 Fitzroy Avenue Belfast BT7 1HX.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0676/LD	LOCDEV	30 Ridgeway Street Belfast BT9 5FB	House in multiple occupation	PERMITTED DEVELOPMENT
LA04/2022/0677/F	LOCDEV	9 Beechmount Park Belfast BT10 0GZ	Single storey extension to side and rear of dwelling with access steps and external changes to dwelling.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0682/DC	LOCDEV	Lands adjacent to 14 College Square North and south of 62-76 Hamill Street Belfast.	Discharge of condition 2 LA04/2018/1719/F relating to materials	CONDITION NOT DISCHARGED
LA04/2022/0688/F	LOCDEV	14 Waterloo Gardens Belfast BT15 4EX.	Proposed single and two storey rear extension with Juliet style balcony, gazebo and raised patio. Demolition of existing garage and construction of new detached garage. Widening of existing vehicular access with in-curtilage parking.(Amended Plans)	PERMISSION GRANTED
LA04/2022/0690/DC	LOCDEV	52-58 Shankill Road and adjacent vacant site to West of 52-58 Shankill Road Belfast BT13 2BB.	Discharge of condition 18 LA04/2020/2198/F.	CONDITION NOT DISCHARGED
LA04/2022/0691/F	LOCDEV	37 Surrey Street Belfast BT9 7FR.	Single and two storey rear extension with external changes.	PERMISSION GRANTED
LA04/2022/0692/F	LOCDEV	516 Antrim Road Belfast BT15 3BP.	Proposed single storey extension to rear of dwelling and roofspace conversion with rear dormer. External changes to dwelling, reduction in existing garage and all other associated works.	PERMISSION GRANTED
LA04/2022/0698/F	LOCDEV	208 Lagmore Meadows Belfast BT17 0TJ.	Garage conversion to new lounge area.	PERMISSION GRANTED
LA04/2022/0699/DC	LOCDEV	Land at former Kings Hall and RUAS Complex located to the east of the King's Hall and to the rear of Nos 7-23 Harberton Park Belfast.	Discharge of condition 17 LA04/2019/1254/F.	CONDITION NOT DISCHARGED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0703/NM	LOCDEV	41 Norwood Drive Belmont Belfast BT4 2EB.	Non material change LA04/2021/1210/F.	NON MATERIAL CHANGE REFUSED
LA04/2022/0707/F	LOCDEV	107 Brooke Drive Belfast BT11 9NJ.	Two storey rear extension.	PERMISSION GRANTED
LA04/2022/0708/F	LOCDEV	3 Grand Parade Belfast BT5 5HG	Change of use A1 retail unit to Deli and hot food cafe with external seating to front and rear	PERMISSION GRANTED
LA04/2022/0710/DC	LOCDEV	Land adjacent to Queens University Belfast Playing Fields dub Lane Upper Malone Road Belfast.	Discharge of condition 8 LA04/2019/2817/F.	CONDITION NOT DISCHARGED
LA04/2022/0720/F	LOCDEV	33 Innisfayle Park Belfast BT15 5HS.	Retention of development as constructed including alterations to roof design on front elevation and changes to external finishes from that approved under, LA04/2019/2283/F. Non -retrospective front boundary wall/pillars.	PERMISSION GRANTED
LA04/2022/0734/F	LOCDEV	1 Kinedar Crescent Strandtown Belfast BT4 3LY	Single storey rear extension with canopy to side and rear. Garage extension to side and rear, first floor rear extension and external changes.	PERMISSION GRANTED
LA04/2022/0739/F	LOCDEV	45 Carmel Street Belfast BT7 1QE	First floor rear extension and new rear window.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0740/F	LOCDEV	5 Rocky Road Cregagh Knockbreda Belfast BT6 9QL.	Roofspace dormer conversion to rear providing an additional bedroom ensuite including the construction of new gable walling.	PERMISSION GRANTED
LA04/2022/0743/F	LOCDEV	17 Glengoland Park Dunmurry Belfast BT17 0JD.	Single storey rear extension.	PERMISSION GRANTED
LA04/2022/0744/F	LOCDEV	64 Deramore Park South Belfast BT9 5JY.	Single storey extension to rear.	PERMISSION GRANTED
LA04/2022/0745/F	LOCDEV	Apts 1-4 at No. 93 93A & 93B Gilnahirk Road Gortgrib Belfast BT5 7QL.	Proposed retention and alteration of external switch room, provision of drying areas to rear as well as alterations to approved (via LA04/2016/0343/F) surface finishes, boundary treatments and bike parking.	PERMISSION REFUSED
LA04/2022/0748/F	LOCDEV	46 Hawthorn View Hannahstown Belfast BT17 0NR	Alterations to dwelling to provide large rear opening at ground floor level, new internal utility and change of use and extension to existing garage to form granny flat.	PERMISSION GRANTED
LA04/2022/0749/F	LOCDEV	1 Marina Park Belfast BT5 6BA.	Replacement of existing conservatory roof with new lean-to roof with roof lights, conversion of existing store and WC to create larger kitchen area, first floor side extension to bathroom and rear decking area.	PERMISSION GRANTED
LA04/2022/0750/F	LOCDEV	14A Adelaide Park Belfast BT9 6FX.	Single storey extension and external changes.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0751/DC	LOCDEV	14A Adelaide park Belfast BT9 6FX.	Demolition of small sections of wall to facilitate extension/ alterations.	PERMISSION GRANTED
LA04/2022/0755/F	LOCDEV	28 Coolnasilla Park East Belfast BT11 8LA.	Single storey rear extension.	PERMISSION GRANTED
LA04/2022/0760/F	LOCDEV	13 Ladybrook Crescent Belfast BT11 9ES	Erection of a two storey rear extension with external roof alterations to existing front dormer window.	PERMISSION GRANTED
LA04/2022/0761/F	LOCDEV	39 Silverstream Gardens Belfast BT14 8GS	Single storey rear extension	PERMISSION GRANTED
LA04/2022/0770/F	LOCDEV	11 Malone Meadows Belfast BT9 5BG.	Proposed single storey side extension. Conversion of existing attached garage to living accommodation, with first floor extension above.	PERMISSION GRANTED
LA04/2022/0771/F	LOCDEV	12 Ormonde Park Belfast BT10 0LS.	Single storey rear extension with decking area to rear.	PERMISSION GRANTED
LA04/2022/0773/F	LOCDEV	25 Brooke Crescent Belfast BT11 9NL.	Single storey rear extension.	PERMISSION GRANTED
LA04/2022/0774/F	LOCDEV	29 Gortin Park Belfast BT5 7EQ.	Single storey rear extension.	PERMISSION GRANTED
LA04/2022/0776/A	LOCDEV	Parklands Knocknagoney Dale Knocknagoney Belfast.	1no. temporary aluminium advertisement sign for a new housing development for a period of 12 months (retrospective).	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0779/F	LOCDEV	1A Ben Madigan Hill Antrim Road Newtownabbey.	Single storey detached garage and new extension to kitchen. New portico, external changes to dwelling including rendering and raised patios.	PERMISSION GRANTED
LA04/2022/0783/F	LOCDEV	16 Downview Park West Belfast BT15 5HN.	Two storey extension to side and rear of dwelling, alterations to front bay window and elevation changes. Attic conversion with alterations to roof including roof lights and solar panels.	PERMISSION GRANTED
LA04/2022/0786/LD	LOCDEV	13 Lichfield Avenue Belfast BT5 5JQ.	Retention of rear extension double storey extension & alterations of existing property to allow for upper floor bedroom/bathroom & open plan kitchen living area.	PERMITTED DEVELOPMENT
LA04/2022/0791/LD	LOCDEV	9 Penrose Street Belfast BT7 1QX.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0793/LD	LOCDEV	15 Fitzwilliam Street Belfast BT9 6HW.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0794/F	LOCDEV	19 Malfin Drive Belfast BT9 6QS.	Single storey rear extension.	PERMISSION GRANTED
LA04/2022/0795/F	LOCDEV	21 Willowvale Gardens Belfast BT11 9JU.	Single storey rear extension with access steps.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0796/F	LOCDEV	31 Prince Edward Park Belfast BT9 5FZ.	2 Storey side extension and 1 storey rear extension to allow a kitchen and utility room on ground floor and study above with associated works. (amended plans)	PERMISSION GRANTED
LA04/2022/0802/LD	LOCDEV	5 Sandhurst Drive Belfast BT9 5AY.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0803/LD	LOCDEV	113 Dunluce Avenue Belfast BT9 7AX.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0805/F	LOCDEV	43 Queensberry Park Belfast BT6 0HN.	Single storey side extension.	PERMISSION GRANTED
LA04/2022/0806/F	LOCDEV	46 Orangefield Avenue Belfast.	Single storey side extension and bin store.	PERMISSION GRANTED
LA04/2022/0807/F	LOCDEV	64 Colinvale Belfast BT17 0JN.	Single storey rear extension.	PERMISSION GRANTED
LA04/2022/0813/LD	LOCDEV	3 Ulsterville Gardens Belfast BT9 7BA.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0819/DC	LOCDEV	Lands north west of 1-6 Linen Mill Grove Edenderry Village Belfast.	Discharge of condition 18,20,22 & 23 LA04/2018/1795/F.	CONDITION NOT DISCHARGED
LA04/2022/0830/DC	LOCDEV	Lands approx. 40m South of 77 Edenderry Road Belfast BT8 8LD	Discharge of condition 4 - LA04/2020/0995/F	CONDITION DISCHARGED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0831/DC	LOCDEV	Lands approx. 40m South of 77 Edenderry Road Belfast BT8 8LD	Discharge of condition 14 - LA04/2020/0995/F	CONDITION DISCHARGED
LA04/2022/0833/F	LOCDEV	24 Glenaan Avenue Dunmurry BT17 9AU	Proposed replacement conservatory to rear of dwelling	PERMISSION GRANTED
LA04/2022/0834/F	LOCDEV	2 Cloona Avenue Dunmurry Belfast BT17 0HJ	Single storey rear extension with elevation changes. Conversion of garage to a habitable room.	PERMISSION GRANTED
LA04/2022/0835/F	LOCDEV	29 Norwood Gardens Belfast BT4 2DX	Single storey rear extension	PERMISSION GRANTED
LA04/2022/0838/DC	LOCDEV	Albertbridge Road from Lord Street to junction with Newtownards Road and Newtownards Road from Ribble Street to Connswater Street.	Discharge of condition 2 - LA04/2021/1860/F relating to detailed specification for the paving and kerbing materials	CONDITION NOT DISCHARGED
LA04/2022/0843/F	LOCDEV	25 Taunton Avenue Belfast BT15 4AD	Single storey side extension	PERMISSION GRANTED
LA04/2022/0844/F	LOCDEV	44 Diamond Gardens Finaghy Belfast BT10 0HE	Single storey rear and side extension, attic conversion with a rear dormer, gable window and front roof window. Patio area to rear.	PERMISSION GRANTED
LA04/2022/0845/F	LOCDEV	68 Carnamena Avenue Belfast BT6 9PJ	Single storey rear extension	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0858/F	LOCDEV	8 Killynether Walk Belfast BT8 7DB	Single storey rear extension	PERMISSION GRANTED
LA04/2022/0859/F	LOCDEV	7 Knockbracken Park Belfast BT6 0HL	Single storey side and rear extension	PERMISSION GRANTED
LA04/2022/0863/F	LOCDEV	109 Monagh Road Belfast BT11 8EG	Single storey side extension	PERMISSION GRANTED
LA04/2022/0864/F	LOCDEV	44 Knockeden Crescent Belfast BT6 0GQ	Single storey rear extension, ramped access to the side.	PERMISSION GRANTED
LA04/2022/0870/F	LOCDEV	10 Richhill Crescent Belfast BT5 6HF	Two storey rear extension and patio with internal and external changes to dwelling	PERMISSION GRANTED
LA04/2022/0875/F	LOCDEV	5 Strathallan Park Belfast BT10 0AY	Two storey front and side extension, single storey front extension and single storey rear extension	PERMISSION GRANTED
LA04/2022/0877/CC	LOCDEV	9 Harberton Avenue Belfast BT9 6PH.	Works to 4 trees.	WORKS TO TREES IN CA - AGREED
LA04/2022/0879/LD	LOCDEV	40 Mount Prospect Park Belfast	Certificate of lawfulness - existing HMO use	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0881/DC	LOCDEV	Lands East of No. 8 West of 90 and North of Nos 9-31 (Odds) Glenbryn Park Belfast BT14 7JH	Discharge of conditions 6 and 7 - LA04/2019/2446/F	CONDITION DISCHARGED
LA04/2022/0884/LD	LOCDEV	Flat B 9 India Street Belfast BT7 1LJ	House in Multiple Occupation	PERMITTED DEVELOPMENT
LA04/2022/0887/LD	LOCDEV	8 Penrose Street Belfast BT7 1QX	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2022/0892/F	LOCDEV	21 Lyndhurst Parade Belfast BT13 3PB	First floor rear extension	PERMISSION GRANTED
LA04/2022/0893/F	LOCDEV	30 Lansdowne Road Belfast BT15 4AA	Single storey rear extension	PERMISSION GRANTED
LA04/2022/0895/F	LOCDEV	8 Wilshire Drive Belfast	Single storey rear extension	PERMISSION GRANTED
LA04/2022/0900/LD	LOCDEV	Flat 2 78 University Avenue Belfast BT7 1GY	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2022/0902/LD	LOCDEV	Flat 2 79 Wellesley Avenue Belfast BT9 6DH	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0916/DC	LOCDEV	Lands at and surrounding the former St Gemma's High School 40 Ardoyne Avenue Belfast BT14 7DA	Discharge of condition 2 - LA04/2018/1832/F relating to provision of Preliminary Risk (description corrected to discharge of condition 2).Assessment (PRA) and Outline Remediation Strategy	CONDITION NOT DISCHARGED
LA04/2022/0920/F	LOCDEV	99 Finaghy Road South Belfast BT10 0BY	Proposed single storey extension to the rear and side of the existing dwelling. Proposed conversion and extension of existing outbuilding (garage) to provide ancillary accommodation.	PERMISSION GRANTED
LA04/2022/0925/F	LOCDEV	17 Willowbank Park Belfast BT6 0LL	Single storey rear extension with raised patio and demolition of existing garage	PERMISSION GRANTED
LA04/2022/0933/F	LOCDEV	2 Hampton Manor Belfast BT7 3EL	Single storey rear extension	PERMISSION GRANTED
LA04/2022/0935/F	LOCDEV	Crumlin Road Gaol - 53-55 Crumlin Road Belfast BT14 6ST	Removal of existing steel gates to the left hand side of the Crumlin Road Gaol main entrance and replacing them with wrought iron gates, keeping the original position and direction of swing. Gates to match original railings and entrance gates.	PERMISSION GRANTED
LA04/2022/0936/LB	LOCDEV	Crumlin Road Gaol 53-55 Crumlin Road Belfast BT14 6ST	Removal of existing steel gates to the left hand side of the Crumlin Road Gaol main entrance and replacing them with wrought iron gates, keeping the original position and direction of swing. Gates to match original railings and entrance gates.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0939/LB	LOCDEV	Fitzroy Presbyterian Church 77 University Street Belfast BT7 1HL	Proposed replacement paving setts and new steps to the entrance.	PERMISSION GRANTED
LA04/2022/0941/F	LOCDEV	1 Colinwell Grove Belfast BT11 8RE	Single storey rear extension	PERMISSION GRANTED
LA04/2022/0942/F	LOCDEV	5 Ben Madigan Park South Newtownabbey BT36 7PX	Proposed front extension/ veranda and rear extension with external changes.	PERMISSION GRANTED
LA04/2022/0945/F	LOCDEV	8 Orby Green Belfast BT5 5HL	Single storey rear extension	PERMISSION GRANTED
LA04/2022/0951/F	LOCDEV	48 Wandsworth Road Belfast BT4 3LT	Proposed rear and side extension, re-use of garage space and minor roof modifications.	PERMISSION GRANTED
LA04/2022/0952/F	LOCDEV	5 Knightsbridge Manor Belfast BT9 5ET	Single storey rear extension with external alterations and solar panels to dwelling and alterations to garage.	PERMISSION GRANTED
LA04/2022/0954/DC	LOCDEV	Stranmillis University College Stranmillis Road Belfast BT9 5DY	Discharge of conditions 4 & 7 - LA04/2021/1624/LBC	CONDITION DISCHARGED
LA04/2022/0958/F	LOCDEV	2 Danesfort Park Drive Belfast BT9 7RL	Single storey side and rear extension and replacement shed (amended description)	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0959/F	LOCDEV	19 Knightsbridge Park Belfast BT9 5EH	Garage conversion and single storey side extension to dwelling linking house to converted garage. Attic conversion with new dormer to rear. Internal alterations. Solar panels to front elevation.	PERMISSION GRANTED
LA04/2022/0962/LD	LOCDEV	Shane Retail Park Boucher Road Belfast.	Construction of a restaurant unit and associated site works (ref LA04/2016/2336/F) and construction of a retail warehouse unit with internal mezzanine floor along with associated site works (re LA04/2016/2489/F) following the lawful commencement of development.	PERMITTED DEVELOPMENT
LA04/2022/0966/F	LOCDEV	Part first and second floor Carlton House 28 Fountain Street Belfast BT1 5ED	Change of use of second floor and part first floor to offices from dance studio, Replacement of existing windows to front elevation on all floors, and painting of existing rainscreen to the front elevation	PERMISSION GRANTED
LA04/2022/0968/CC	LOCDEV	10 Cadogan Park Belfast BT9 6HG.	Works to 2 trees.	WORKS TO TREES IN CA - AGREED
LA04/2022/0974/DC	LOCDEV	Colaiste Feirste 7 Beechview Park Belfast BT12 7PY	Discharge of condition 6 - LA04/2021/1597/F	CONDITION DISCHARGED
LA04/2022/0975/F	LOCDEV	8 North Hill Street Belfast BT15 1FS	Single storey rear extension	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0979/DC	LOCDEV	Lands at and surrounding the former St Gemma's High School 40 Ardoyne Avenue Belfast BT14 7DA	Discharge of condition 9 - LA04/2021/2154/F relating to Preliminary Contamination Risk Assessment and Outline Remediation Strategy	CONDITION NOT DISCHARGED
LA04/2022/0980/F	LOCDEV	Pavilion Bar 296-298 Ormeau Road Belfast BT7 2GB	Replacement enclosure to existing Beer Garden and new glazed roof over with steel supporting frame.	PERMISSION GRANTED
LA04/2022/0981/F	LOCDEV	10 Knocklofty Park Belfast BT4 3NA	Two storey extension to rear of dwelling.	PERMISSION GRANTED
LA04/2022/0985/F	LOCDEV	19 Cyprus Gardens Belfast BT5 6FB	Single storey rear extension with terrace area and pergola to rear	PERMISSION GRANTED
LA04/2022/0986/A	LOCDEV	38-40 Gilnahirk Road Belfast	Shopfront signage and projecting sign	PERMISSION GRANTED
LA04/2022/0987/LD	LOCDEV	106 Cromwell Road Belfast BT1 1JY	House of multiple occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2022/0989/F	LOCDEV	5 Kingsland Drive Belfast BT5 7EY	Single storey extension to rear of dwelling.	PERMISSION GRANTED
LA04/2022/0994/LD	LOCDEV	35 Elaine Street Belfast BT9 5AR	House in Multiple Occupation	PERMITTED DEVELOPMENT
LA04/2022/0997/F	LOCDEV	4 Lepper Street Belfast BT15 2FH	Proposed single storey side and rear extension.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0998/F	LOCDEV	8 Newforge Grange Belfast BT9 5QB	Conversion of garage to bedroom and en-suite	PERMISSION GRANTED
LA04/2022/1002/F	LOCDEV	21 Rosetta Road Belfast BT6 0LQ	Single storey extension to side and rear. Attic conversion with dormer to rear.	PERMISSION GRANTED
LA04/2022/1012/F	LOCDEV	Rosewood 186a Upper Malone Road Belfast BT17 9JZ	Erection of steel storage shed to north east corner of the site.	PERMISSION GRANTED
LA04/2022/1015/DC	LOCDEV	46 Montgomery Road (former Hughes Christensen site) vacant between nos 44 and 46 Montgomery Road and no 41 Montgomery Road (Lidl) Belfast	Discharge of Condition 5 - LA04/2020/1211/F relating to piling risk assessment	CONDITION DISCHARGED
LA04/2022/1020/LB	LOCDEV	Dorrian Building Mater Hospital 45-51 Crumlin Road Belfast BT14 6AB	Internal demolitions and refurbishment to facilitate new junior doctor suite and ancillary facilities	PERMISSION GRANTED
LA04/2022/1025/CC	LOCDEV	64 Cherryvalley Park Belfast BT5 6PN.	Works to 3 trees.	WORKS TO TREES IN CA - AGREED
LA04/2022/1030/F	LOCDEV	Lands at the King's Hall and RUAS site S of Upper Lisburn Road/Balmoral Avenue W of Harberton Park and NE of Balmoral Golf Club Belfast BT9 6GW	Change of house type to apartments approved under LA04/2019/1254/F and LA04/2021/1191/F to facilitate garden rooms to the rear	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/1031/DC	LOCDEV	Site behind and on the lands of 79 Ballylesson Road Belfast BT8 8JT	Discharge of condition 2 - LA04/2021/2592/F	CONDITION DISCHARGED
LA04/2022/1033/F	LOCDEV	3 Casaeldona Crescent Belfast BT6 9RE	Single storey extension to side of existing dwelling	PERMISSION GRANTED
LA04/2022/1034/CC	LOCDEV	34 Knockdene Park Belfast BT5 7AD.	Works to 2 trees.	WORKS TO TREES IN CA - AGREED
LA04/2022/1035/CC	LOCDEV	73-75 Somerton Road Belfast BT15 4DE.	Works to 12 trees.	WORKS TO TREES IN CA - AGREED
LA04/2022/1041/A	LOCDEV	Odyssey Pavilion Queens Quay Belfast BT3 9QQ	2 No. Stainless Steel Totem Signage	PERMISSION GRANTED
LA04/2022/1055/LD	LOCDEV	74 Agincourt Avenue Belfast BT7 1QB	House in multiple occupation (HMO)	PERMITTED DEVELOPMENT
LA04/2022/1058/LD	LOCDEV	Flat 3 129 Fitzroy Avenue Belfast BT7 1HU.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/1060/DC	LOCDEV	57 Oakland Avenue Belfast BT4 3BW.	Discharge of condition 2 LA04/2021/1062/F.	CONDITION NOT DISCHARGED
LA04/2022/1067/LD	LOCDEV	Flat 5 (Second Floor) 122 Eglantine Avenue Belfast BT9 6EU.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/1068/LD	LOCDEV	Flat 2 2 Eglantine Gardens Belfast BT9 6EZ	House in multiple occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2022/1070/F	LOCDEV	25 Mica Drive Belfast BT12 7NL.	Proposed roofspace conversion creating dormer to rear involving and replacement of the existing hipped roof with gable.	PERMISSION GRANTED
LA04/2022/1073/F	LOCDEV	40 Ballynahatty Road Belfast	Renewal of extant approval LA04/2017/1602/F (1.5m Increase in ridge to provide additional bedrooms & single storey rear extension)	PERMISSION GRANTED
LA04/2022/1080/LD	LOCDEV	44 Jerusalem Street Belfast BT7 1QN.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/1082/LD	LOCDEV	55 Damascus Street Belfast BT7 1QR	House in multiple occupation (HMO)	PERMITTED DEVELOPMENT
LA04/2022/1090/CC	LOCDEV	38 Cadogan Park Belfast BT9 6HH.	Works to 3 trees.	WORKS TO TREES IN CA - AGREED
LA04/2022/1093/LD	LOCDEV	Flat 3 6 India Street Belfast BT7 1LJ	House in multiple occupation (HMO)	PERMITTED DEVELOPMENT
LA04/2022/1094/LD	LOCDEV	Flat 3 23 India Street Belfast BT7 1LJ	House in multiple occupation (HMO)	PERMITTED DEVELOPMENT
LA04/2022/1095/LD	LOCDEV	Flat 5 12 Ashley Avenue Belfast BT9 7BT	House in multiple occupation (HMO)	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/1096/LD	LOCDEV	Flat 3 (Second Floor) 31 India Street Belfast BT7 1LJ.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/1098/LD	LOCDEV	Flat 3 12 Ashley Avenue Belfast BT9 7BT	House of multiple occupation (HMO)	PERMITTED DEVELOPMENT
LA04/2022/1099/LD	LOCDEV	Flat 4 12 Ashley Avenue Belfast BT9 7BT	House in multiple occupation (HMO)	PERMITTED DEVELOPMENT
LA04/2022/1105/LD	LOCDEV	21 St. Ives Gardens Belfast BT9 5DN	House in multiple occupation (HMO)	PERMITTED DEVELOPMENT
LA04/2022/1107/CC	LOCDEV	21 Marlborough Park North Belfast BT9 6HJ.	Works to 2 trees.	WORKS TO TREES IN CA - AGREED
LA04/2022/1108/CC	LOCDEV	17 Cranmore Avenue Belfast BT9 6JH.	Works to 1 tree.	WORKS TO TREES IN CA - AGREED
LA04/2022/1112/F	LOCDEV	4 Stockman's Drive Belfast BT11 9AU	Single storey rear extension	PERMISSION GRANTED
LA04/2022/1115/F	LOCDEV	51 Knock Eden Park Belfast BT6 0JG	Two storey side and rear extension, detached garden room to rear.	PERMISSION GRANTED
LA04/2022/1116/DC	LOCDEV	Henry Garrett Building Stranmillis University Stranmillis Road Belfast BT9 5DY	Discharge of conditions 2 of LA04/2022/0349/LBC	CONDITION DISCHARGED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/1117/LB	LOCDEV	Unit 5 Queen's Arcade 29-33 Donegall Place Belfast BT1 5FF	Demolition of existing wall, construction of new partition	PERMISSION GRANTED
LA04/2022/1120/F	LOCDEV	12 Garnock Belfast BT11 9NP	Proposed attic conversion including new rear dormer roof extension to provide additional bedroom and 2 new roof windows on front elevation.	PERMISSION GRANTED
LA04/2022/1121/LD	LOCDEV	51 Rugby Avenue Belfast BT7 1RD	House in multiple occupation (HMO)	PERMITTED DEVELOPMENT
LA04/2022/1124/F	LOCDEV	16 Strathearn Park Belfast BT4 2GN	Single storey extension	PERMISSION GRANTED
LA04/2022/1132/LD	LOCDEV	Flat 3 11 India Street Belfast BT7 1LJ	House in multiple occupation (HMO)	PERMITTED DEVELOPMENT
LA04/2022/1134/CC	LOCDEV	43a Malone Park Belfast BT9 6NL.	Works to 4 trees and 1 hedge.	WORKS TO TREES IN CA - AGREED
LA04/2022/1144/NM	LOCDEV	35 Langley Street Town Parks Belfast BT13 3GG.	Non material change LA04/2020/2634/F.	NON MATERIAL CHANGE GRANTED
LA04/2022/1152/CC	LOCDEV	St Thomas Church 1A Eglantine Ave Belfast BT9 6DW.	Works to 4 trees.	WORKS TO TREES IN CA - AGREED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/1153/CC	LOCDEV	432 Lisburn Road Belfast BT9 6GR.	Works to 4 trees.	WORKS TO TREES IN CA - AGREED
LA04/2022/1154/CC	LOCDEV	20 Kings Road Belfast BT5 6JJ.	Works to 3 trees.	WORKS TO TREES IN CA - AGREED
LA04/2022/1156/CC	LOCDEV	51 Marlborough Park North Belfast BT9 6HL.	Works to 3 trees.	WORKS TO TREES IN CA - AGREED
LA04/2022/1157/CC	LOCDEV	24 Derryvolgie Avenue Belfast BT9 6FN.	Works to 2 trees.	WORKS TO TREES IN CA - AGREED
LA04/2022/1160/F	LOCDEV	McDonalds Restaurant 1-3 Glenmachen Street Boucher Road Belfast BT12 6JA	Alterations to elevations, extension for store and associated site works	PERMISSION GRANTED
LA04/2022/1162/F	LOCDEV	20 Hillhead Crescent Belfast BT11 9FR	Single storey rear extension, new rear dormer (raised roof height to accommodate) and associated works	PERMISSION GRANTED
LA04/2022/1167/LD	LOCDEV	46 Sandhurst Gardens Belfast BT9 5AX.	House in Multiple Occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/1179/CC	LOCDEV	68 Bawnmore Road Belfast BT9 6LD.	Works to 1 tree.	WORKS TO TREES IN CA - AGREED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/1180/LD	LOCDEV	Flat 1 1A Dudley Street Belfast BT7 1GW.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/1181/LD	LOCDEV	Flat 2 1A Dudley Street Belfast BT7 1GW.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/1182/LD	LOCDEV	Flat 3 1A Dudley Street Belfast BT7 1GW.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/1192/F	LOCDEV	10 Malone Hill Park Belfast BT9 6RD	Single storey rear extension	PERMISSION GRANTED
LA04/2022/1195/DC	LOCDEV	Lands adjacent to 14 College Square North and south of 62-76 Hamill Street Belfast	Discharge of condition 19 - LA04/2018/1719/F relating to Archaeological Evaluation Report	CONDITION NOT DISCHARGED
LA04/2022/1211/PA	MAJDEV	Land at and adjacent to 587 Upper Newtownards Road Belfast bound to the east by Castlehill Place to the south by Summerhill Park and to the west by Castlevue Road.	Mixed-use development, comprising retirement living (Use Class C1), care home (Use Class C3) and medical facility (Use Class C3 or D1), associated access, amenity space, landscaping and car parking.	PROPOSAL OF APPLICATION NOTICE IS ACCEPTABLE
LA04/2022/1212/CC	LOCDEV	St Columba's Church (c Of I) 27 Kings Road Belfast BT5 6JG.	Works to 10 trees.	WORKS TO TREES IN CA - AGREED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/1213/LD	LOCDEV	41 Palestine Street Belfast BT7 1QJ	House of Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2022/1233/CC	LOCDEV	80 Maryville Park Belfast BT9 6LQ.	Works to 1 tree.	WORKS TO TREES IN CA - AGREED
LA04/2022/1234/CC	LOCDEV	Riddel Hall Roadside 185 Stranmillis Road Belfast BT9 5EE.	Works to 7 trees.	WORKS TO TREES IN CA - AGREED
LA04/2022/1257/F	LOCDEV	3 Holland Park Belfast BT5 6HB	Detached garage to rear of dwelling.	PERMISSION GRANTED
LA04/2022/1261/F	LOCDEV	18 Marina Park Belfast BT5 6BA.	Single storey side and rear extension with new rooflights and solar panels to roof of extension. New roof overhang to front of dwelling.	PERMISSION GRANTED
LA04/2022/1264/CC	LOCDEV	14 Windsor Avenue Belfast BT9 6EE.	Works to 4 trees.	WORKS TO TREES IN CA - AGREED
LA04/2022/1265/F	LOCDEV	2 Springhill Crescent Belfast BT12 7QJ.	Single storey rear/side extension.	PERMISSION GRANTED
LA04/2022/1272/DC	LOCDEV	Queens University Students Union 77-79 University Road Belfast BT7 1NN.	Discharge of condition 15 LA04/2019/1019/F.	CONDITION DISCHARGED
LA04/2022/1287/LD	LOCDEV	10 Stranmillis Road Belfast BT9 5AA.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/1295/F	LOCDEV	5 Moorfield Street Belfast BT5 5BY.	Two storey rear extension.	PERMISSION GRANTED
LA04/2022/1304/F	LOCDEV	10 Westview Pass Belfast BT12 7JQ.	Erection of single story side extension and new ramp access to the front door.	PERMISSION GRANTED
LA04/2022/1311/LD	LOCDEV	23 Jerusalem Street Belfast BT7 1QN.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/1316/F	LOCDEV	32 Orchardville Crescent Finaghy BT10 0JT.	Single storey rear extension.	PERMISSION GRANTED
LA04/2022/1353/PA	LOCDEV	Centre House 69-87 Chichester Street Belfast	Development of 146 no. bed hotel over 5 floors, with 17 additional bedrooms (new build over @5th floor subject to structural investigations).	PROPOSAL OF APPLICATION NOTICE IS ACCEPTABLE
LA04/2022/1362/CC	LOCDEV	Action Cancer20 Windsor Avenue Belfast BT9 6EE.	Works to 6 trees.	WORKS TO TREES IN CA - AGREED
LA04/2022/1369/LD	LOCDEV	Garnerville Presbyterian Church Halls 84 Glenmachan Rd Belfast BT4 2NN.	Proposed Use of Part of Church Halls as a Playgroup (Class D1: Community and Cultural Use).	PERMITTED DEVELOPMENT
LA04/2022/1392/CC	LOCDEV	Side of 28 Bedford Street along Franklin Street Belfast BT2 7FE.	Works to 5 trees.	WORKS TO TREES IN CA - AGREED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/1417/CC	LOCDEV	17 Cadogan Park Belfast BT9 6HG.	Works to 1 tree.	WORKS TO TREES IN CA - AGREED
LA04/2022/1438/PA	MAJDEV	Lands at St. Brides Primary School 32 Derryvolgie Ave Belfast.	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.	PROPOSAL OF APPLICATION NOTICE REQUIRES MORE CONSULTATION
LA04/2022/1465/PA	LOCDEV	Adelaide Business Centre Apollo Road Belfast BT12 6HP.	Proposed change of use from office space to a Bowling Alley, Restaurant, Indoor Golf, Children's Soft Play, VR Zone & Amusements, Smoking Area, Carparking, Signage and Associated Site Works.	PROPOSAL OF APPLICATION NOTICE IS ACCEPTABLE

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Network Traffic, Street Lighting and Transportation

Eastern Division

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



Department for
Infrastructure
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Bonneagair

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Annexe 7
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BT4 3SQ

Telephone: 0300 200 7899
Email: Traffic.Eastern@infrastructure-ni.gov.uk
www.infrastructure-ni.gov.uk

OfficeoftheChiefExecutive@BelfastCity.gov.uk

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

Your Ref:
Our Ref: MT 138413-22

Date: 5 July 2022

Dear Mr Walsh

PROVISION OF AN ACCESSIBLE/DISABLED PARKING BAY AT 40 LINFIELD 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.

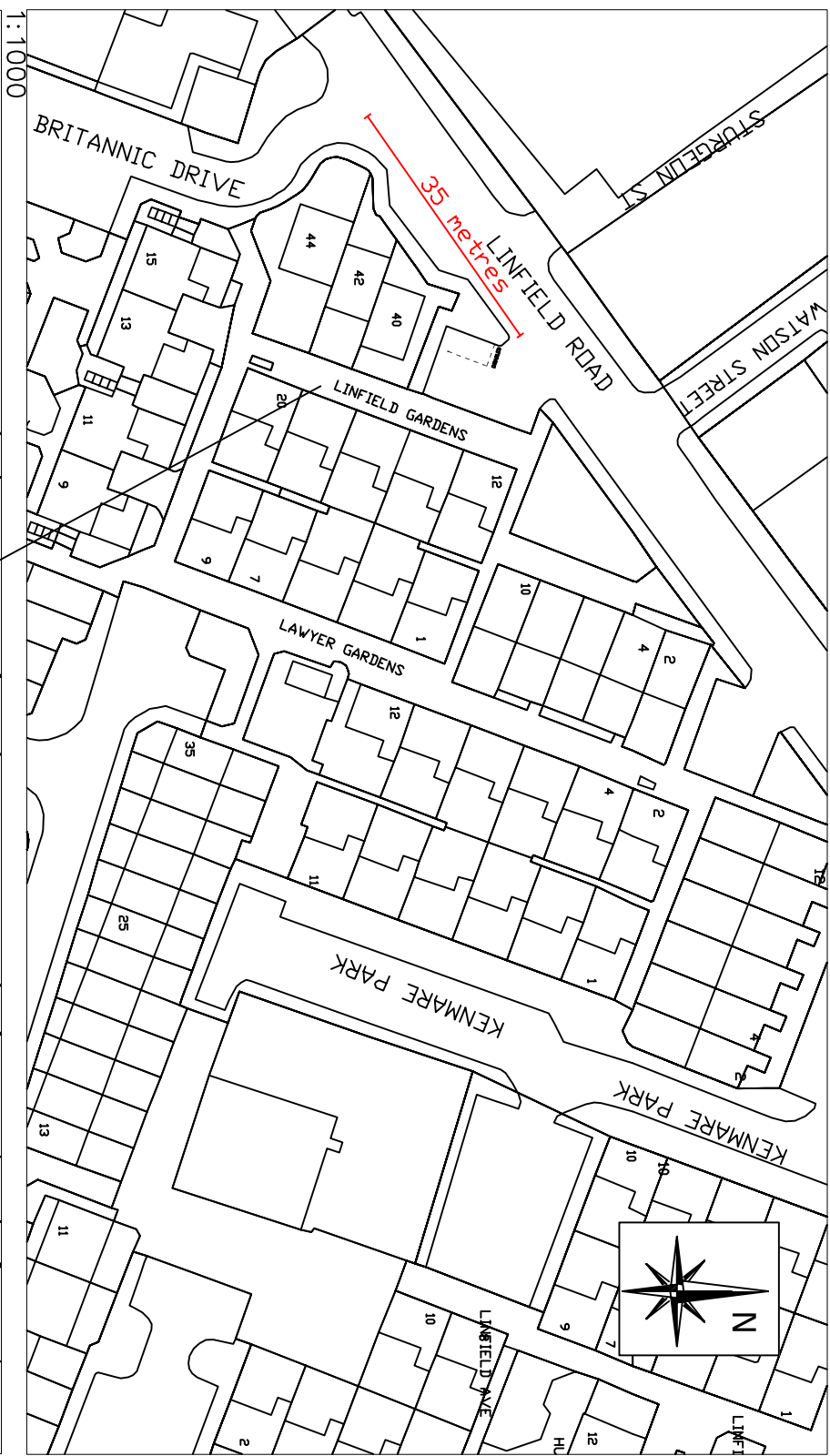
Yours sincerely

PP Alfie O'Hare
GRAEME SALMON
Traffic Manager

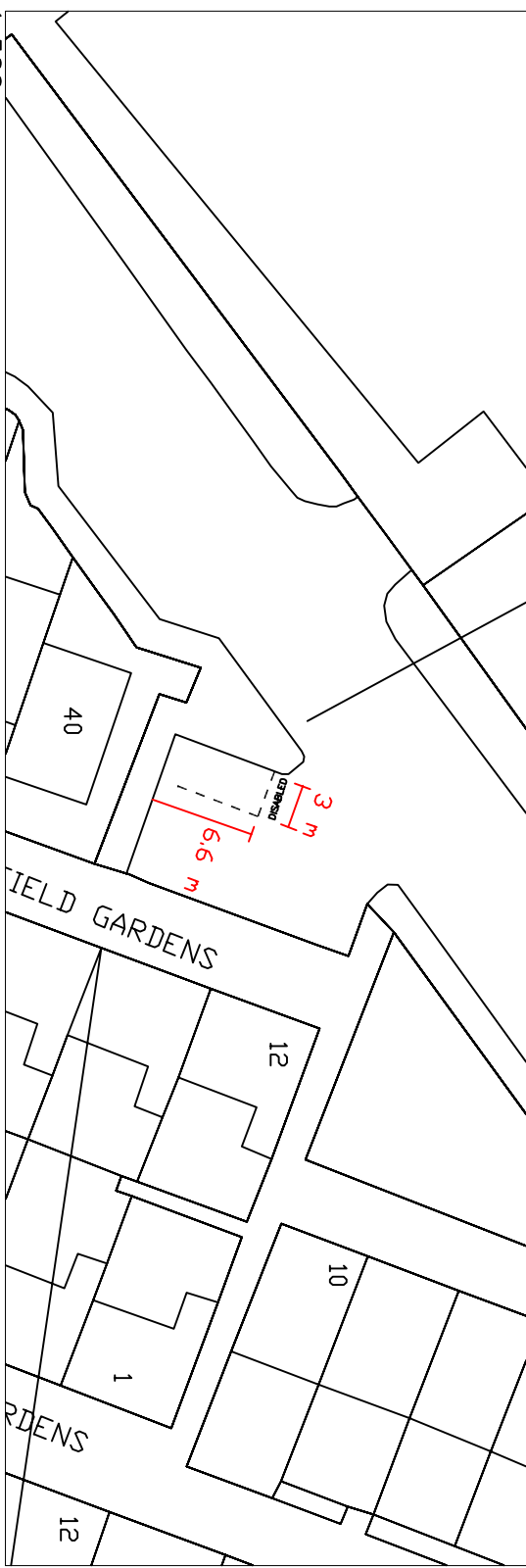
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Linfield Gardens, Belfast (south-west side) – from a point 19 metres north-east of its junction with Britannia Drive, for a distance of 3 metres in a north-easterly direction.



1:1000



1:500

NO.	REVISION	DATE

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Project 40 LINFIELD ROAD BELFAST

Title PROPOSED ACCESSIBLE/ DISABLED PARKING BAY

FILE NO. DESIGNED AO'H date JUL'22

DRAWN CHECKED date

TRACED APPROVED date

Dwg. No. Revision

TM2/BEL/JUL/22/23/A

Scales AS SHOWN

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Department for
Infrastructure



An Róinn
Bonneagair



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**Network Traffic, Street Lighting and
Transportation**

Eastern Division

Mr John Walsh
Chief Executive
Belfast City Council
City Hall
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Telephone: 0300 200 7899
Email: Traffic.Eastern@infrastructure-ni.gov.uk
www.infrastructure-ni.gov.uk

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

Your Ref:
Our Ref: MT 139415-22

Date: 5 July 2022

Dear Mr Walsh

**PROVISION OF AN ACCESSIBLE/DISABLED PARKING BAY AT 26 STRACAM CORNER,
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.

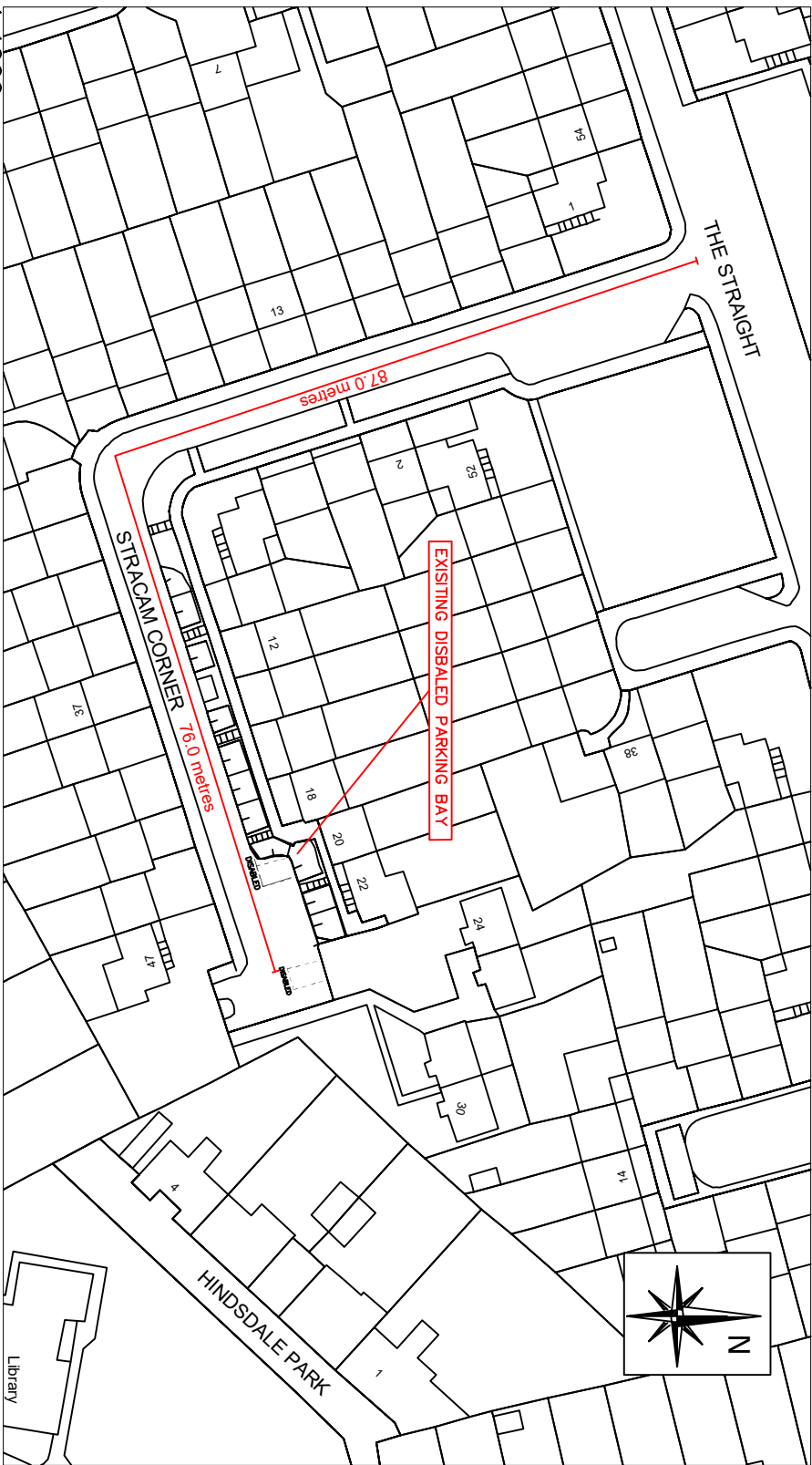
Yours sincerely

PP Alfie O'Hare
GRAEME SALMON
Traffic Manager

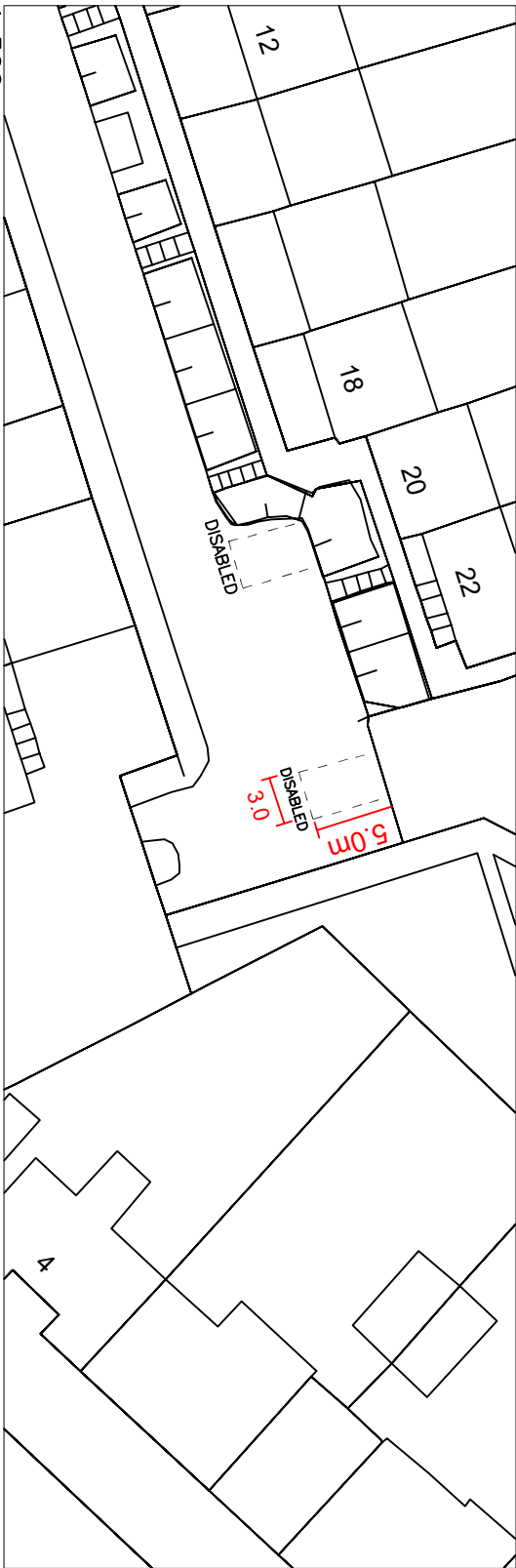
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Stracam Corner, Belfast (north-west side) – from a point 87 metres south-east then 76 metres north-east of the, The Straight outside No.24. for a distance of 3 metres in a north-easterly direction.



1:1000



1:500

NO.	REVISION	DATE

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Project 26 STRACAM CORNER
 BELFAST

Title PROPOSED ACCESSIBLE/
 DISABLED PARKING BAY

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

Dwg. No.	Revision
TM2/BEL/JUL/22/25/A	

Scales AS SHOWN

Eastern Division

Annex 7
 Castle Buildings
 Stormont Estate
 Belfast
 BT4 3SQ

Telephone: 0300 200 7893
 Textphone: 028 90540022

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From: Post Box <post.box@livemore.co.uk>

Sent: 13 June 2022 11:05

To: Planning <Planning@BelfastCity.gov.uk>

Subject: Royal Mail Street Furniture Works - WO No. 3680839 - Removal of Pillar Box BT13 140, Agnes Street, Belfast, BT13 1GG

Good morning,

The Livemore Partnership have been instructed to act on behalf of Royal Mail Group with regards to Street Furniture. Please be informed that Royal Mail are proposing to remove a Post Box at the above address due to it having been broken into multiple times recently. Further information can be found on the attached document.

The location is on publicly owned land and does not fall within a Conservation Area. We trust the Council has no objections to the proposed works taking place under the Royal Mail Statutory rights Schedule 6 of the Postal Services Act 2000.

Please be advised that we aim to instruct works in the near future and that Highways will be contacted by Royal Mail Engineering Contractors to obtain the necessary permits and licences prior to undertaking the works.

In the meantime, should you have any questions or need any further information, please do not hesitate to contact us quoting the above reference number.

Kind regards,

Toby

Post Box Team



Livemore

Working with Royal Mail Since 1985

e: post.box@livemore.co.uk | w: www.livemore.co.uk
a: 1446-1448 London Road, Leigh-On-Sea, SS9 2UW



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Location Details

Address: Agnes Street, Belfast, BT13 1GG

Coordinates:

Easting: 145228

Northing: 530594

Location Pictures:





ADDENDUM REPORT 2

Committee Meeting Date:	16 th August 2022
Application ID:	LA04/2020/1959/F
Proposal: Proposed new parkland (Section 2 Forthmeadow Community Greenway) – foot and cycle pathways, lighting columns, new entrances and street furniture.	Location: Site to be developed includes vacant land bounded by the Forthriver Industrial Park in the east Springfield Road to the South and Paisley Park & West Circular Road & Crescent to the West. Area also includes links through the Forthriver Industrial Park to Woodvale Avenue land at Springfield Dam (Springfield Road) Paisley Park (West Circular Road) and the Junction of West circular Road & Ballygomartin Road.
Referral Route: Application for Major development. Belfast City Council as applicant.	
Recommendation: Approval subject to Conditions	
Applicant Name and Address: Belfast City Council Property and Projects Department 9 Adelaide Street Belfast BT2 8DJ	Agent Name and Address: McAdam Design 1c Montgomery House Castlereagh Business Park 478 Castlereagh Road Belfast BT5 6BQ
ADDENDUM REPORT This application was previously considered by the Planning Committee at its meeting on 27th June 2022. The Committee resolved to approve the application and granted delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions. No decision notice has been issued and, following advice from Legal Services, the application is being returned to the Committee to allow the objectors a further opportunity to address the Committee before a decision is taken. This is due to issues in relation to speaking rights. In accordance with the Council's standard operating practice, those who wish to address the Committee must provide their consent to being recorded before they will be provided with the appropriate link. The objector's solicitor consented and was provided with the appropriate link. Additional speakers requested to speak shortly before the meeting started, but they had not provided their consent to be recorded. Once the objectors provided consent, the link was immediately issued so that they could join the meeting. Whilst the objectors were able to present to Committee with their solicitor it is clear that there was some confusion. Therefore, in order to avoid any suggestion of procedural unfairness, it was considered appropriate to allow a further opportunity to the objectors to address the Committee before the decision is taken. The objectors also expressed concern that the Late items report was not published and made available to them. For the purposes of completeness, a copy of the relevant extract is appended to this report. A copy of the reports to the June Committee meetings are also appended to this report. The recommendation remains that planning permission should be granted for the reasons set out in the reports to the 14th and 27th June 2022 Committees. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.	

Planning Committee: Monday 27 June 2022

Late Items

Agenda Item	Application	Issues Raised	Action
3a	LA/2020/1959/F Section 2, Forth Meadow Community Greenway, Springfield Road and West Circular Road	A letter dated 21 June 2022 has been circulated by <i>Take Back the City</i> to Members of the Planning Committee. It includes the following: • cover letter • open letter to councillors • solicitor's speaking statement prepared for 14 June Committee meeting on behalf of objectors • copy of quashing order • letter from Take Back the City/Town and Country Planning Association to stakeholders • letter from Invest NI • hyperlink to a Sustrans website page on the Forth Meadow Community Greenway • press cuttings The cover letter, open letter to councillors and speaking statement to the 14 June Committee are summarised as follows.	Committee to note the correspondence.

Agenda Item	Application	Issues Raised	Action
		<u>Cover letter</u> - Take Back the City alleges that it has raised significant procedural and substantive concerns about the application which are repeated in the letter. They seek a response to points raised about the involvement of an individual in the consultation, planning and delivery of the Greenway and whether the Special EU Programmes Body has been advised of developments in relation to that individual. - The process for making a decision is rushed. Even with the deferral, homeless families and stakeholders will only have limited opportunity to consider all the information. The Committee should take its take before making a decision.	The substantive points raised by the objector have been addressed in the new case officer report. Additional information is provided by officers below. The issues raised about this individual are not material planning considerations. They have been forwarded to the relevant Council department to consider and respond in due course. Officers do not accept this is the case. No new evidence was submitted by the applicant following the previous Committee decision being quashed. The report before Committee is a reconsideration of information which has been available throughout the application process, in which PPR and other objectors have been an active participant. It also addresses issues which were highlighted in the judicial review in which Ms Trew provided a substantial affidavit. It is also noted that a solicitor on behalf of the objectors was instructed and prepared to address Committee on 14th June 2022. This was the same solicitor who acted in the

Agenda Item	Application	Issues Raised	Action
		• The core objectives of the PEACE IV funding is to <i>‘support actions that will develop and deepen reconciliation between divided communities; increase tolerance and respect, promote increased community cohesion and contact, enhance cross-border cooperation and address the legacy of the past.’</i> • The proposal is at risk of creating a ‘green washed’ interface ‘embedding and reinforcing sectarian division’.	judicial review. In light of the above, officers consider that sufficient time has been provided for the objectors to consider the new case officer report. This application is part of a wider project which has been assessed through a PEACE IV funding process. The overall greenway project is the delivery of 12km of greenway of which these capital works are only one element. In parallel with the capital project, a range of community activity and events programmes at key sections along the greenway are being developed to help bring communities together, on common ground, and promote use of the shared space. Par. 4.17 of the SPPS states: ‘...the planning system can assist in the removal of barriers to shared space and maximise the accessibility of all areas within our community. The “Together: Building a United Community” strategy includes the goal that all interface barriers will be removed by 2023. To achieve this target, planning initiatives concerning peace-lines and contested spaces should be considered as part of a more comprehensive regeneration of wider neighbourhood environments. Given the sensitivities and concerns of affected communities, early

Agenda Item	Application	Issues Raised	Action
		• The proposal would re-zone a large portion of the site as a greenway when the previous DFI Minister said only 'a few metres wide' path is required. The proposal would create a no-zone for housing. • The proposal is premature to the Local Development Plan process.	consultation is crucial to ensuring that all residents can become engaged in the process. LDPs should take account of any 'good relations' policies of the council, where relevant.' As is set out the main committee report, the applicant states that part of the aim of the project is to enable safe, easy and accessible 're-connections' between historically segregated neighbourhoods. The proposal is considered consistent with the aims of this policy. The grant of this proposal would not prevent an application for housing on the Mackies site coming forward. Any such application would be assessed in accordance with the local development plan, relevant planning policy and all other material considerations. Par. 5.73 of the SPPS states: 'Where a new LDP is under preparation or review it may be justifiable, in some circumstances, to refuse planning permission on the grounds of prematurity. This may be appropriate in respect of development proposals which are

Agenda Item	Application	Issues Raised	Action
			individually so substantial, or whose cumulative effect would be so significant, that to grant planning permission would prejudice the outcome of the plan process by predetermining decisions about the scale, location or phasing of new development which ought to be taken in the LDP context. A proposal for development that has an impact on only a small area would rarely come into this category, but refusal might be justifiable where a proposal would have a significant impact on an important settlement, or a substantial area, with an identifiable character. Where there is a phasing policy in the LDP, it may be necessary to refuse planning permission on grounds of prematurity if the policy is to have effect.' The Council's Plans and Policy team advises that: <i>'Prematurity is not considered to be justified in relation to this proposal because there is sufficient land within the plan area to deal with the city's employment requirements over the lifetime of the plan. The Plan Strategy has largely focussed on policy and not individual designations / zonings which will be considered at the next stage – the Local Policies Plan (LPP). In any case the development proposal does not go to the heart of the plan and is neither individually nor cumulatively so significant, that to grant planning permission would be</i>

Agenda Item	Application	Issues Raised	Action
		• The greenway is not ancillary to the employment zoning • Cites housing need statistics in the area and that the proposal would stymie the Council's own affordable housing targets. • What consideration has the Council given to the many families in need, duty to tackle inequality,	<i>to predetermine a decision which ought to be properly to be taken in the LDP context.'</i> Officers advise that there is not an issue of prematurity or prejudice to the development plan process for these reasons. The proposal is considered acceptable on its own merits for the reasons set out in the committee report. As set out in the committee report, officers are not advising that the proposal would be ancillary to the employment zoning or that it complies with Policy IND6 of the BUAP. The Council's Local Development Plan team were consulted as part of the application process and raised no objection on the basis that this proposal would stymie the housing growth aspirations of the draft Plan Strategy. The Department for Infrastructure has issued a Direction to the Council following publication of the PAC report on the Independent Examination of the Draft Plan Strategy. The Council's overall approach to housing delivery and affordable housing provision was found to be sound. The application site is zoned for employment and would not prejudice this strategy. These are important issues which the Council has carefully considered and are

Agenda Item	Application	Issues Raised	Action
		shortfall in the affordable housing target and Minister's commitment to deliver 100,000 homes? • Take Back the City has significant questions in the light of the arrest of an individual allegedly associated with some of the groups which were consulted as part of the planning application process and therefore allegedly is referenced to the planning application and PEACE IV funding which enables is. • According to the Pre-application Community Consultation Report, the Planning Service sought out additional consultation with the organisation. • The individual also allegedly has an association with an organisation part funded to deliver programmes relating to the greenway. • Allegations that the individual is involved in activities which directly contradict the purpose of PEACE IV funding. • Requests information from the council in relation to these issues and PEACE IV funding. • Take Back the City wishes to see an alternative solution which would support a greenway and homes at the Mackies site. It has launched an international design competition to deliver sustainable homes and greenway, funding and more on the Mackies site. The competition closes on 30 September 2022. There would be a 3 year consultation process.	reflected in its draft Plan Strategy. However, the role of the Committee is to assess the merits of the planning application before it. This is not an application for housing. The objector has failed to identify how these questions are relevant to the determination of the planning application before Committee. The matter for consideration by Committee is the suitability of the application site for the proposed land use. The purpose of consultation in the planning process is to ensure that those affected by the application have an opportunity to express their views on the application. A number of community groups and individuals were consulted as part of the pre-application community consultation process and the Planning Service is satisfied that the applicant complied with its legal obligations in relation to consultation. The Committee must consider the application before it. Any subsequent application which seeks to deliver the alternatives envisaged by the objector will of course be carefully considered having regard to relevant planning policy and all other material considerations.

Agenda Item	Application	Issues Raised	Action
		• This design process should be incorporated into the decision making process. • Councillors are invited to attend an event on 10 August 2022. • Other possible options open to the Council are: - only zoning the minimum required land for the greenway, leaving space for social housing development. - reconsidering previous versions of the greenway through Woodvale Park <u>Open letter to councillors</u> • The Committee's previous decision was quashed following a legal challenge from one of the families in the city in housing need • Questions the legitimacy of the proposal as a PEACE IV funded scheme and that it would sterilise the land for potential housing • The Mackies site has significant potential for surrounding communities. Ministerial commitment to deliver 100,000 homes over 15 years • The land is currently zoned and protected for employment land under Policy PED7 of PPS 4. Any decision regarding use of the zoning for non-employment uses should be taken through the LDP process and the proposal is premature	The Committee has previously been provided with legal advice that it would be inappropriate to attend events to discuss these proposals to avoid allegations of conflict of interest or bias. This advice was provided in open session which this application was previously considered by Committee and a similar offer was made by PPR. The previous decision was quashed by consent as officers had misinterpreted a policy relating to employment use. The objector argued that officers had failed to give sufficient weight to policy presumptions which seek to protect the employment zoning. It was not quashed on any grounds relating to housing need. These issues are dealt with in the case officer report and this report.

Agenda Item	Application	Issues Raised	Action
		• Refers to the Planning Appeals Commission's report which finds that there is a shortfall of nearly 4,500 houses compared to growth target of 31,660 houses. 23,550 affordable homes are required and largely not provided for within the overall growth figure of 31,660 dwellings. Mackies has 25 acres to address this housing shortfall. • Refers to the Take Back the City's design competition for the lands as an alternative. • The proposal should be rejected. <u>Speaking notes to 14 June Committee</u> • There is a more efficient way to deliver the greenway and either employment or housing. • The Forth River valley would become a non-man's land and source of anti-social behaviour if the proposal goes ahead • The proposal ignores the valley and has no physical connection with the rest of the Mackies site. It's neither ancillary nor complementary to anything that happens there. • The greenway should be a centrepiece of a mixed use development that overlooks it and protects it from antisocial behaviour. • The land is zoned for employment use and protected by the SPPS, Policy PED7 of PPS 4 and Policy EC4 of the Draft Plan Strategy. Decisions on the status of the land can only be taken through the LDP process.	

Agenda Item	Application	Issues Raised	Action
		• The Planning Appeals Commission report repeats the policy. The proposal prejudices decisions on the status of the land. • The PAC report states that there is over provision of employment land and under provision of housing land including huge shortfall in social housing. • The application should be refused for two clear reasons: loss of employment land and prematurity as the proposal prejudices decisions that should be taken through the development plan process. • The proposal is not ancillary to the employment zoning. It fails to comply with Policy IND6 of the BUAP. An international design competition has been launched to bring forward alternative proposals for the lands which would be of greater benefit to the city.	
3a	LA/2020/1959/F Section 2, Forth Meadow Community Greenway, Springfield Road and West Circular Road	Participation and the Practice of Rights (PPR) has provided the following information to Democratic Services. • A link to the most up to date statistics on homelessness in the city. https://www.nlb.ie/investigations/FOI/2022-06-a-grim-milestone-in-disturbing-increases-on-previous-years-over-4-400-belfast-children-now-recognised-as-homeless • There are now 7,545 homeless households in the city with at least 4,400 children officially homeless.	Committee to note the information.

ADDENDUM REPORT 1

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

Planning Committee Development Management Officer Report

Committee Meeting Date:	14 th June 2022
Application ID:	LA04/2020/1959/F
Proposal: Proposed new parkland (Section 2 Forthmeadow Community Greenway) – foot and cycle pathways, lighting columns, new entrances and street furniture.	Location: Site to be developed includes vacant land bounded by the Forthriver Industrial Park in the east Springfield Road to the South and Paisley Park & West Circular Road & Crescent to the West. Area also includes links through the Forthriver Industrial Park to Woodvale Avenue land at Springfield Dam (Springfield Road) Paisley Park (West Circular Road) and the Junction of West circular Road & Ballygomartin Road.
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Applicant Name and Address: Belfast City Council Property and Projects Department 9 Adelaide Street Belfast BT2 8DJ	Agent Name and Address: McAdam Design 1c Montgomery House Castlereagh Business Park 478 Castlereagh Road Belfast BT5 6BQ
Background 1. This planning application was first considered by the Planning Committee at its meeting on 14th September 2021 following a Committee site visit on 9th September 2021. The Committee resolved to grant conditional planning permission with the final wording of conditions delegated to the Director of Planning and Building Control. 2. The Council issued the decision notice on 25th January 2022. The decision was subsequently subject to Judicial Review which the Council conceded. 3. The Judicial Review was conceded on one ground of illegality, which specifically related to the misinterpretation of Belfast Urban Area Plan 2001 (BUAP) and the erroneous introduction of “complementary” as a relevant planning test, where the BUAP uses only the term “ancillary.” 4. The Council’s decision to grant planning permission was quashed and the status of the application has reverted to “undetermined”. The application is reported back to the Committee so that it can make a new decision. 5. This report has considered the wider grounds of challenge contained in the judicial review. The judicial review raised a number of planning policy issues and, although the challenge was conceded on the narrow ground noted above, there were other grounds raised. In particular a detailed report was submitted by the challenger’s planning consultants that raised a number of policy issues. That report is attached to this report at Appendix 4 for ease of reference. Briefly the grounds of challenge were:	

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

Description of the Site

8. The site location plan is reproduced below.

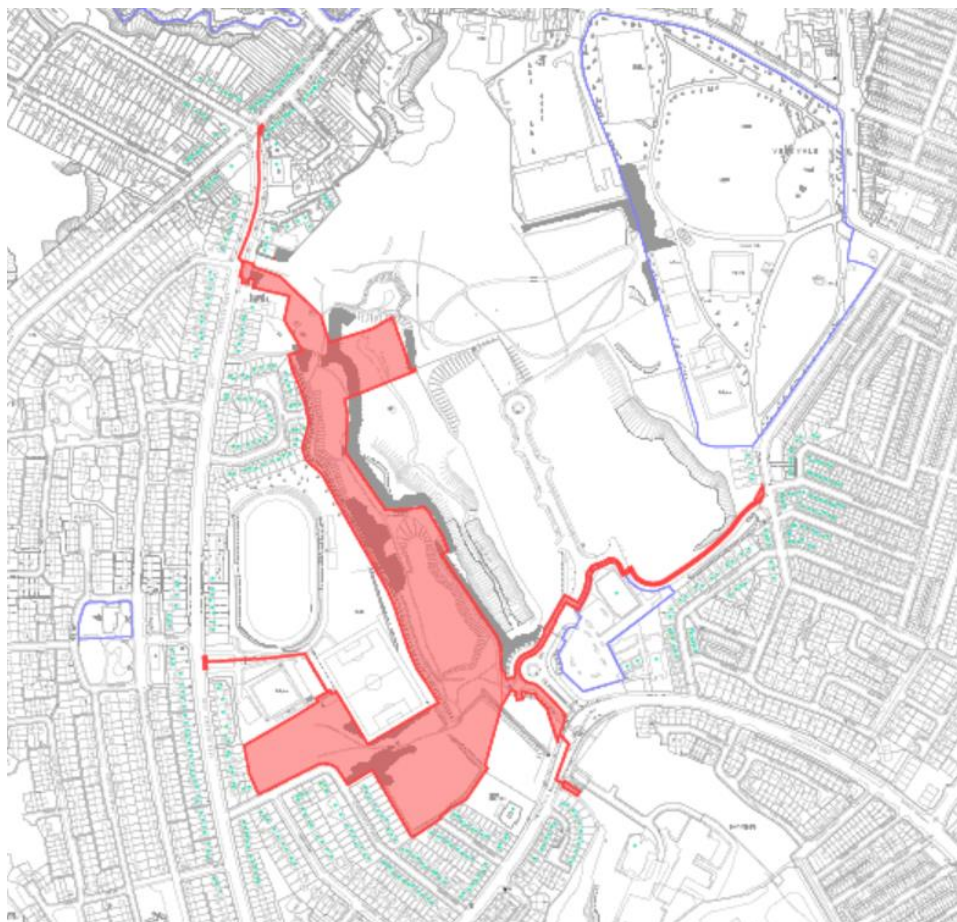


Figure 1: Site Location Plan

Relevant Planning History

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

Planning Policy Framework

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

Development Plan

Belfast Urban Area Plan 2001

Draft Development Plan

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

Belfast Local Development Plan 2035 Draft Plan Strategy

Regional Planning Policy

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

Local Planning Policy

Belfast City Council Developer Contributions Framework 2020

Consultation Responses

23. Consultation responses and representations are summarised below.

Statutory consultees

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

Non-statutory consultees

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

Representations

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

Participation and the Practice of Rights (PPR)

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

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

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

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

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

Town and Country Planning Association

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

ASSESSMENT

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

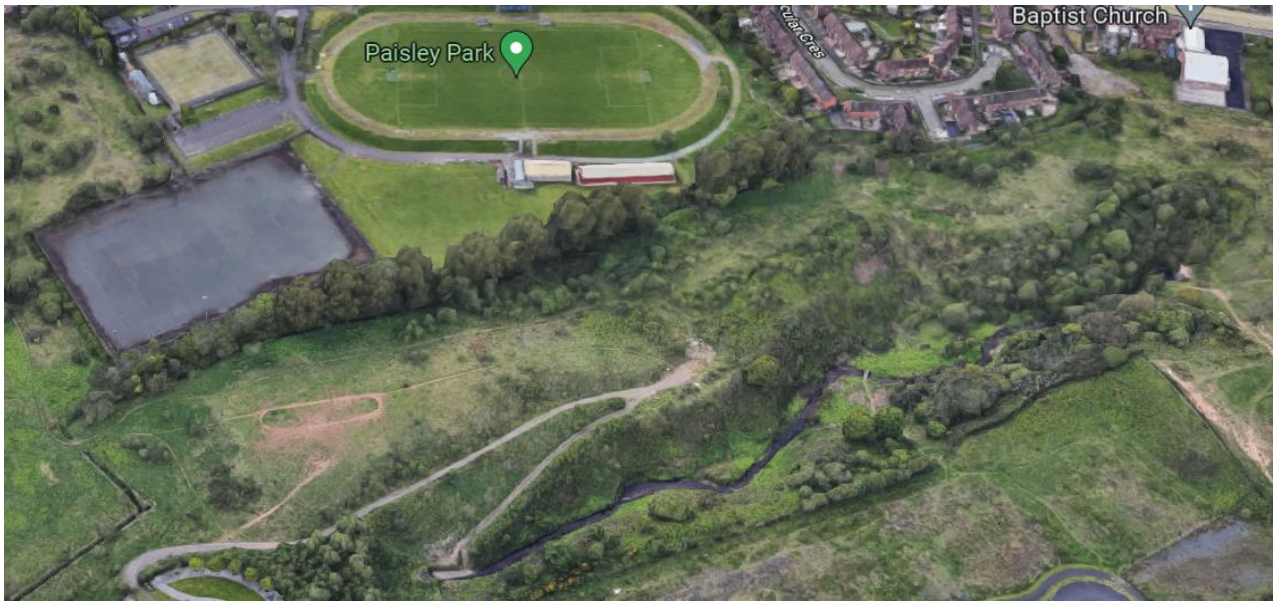


Figure 2a: Aerial Google image looking north west



Figure 2b: Aerial photograph looking north



Figure 2c: Aerial photograph looking south



Figure 3: Topographical survey of site

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

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



Figure 4.1: River and Coasal Flood Maps

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



Figure 4.2: Surface Water Flood Map

Planning Policy Context

37. Section 6(4) of the Planning Act (Northern Ireland) 2011 (“the Act”) states that: *‘Where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.’*
38. Section 45(1) of the Act states that the council must *‘...have regard to the local development plan, so far as material to the application, and to any other material considerations...’*.
39. In considering the elements of applicable policy, Officers have been mindful of the local and regional policy presumptions against the loss of industrial, commercial or employment lands.
40. The adopted local development plan for the area is the Belfast Urban Area Plan 2001 (BUAP).
41. It was originally intended that the Belfast Metropolitan Area Plan 2015 (BMAP) would replace the BUAP. Draft BMAP (version 2004) was first published in 2004 and subsequently subject to an Independent Examination presided over by the Planning Appeals Commission (“the PAC”). The PAC published its report in 2011 following the Independent Examination. Draft BMAP (version 2014) was subsequently amended and the (then) Minister for the Department for the Environment purported to adopt it. However, following a legal challenge, the purported adoption was held to be unlawful by the courts. Draft BMAP remains a draft plan and has retained this draft status ever since.
42. Following the reform of local government in April 2015 and most planning powers being devolved to councils, the Council began working on a new local development plan to replace the BUAP. The draft Plan Strategy has been subject to Independent Examination by the PAC and the Council has been provided with a copy of its Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as the Council’s draft Plan Strategy has been adopted. Accordingly, whilst the draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied, including the SPPS and relevant Planning Policy Statements.
43. The RDS, SPPS and PPSs are regional planning policies issued by central government and important material considerations.

Protection of Employment Land

Belfast Urban Area Plan 2001

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

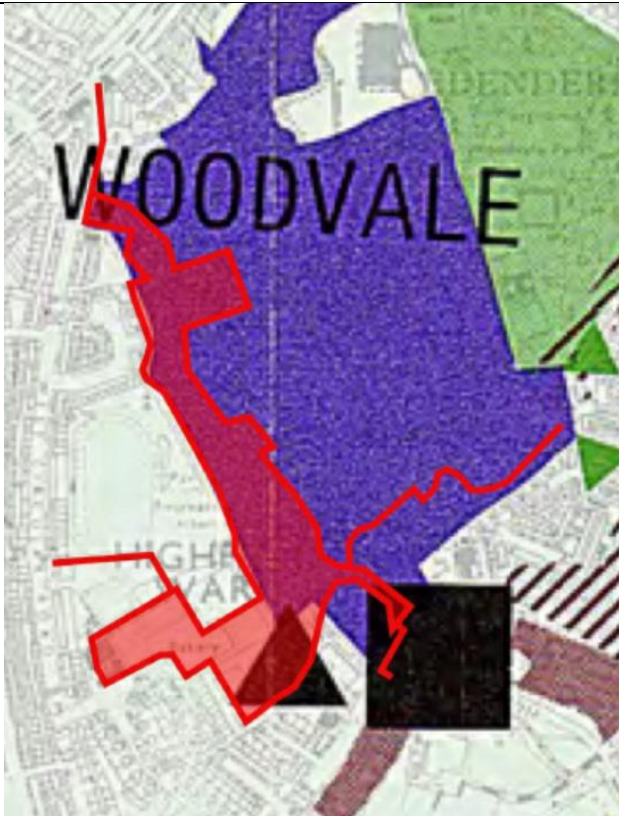


Figure 5: BUAP zoning of Industry and Commerce land (purple)

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

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

Proposed Industrial Developments

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

Existing Industrial Estates and Developments

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

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

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

55. The KSR under this draft policy also includes:

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

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

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

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

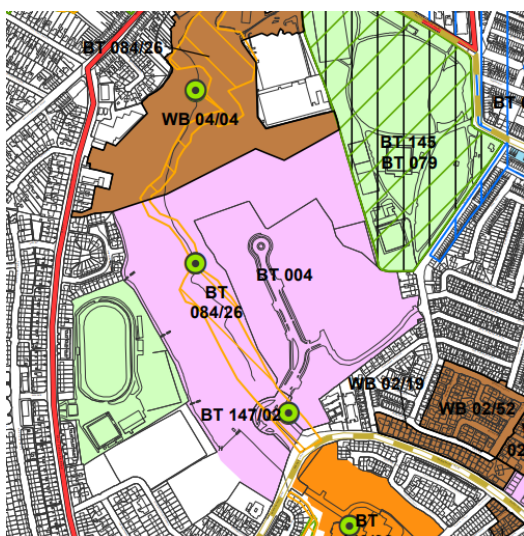


Figure 6a: Draft BMAP (version 2004) zonings



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

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

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

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

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

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

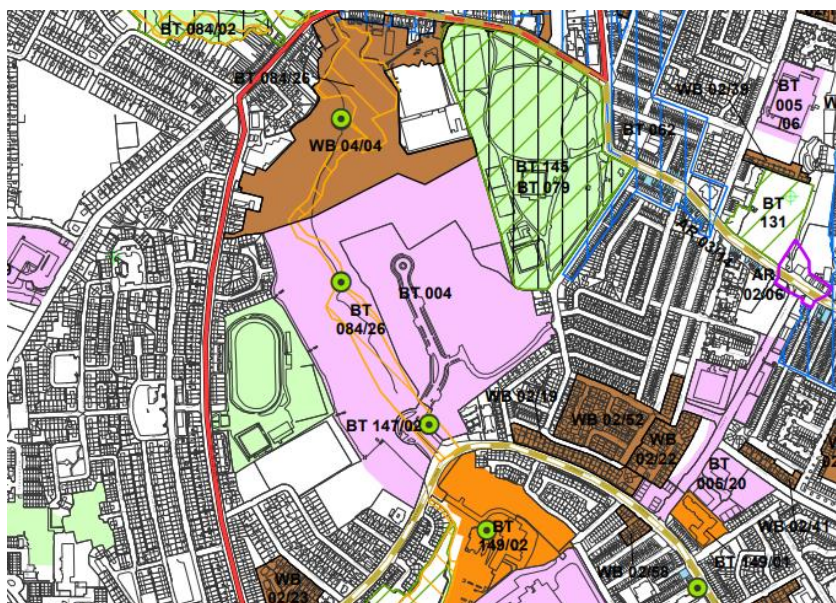


Figure 7: Draft BMAP (version 2014) zonings

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

Belfast Local Development Plan 2035 Draft Plan Strategy

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

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

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

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

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

65. Regarding criterion b)

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

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

Regional planning policy

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

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

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

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

Zoned Land in all Locations

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

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

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

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

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

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

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

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

74. Paragraph 6.89 states:

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

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

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

Environmental Constraints under the draft BMAP

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

Draft LLPAs and SLNCIs

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

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

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

Hydrological links

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

Bats

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

Community Greenway

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

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

Absence of an adopted Master Plan

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

Planning Balance

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

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

Protection of housing land

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

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

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

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

Un-zoned land

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

Impact on the character and appearance of the area

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

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

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

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

Built Heritage

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

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

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

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

Natural Heritage

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

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

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

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

Compatibility with adjacent uses and neighbour amenity

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

Transport

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

Contaminated Land

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

Flood Risk

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

Conclusion

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

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

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

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

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

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

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

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

Recommendation

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

Draft Conditions

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

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

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

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

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

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

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

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

Reason: Protection of human health.

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

Reason: Protection of human health.

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

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

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

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

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

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

Reason: To protect designated sites and site selection features.

8. No vegetation clearance/removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active birds nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Council within 6 weeks of works commencing.

Reason: To protect breeding birds.

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

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

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

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

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

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

Reason: In the interests of visual amenity.

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

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

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

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

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

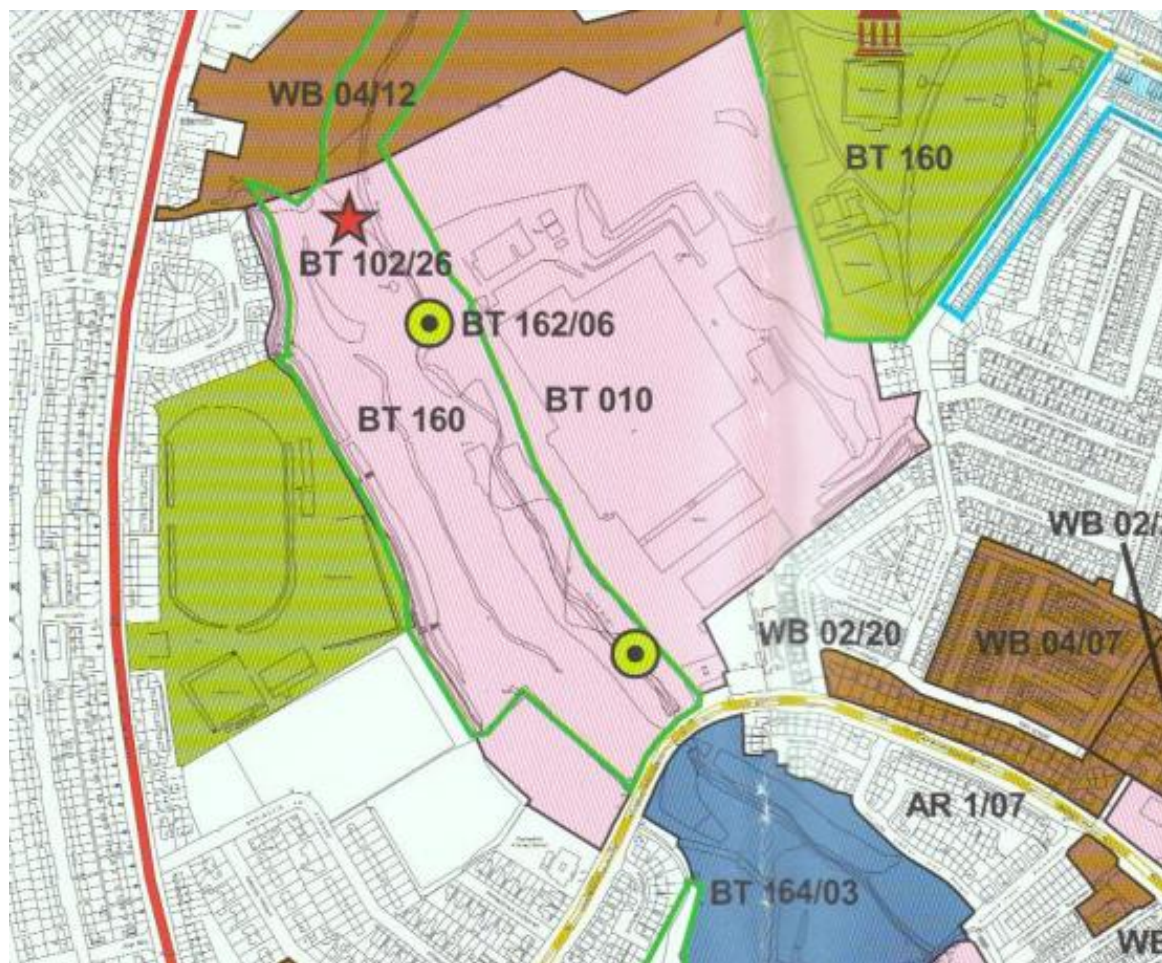
Reason: To avoid compaction within the Root Protection Area of existing trees to be retained.

Late Items

Planning Committee: Tuesday 14 June 2022

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

Corrected Figure 6a Extract from dBMAP (version 2004)



Agenda Item	Application	Issues Raised	Action
6a	LA/2020/1959/F Section 2, Forth Meadow Community Greenway,	Participation and the Practice of Rights (PPR) has referred to the arrest of a person allegedly associated with some of the groups which were consulted as part	Committee to note.

Agenda Item	Application	Issues Raised	Action
	Springfield Road and West Circular Road	of the planning application process. Officers do not consider this to be material to the consideration of the merits of the planning application and the applicant and council have followed their legal obligations in relation to public consultation on the proposals.	

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Appendix 1 – Extracts from Specific Planning Policies

Belfast Urban Area Plan 2001

POLICY IND 1 – LAND FOR INDUSTRY AND COMMERCE

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

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

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

POLICY IND 5 – ENVIRONMENTAL TREATMENT

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

Proposed Industrial Developments

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

Existing Industrial Estates and Developments

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

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

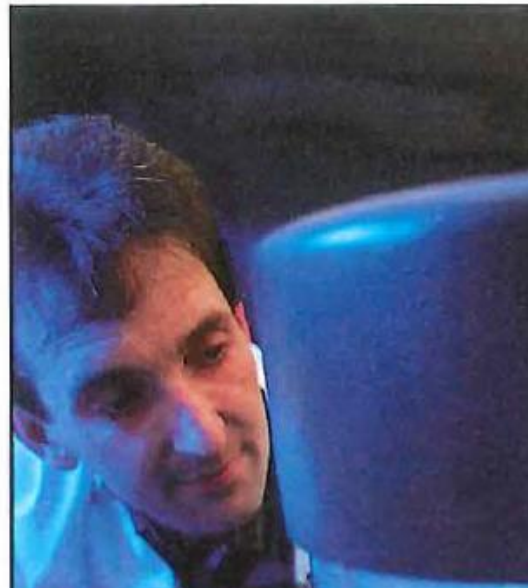
To ensure that lands zoned for Industrial and Commercial use are reserved for appropriate types of development.

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

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

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

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



POLICY R3 – LINEAR PARKS

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

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

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

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

Draft Belfast Metropolitan Area Plan 2015 (v2004)

Existing Employment/Industry

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

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

Zoning BT 010	Employment/Industry Land at Springfield Road (Former Mackies Site)
19 hectares of land are zoned as Existing Employment/Industry as identified on Map No. 4/003 - Belfast City.	
Key Site Requirements: -	
• Development shall only include the following uses: -	

- Light Industrial Use as currently specified in Class 4 of the Planning (Use Classes) Order (Northern Ireland) 1989 as amended; - General Industrial Use as currently specified in Class 5 of the Planning (Use Classes) Order (Northern Ireland) 1989 as amended; - Storage or Distribution Use as currently specified in Class 11 of the Planning (Use Classes) Order (Northern Ireland) 1989 as amended; • Consideration shall be given to the exact type of industrial/employment use at this location with a view to protecting the amenity of the residential premises in close proximity; • Development of the site shall only be permitted in accordance with an overall comprehensive masterplan for the site to be agreed with the Department. This shall outline the design concept, objectives and priorities for the site • Access shall be from the Springfield Road in accordance with Roads Service, DRD requirements; • A Transport Assessment (TA), agreed with Roads Service, DRD, shall be required to identify any necessary improvements to the road network / public transport / transportation facilities in the area; • The existing access onto Woodvale Avenue shall be restricted to pedestrian, cycle and public transport usage only; • Buildings shall exhibit variety in their elevational treatment and heights, and particular consideration shall be given to views into the site; • A comprehensive landscaping scheme for the proposed development shall require to be submitted with any planning application for development and agreed with the Department. This shall include all of the following: - - The existing vegetation on the northern, eastern and western boundaries of the site shall be retained (unless otherwise determined by the Department) and supplemented with trees and planting of appropriate native species to provide screening for the development and facilitate its integration into the landscape; - A detailed planting plan and programme of works shall be provided for all new planting in relation to boundary definition

Draft Belfast Metropolitan Area Plan 2015 (v2014)

Existing Employment

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

Zoning BT 004

Existing Employment

Land at Springfield Road (Former Mackie's Site)

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

Key Site Requirements: -

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

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

Policy EC4 – Loss of zoned employment land

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

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

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

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

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

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

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

Policy PED 7

Retention of Zoned Land and Economic Development Uses

Zoned Land in all Locations

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

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

Unzoned Land in Settlements

On unzoned land a development proposal that would result in the loss of an existing Class B2, B3 or B4 use, or land last used for these purposes, will only be permitted where it is demonstrated that:

- (a) redevelopment for a Class B1 business use or other suitable employment use would make a significant contribution to the local economy; or
- (b) the proposal is a specific mixed-use regeneration initiative which contains a significant element of economic development use and may also include residential or community use, and which will bring substantial community benefits that outweigh the loss of land for economic development use; or
- (c) the proposal is for the development of a compatible *sui generis* employment use of a scale, nature and form appropriate to the location; or
- (d) the present use has a significant adverse impact on the character or amenities of the surrounding area; or
- (e) the site is unsuitable for modern industrial, storage or distribution purposes; or
- (f) an alternative use would secure the long-term future of a building or buildings of architectural or historical interest or importance, whether statutorily listed or not; or
- (g) there is a firm proposal to replicate existing economic benefits on an alternative site in the vicinity.

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

Unzoned Land in the Countryside

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

Strategic Planning Policy Statement

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

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Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 14/09/21	
Application ID: LA04/2020/1959/F	
Proposal: Proposed new parkland (Section 2 Forthmeadow Community Greenway) - foot and cycle pathways, lighting columns, new entrances and street furniture.	Location: Site to be developed includes vacant land bounded by the Forthriver Industrial Park in the east Springfield Road to the South and Paisley Park & West Circular Road & Crescent to the West. Area also includes links through the Forthriver Industrial Park to Woodvale Avenue land at Springfield Dam (Springfield Road) Paisley Park (West Circular Road) and the Junction of West circular Road & Ballygomartin Road.
Referral Route: Major application. Belfast City Council as applicant	
Recommendation: Approval subject to Conditions	
Applicant Name and Address: Belfast City Council Property and Projects Department 9 Adelaide Street Belfast BT2 8DJ	Agent Name and Address: McAdam Design 1c Montgomery House Castlereagh Business Park 478 Castlereagh Road Belfast BT5 6BQ
Executive Summary: This application seeks full permission for proposed new parkland for Section 2 of the proposed Forthmeadow Community Greenway. It includes foot and cycle pathways, landscaping, lighting columns, new entrances and street furniture. The key issues in the assessment of the planning application are: • principle of development • impact on the character and appearance of the area • impact on natural heritage • access, movement and parking, including road safety • impact on built heritage • flood risk • other environmental matters The site is located in west Belfast, north of the Springfield Road and east of the West Circular Road. The site is a large area of open space, characterised by planting and a variety of trees and includes the Forth River Ravine to the east of the site. Paisley Park track and infield pitch and Albert Foundry Bowling Club are immediately adjacent to the site curtilage to the west. There is a large area of open space to the east of the site. The Innovation Factory which provides workspace and support to entrepreneurs, is situated immediately adjacent to the site, to the south. Further to the north, west and south of the site the area is mostly residential with a large Tesco Superstore to the north east. Therefore, the area comprises a mix of uses.	

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

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

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

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

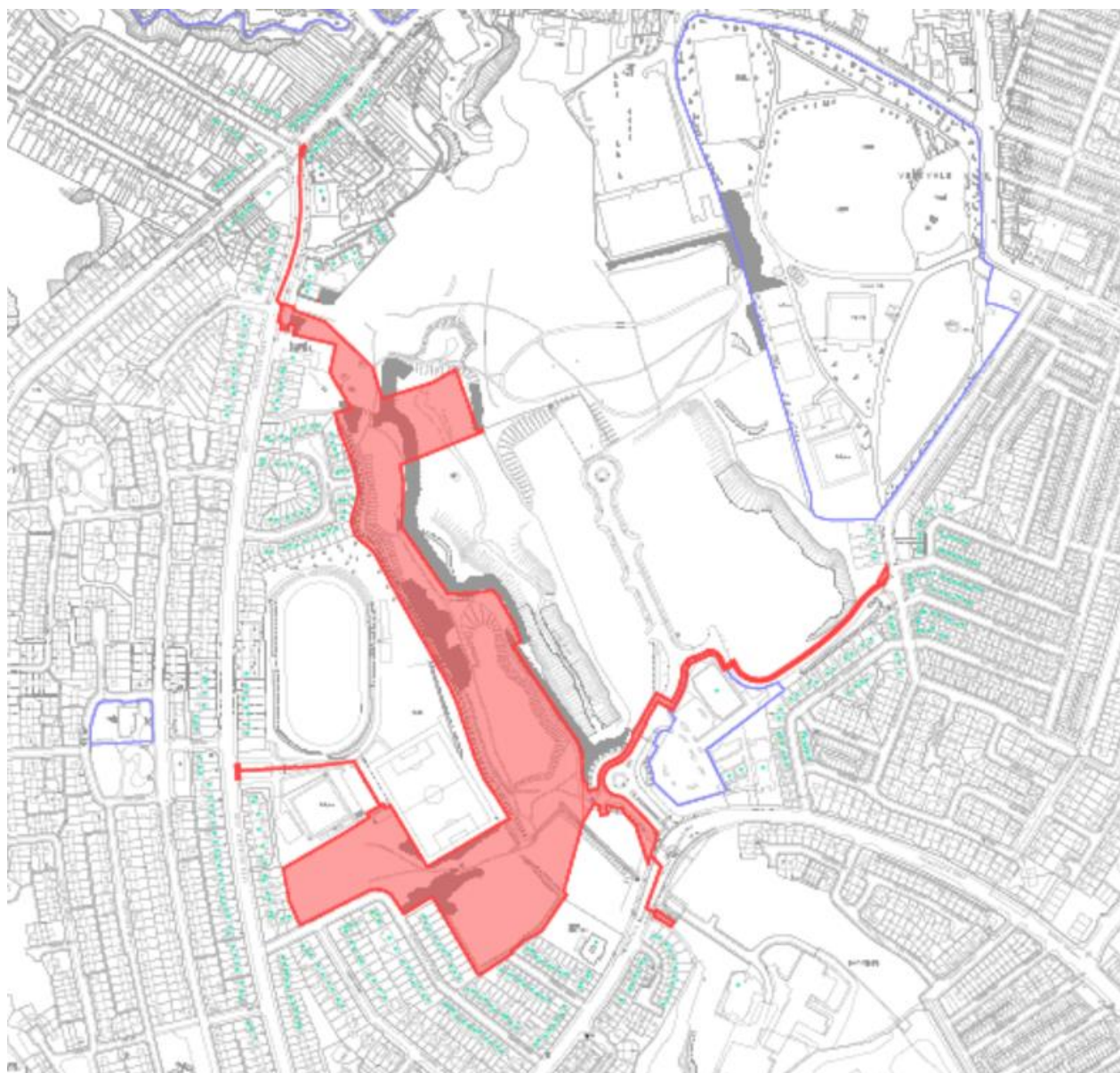
Two letters of support and three objections have been received. The issues they raise are set out in more detail in the main report.

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

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

Case Officer Report

Site Location Plan



Representations:

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

Characteristics of the Site and Area

1.0 Description of Proposed Development

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

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

2.0 Description of Site

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

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

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

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

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

Planning Assessment of Policy and Other Material Considerations

3.0 Site History

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

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

4.0 Policy Framework

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

5.0 Statutory Consultees

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

6.0 Non Statutory Consultees

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

7.0 Representations

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

Participation and the Practice of Rights (PPR):

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

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

Town and Country Planning Association:

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

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

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

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

8.0 Other Material Considerations

8.1 Parking Standards (DOE, Feb 2005)

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

9.0 Assessment

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

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

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

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

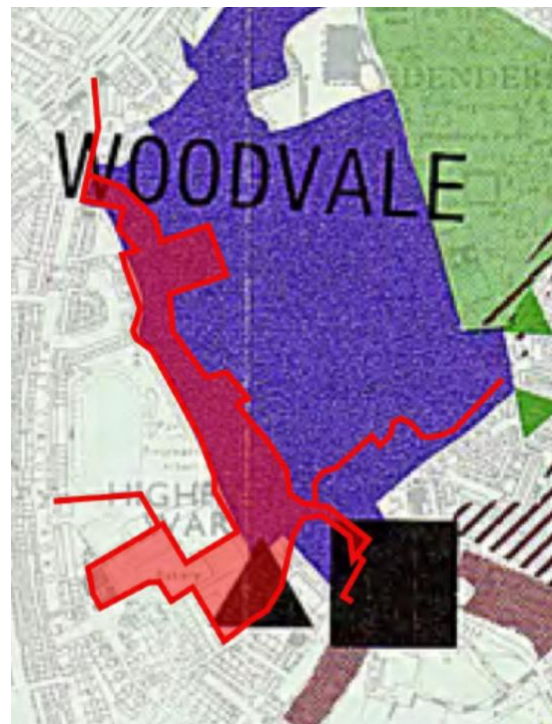
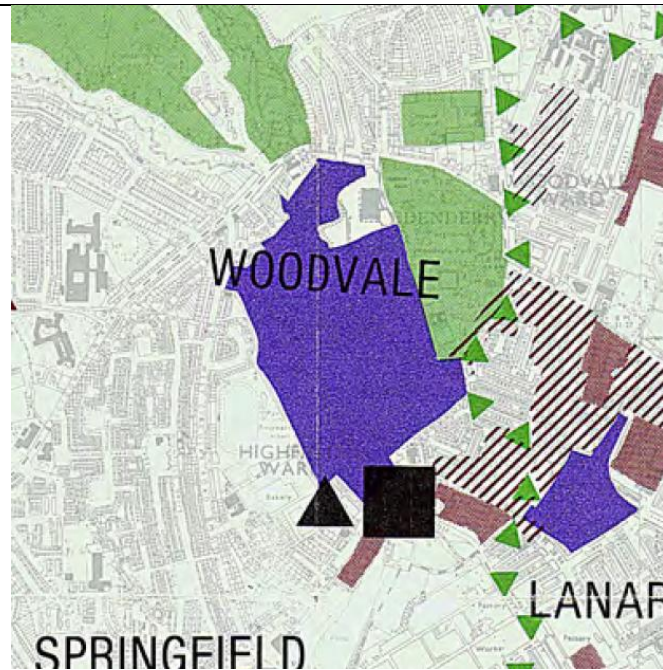
9.4 The key issues are:

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

Principle of development

Belfast Urban Area Plan 2001

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



Draft Belfast Metropolitan Area Plan 2015 (v2004)

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

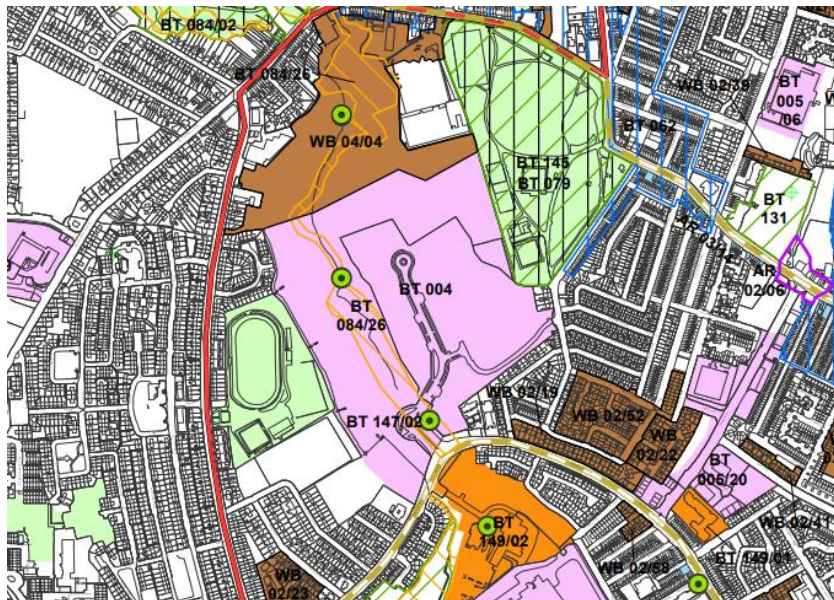


9.8 The report by the Planning Appeals Commission (PAC), following the Public Local Enquiry into objections to dBMAP v2004 records two objections, one in respect of the LLPA designation and the other in relation to the community greenway. The PAC recommended that designation BT 160 – LLPA designation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

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

Draft Belfast Metropolitan Area Plan 2015 (v2014)

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



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

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

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

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

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

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

Impact on the character and appearance of the area

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

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

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

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

Impact on natural heritage

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

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

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

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

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

Access, Movement, Parking and Transportation

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

Impact on Built Heritage

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

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

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

Flood Risk

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

Other Environmental Matters

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

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

10.0 Conclusion and Recommendation

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

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

11.0 Draft Conditions

Conditions

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

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

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

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

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

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

Reason: Protection of human health.

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

Reason: Protection of human health

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

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

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

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

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

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

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

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

Reason: To protect designated sites and site selection features.

8. No vegetation clearance/removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Council within 6 weeks of works commencing.

Reason: To protect breeding birds.

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

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

10. A full Construction Environmental Management Plan (CEMP) shall be submitted to the Council and agreed in writing following consultation with NIEA Water Management Unit, at least 8 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.

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

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

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

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

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

Reason: In the interests of visual amenity

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

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

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

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

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

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

12.0	Referral to DFI Planning N/A

Appendix 3 – Late Items report to Planning Committee on 14 September 2021

Late Items

Agenda Item	Application	Issues Raised	Action
6c	LA04/2019/0775/F – Hampton Park	NIEA consultation response received on Tuesday 14th September 2021. <u>WATER MANAGEMENT UNIT</u> In our previous response WMU/PC/ 30576-1 uploaded to the NI Planning Portal on 17th May 2019 Water Management Unit stated that it was content with the sewage loading from the proposed development being transferred to Newtownbreda Waste Water Treatment Works (WWTW) Water Management Unit constantly reviews the potential impact to the surface water environment of proposed developments connecting to the various WWTW's including loadings and treatment regimes at those treatment works as well as considering whether or not the works have been upgraded. Having reviewed the situation at Newtownbreda WWTW, Water Management Unit are now concerned that the sewage loading associated with the above proposal has the potential to cause an environmental impact if transferred to this WWTW. If NIW advise the NI Planning Case Officer that they are content that both the receiving Waste Water Treatment Works (WWTW) and the associated sewer network for this development can take the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then Water Management Unit	Members to note. NI Water have previously advised of no issues (relates to Water Management Unit comments).

Agenda Item	Application	Issues Raised	Action
		has no objection to this aspect of the proposal. Should this application be approved Water Management Unit recommend the following condition is inserted in any decision notice. The first suggested condition in DAERA Standing Advice Multiple Dwellings is: Condition: No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999. Reason: This condition is both to ensure protection to the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available. The applicant should note this also includes the purchase of any waste water treatment system. Condition: Once a contractor has been appointed, a Construction Method Statement (CMS) should be submitted to the Planning Authority for their written agreement prior to works commencing on site. Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment prior to works beginning on site. <u>INLAND FISHERIES</u>	

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

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

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

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

Agenda Item	Application	Issues Raised	Action
		4) The development hereby permitted shall operate in accordance with the Service Management Plan uploaded to the Planning Portal 29th August 2019. REASON: In the interests of road safety and the convenience of road users.	
6g	LA04/2021/0173/F Alterations and extension to create new consulting and therapy rooms with plant relocated to roof at 193 Belmont Road.	Emails from Keith McClure (Agent): The existing on site parking provision falls short of what is required in the Parking Standards. The site can facilitate 14 parking spaces. However, the parking standards as set out , • 1 space per vet • 1 space per 2 other staff and • 4 spaces per consulting room would mean a requirement of 34 spaces for the building as it exists. There is no increase planned in either staff or patient numbers but rather the proposal is required for facility improvement rather than service expansion. Currently, the practice is using some rooms for multiple purposes which is not ideal nor efficient, providing below standard services with regard to adequate room for treatments. Confirmation that consultations are via appointment only with the exception of emergencies.	Officers respond to the points raised as follows: The veterinary hospital is a long-established use which benefits from the existing on-site and off-site parking facilities. Therefore, the Council can only assess the potential increase in parking as result of the current proposal. The Council acknowledges that the parking standards would require 8 additional parking spaces based on the 2 consulting rooms created. However, with no planned increase in staff or patients, the minor nature of the extension, and that DFI Roads have no objection, the Council considers the proposal to be acceptable and will not exacerbate the impact on parking or road safety beyond what currently exists. The proposal is considered to comply with PPS3 and the SPPS in this regard.
6h	LA04/2020/1959/F proposed parkland on land to the north of Springfield Road and west of West Circular Road (Section	Letter from solicitors acting on behalf of PPR who have objected to the application. The points raised in the letter are summarised below.	Officers respond to the points raised as follows.

Agenda Item	Application	Issues Raised	Action
	2 of Forthmeadow Community Greenway)	- Refers to Policies IND4 and IND6 of the BUAP 2001. In relation to Policy IND4, the site is not a Simplified Planning Zone (SPZ). Policy SPZ states that the establishment of SPZs will be considered. The Planning Act 2011 permits the Council to make SPZs. No SPZ has ever been made for this site and it's unclear why it is being referenced in the Committee report - Policy IND6 seeks to reserve industrial and commercial and for appropriate types of development and protects such land from non-employment uses. Policy IN6 does state that it is necessary to be flexible but this is limited to industry and employment and does not support replacement with a park. Additional uses that would be acceptable include: - Light and general manufacturing - Warehousing and stockholding - Car and commercial vehicles sales - Repair businesses - Building suppliers and associated storage - Training centres, vehicle inspection and driving test centres - Ancillary local needs e.g. banks, cafes - Refers to the zonings in dBMAP 2015 (v2004) and dBMAP 2015 (v2014). Par. 9.10 of the Committee report is misleading it states that the employment zoning is overwritten by Policy BT162 of draft BMAP 2015 (v2014), however, this policy does not exist and is only present in draft BMAP 2015 (v2004). - The greenway zoning is aligned with and located on the Forth River Valley, not on the western side of zoning BT 004 in dBMAP 2015 (v2014). There are good planning	The SPZ annotation is referenced in the Committee report at par. 9.5 for factual reasons. The proposed greenway is considered ancillary to or complementary to the employment zoning. By its very nature its use would not be incompatible with the employment zoning and it indeed would support it by providing landscape relief, breakout amenity space for employees and improved connectivity. The proposed greenway does not preclude future employment development of the land. Moreover, regard should be had to building plot ratios and that a scheme developing the wider lands for employment would likely remain viable whilst retaining the proposed community greenway. The Committee report referenced the incorrect policy designation in error. Par. 9.10 should refer to Policy BT147/02 (community greenways) rather than Policy BT162. The indicative location of the greenway (Policy BT 147/02) is along the Forth River basin. However, this does not preclude an

Agenda Item	Application	Issues Raised	Action
		reasons for this which relate to ecology and topography. The community greenways are identified on Map Nos. 4/001 to 4/004. • In any event dBMAP 2015 (v2014) cannot override regional planning policy and PPS 4 which seeks to protect employment land. Policy PED 7 of PPS 4 states: <i>'Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted unless the zoned land has been substantially developed for alternative uses.'</i> • Par. 9.10 of the Committee report ignores the key site requirement that the land shall only be used for employment purposes. Reference to development being excluded from the landscape corridor only relates to the housing zoning and not to the employment land.	alternative location for the proposed greenway, which must be considered on its merits as set out in the Committee report. As discussed above, the proposal is considered complementary to the employment zoning. The positive aspects of the proposal must be balanced against the concerns including loss of employment land. This is set out in the Committee report and the proposal considered acceptable. Policy BT 004 of dBMAP 2015 (v2014) has a number of key site requirements including: - Limiting uses to Classes B1 (b) and (c), B2, B3 and B4; - Consideration shall be given to the exact type of employment uses with a view to protecting residential amenity; - Development of the site shall only be permitted in accordance with an overall comprehensive masterplan. This shall outline the design concept, objectives and priorities for the site; - Access shall be from the Springfield Road in accordance with Departmental requirements; - The existing access onto Woodvale Avenue shall be restricted to pedestrian, cycle and public transport usage only; - Buildings shall exhibit variety in their elevational treatment and heights, and

Agenda Item	Application	Issues Raised	Action
		The proposal would result in the loss of 30% of the wider employment land and no consideration has been given to PPS 4 including Policy PED 7.	particular consideration shall be given to views into the site. - A comprehensive landscaping scheme for the proposal shall be submitted; and - Positive long term landscape management proposals shall be required to mitigate any development and to protect and maintain the landscaping on the site. As discussed above, the proposal is considered complementary to the employment zoning. Policy PED 7 of PPS 4 applies. It states that: <i>'Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted unless the zoned land has been substantially developed for alternative uses.'</i> <i>An exception will be permitted for the development of a sui generis employment use within an existing or proposed industrial/employment area where it can be demonstrated that: the proposal is compatible with the predominant industrial use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution of the industrial/employment land resource in the locality and the plan area generally. Retailing or commercial leisure development will not be permitted except</i>

Agenda Item	Application	Issues Raised	Action
		The statement about prematurity at par. 9.12 of the Committee report is incorrect because the Belfast LDP Plan Strategy is entirely reliant on the conversion of a significant proportion of employment land to residential use. The letter disagrees with the assessment of prematurity and believes that the matter <u>does</u> go to the heart of the Plan Strategy. The loss of 30% of protected employment land would create a city-wide precedent with significant ramifications for the Development Plan process.	<i>where justified as acceptable ancillary development.'</i> As discussed above and in the case officer report, the proposal is considered ancillary and complementary to the employment zoning. Whilst the red line boundary of the application site would appear significant in terms of size, the actual proposed development within that red line consists of foot and cycle pathways, lighting columns, new entrances and street furniture. It is considered that the connectivity improvements that would be delivered by this application would likely be required in any subsequent application for employment use in any event. As such these works have the potential to facilitate sustainable economic development, which is the overriding objective of planning policy. The issue of prematurity is addressed in the Committee report and is a very high bar in terms of significant prejudice to delivery of the plan. Whilst there may be an identified potential oversupply of employment land across the entire city the council has not stated that it is reliant on this oversupply of land to meet the housing need over the plan period.

Agenda Item	Application	Issues Raised	Action
		The Committee is invited to adjourn consideration of the application so that fuller representations on the Committee report can be made.	It is considered that the Committee has sufficient information to determine the application but will need to consider the proposal from PPR to defer it.
6h	LA04/2020/1959/F proposed parkland on land to the north of Springfield Road and west of West Circular Road (Section 2 of Forthmeadow Community Greenway)	The applicant (BCC Physical Programme team) has submitted an email, which sets out the following points. - The Forth Meadow Community Greenway project will create an iconic 'network of shared open spaces' which will enable reconciliation and interaction between divided communities and be a catalyst for social and economic regeneration for local neighbourhoods. Local communities will be reconnected to the City Centre, specifically to the Transport Hub, and commercial Linen Quarter; - There are 3 distinct elements to the Share Spaces project: - To develop civic pride in local welcoming, attractive neighbourhood spaces - To enable safe, easy and accessible 're-connections' between historically segregated neighbourhoods - To ensure that local communities benefit from wider neighbourhood regeneration. - The project has secured over £5m of public funding. In order to fulfil SEUPB Letter of Offer requirements all 12 km of the greenway must be delivered. Funding is timebound with spend date December 2022 for completion of all sections so any slippage in programme will result in loss of funding. Additional funding has been secured from DfI and DfC and again all 12 km of greenway must be delivered. This spend must be achieved by end of March 2022. Over £2m has been spent to date and non-completion risks clawback. - The timescales for delivery are very tight and in addition we are working with multiple funders with separate letter	For the Committee to note.

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

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APPENDIX – POLICY ASSESSMENT FROM [REDACTED]

Planning Policy

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

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

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

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

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

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

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

3.2.6 dBMAP 2014 included the PAC recommendations.

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

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

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

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

3.2.8.2 IND 1 goes on to state:

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

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

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

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

3.2.8.4 IND 6 goes on to state:

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

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

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

3.2.8.6 Policy L2 - The Inner City states:

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

3.2.8.7 L2 goes on to state:

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

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

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

3.2.8.9 Policy R3 - Linear Parks, which states:

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

-

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

3.2.8.10 R3 goes on to state:

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

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

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

"Development shall only include the following uses:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Designation BT 160 Woodvale/Springvale LLPA

"Designation BT 162/02 Community Greenway

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

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

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

"Recommendation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Third Party Objectors

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

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

"1. The proposals impact on industrial land

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

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

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

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

"And in paragraph 5.30:

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

"2. Prematurity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Development Management Addendum Report

Summary	
Application ID: LA04/2019/1819/F	Date of Committee: 16 th August 2022
Proposal: Demolition of existing dwelling and erection of 3 storey (and basement) detached dwelling with garage and landscaping to front and rear	Location: 28 Malone Park Belfast BT9 6NJ
Referral Route: Demolition of dwelling in the Conservation Area	
Recommendation:	Approval
Applicant Name and Address: Lewis Creighton 20 Malone Park Belfast BT9 6NL	Agent Name and Address: Studio Vericat 66 Ardenlee Avenue Belfast BT6 0AB
ADDENDUM REPORT This full planning application was previously listed for Planning Committee on 27th June 2022. The application was deferred at the meeting for a Committee Site Visit. The Committee Site Visit took place on the 5th August 2022. This Addendum report should be read in conjunction with the original report to the 27th June 2022 Committee, which is appended. There was also a Late Item for the 27th June Committee 2022 which is appended to this addendum report. An associated application for conservation area consent for demolition is also to be considered by the Planning Committee at this same meeting (LA04/2019/1820/DCA). Recommendation The officer recommendation remains as follows. Subject to the notification of the application for Conservation Area Consent for demolition to the Department under Section 29 of the Planning Act (Northern Ireland) 2011, it is recommended that the application is approved subject to conditions. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions.	

Late Items

Agenda Item	Application	Issues Raised	Action
3c	LA/2019/1819/F & LA04/2019/1820/DCA 28 Malone Park	Malone Park Residents Association, which is speaking against the application, has submitted a speaking note to Democratic Services. The speaking note makes reference to the High Court decision in the matter of the application for judicial review against the former Department of Environment's (DoE) decision to grant planning permission for development of the former Athletics Store on Queen Street. The judicial review succeeded on the basis that the former DoE had overlooked the existence of the presumption against demolition, and none of the documents gave any or proper consideration to the presumption-respecting option. The Court ruled that the presumption in favour of retention must be considered and given full presumptive weight	Officers have considered the policy presumptions against development contained within PPS6 and the Malone Park Conservation Guide and afforded them their full presumptive weight. There are however a number of other relevant material considerations which are set out in the case officer report. The question of weight is a matter for the Committee. The case officer report to the Committee deals with the issue of demolition of the existing building from par. 9.6 to 9.17 inclusive. This includes consideration of the merits of the existing building, application of PPS 6 including engagement of Policies BH10 and BH14, as well as paragraph 6.25. It also has regard to the previous appeal decision which was not subject to challenge. The report also considers the SPPS, Policy BH2 of the draft Plan Strategy and Section 104(11) of the Act. In this regard officers believe that the assessment is in accordance with the UAHS decision.

Committee Report

Development Management Report	
Application ID: LA04/2019/1819/F	Date of Committee: 27 th June 2022
Proposal: Demolition of existing dwelling and erection of 3 storey (and basement) detached dwelling with garage and landscaping to front and rear.	Location: 28 Malone Park Belfast BT9 6NJ
Referral Route: Demolition of dwelling in the Conservation Area	
Recommendation:	Approval
Applicant Name and Address: Lewis Creighton 20 Malone Park Belfast BT9 6NL	Agent Name and Address: Studio Vericat 66 Ardenlee Avenue Belfast BT6 0AB
Executive Summary: This application seeks full planning permission for the demolition of the existing dwelling and the erection of a 3 storey with basement detached dwelling with garage and landscaping to the front and rear. An accompanying application for Conservation Area Consent (LA04/2019/1820/DCA) is also being considered. The main issues to be considered are: • Principle of development • Impact on the character and appearance of the Malone Park Conservation Area • Setting of Listed Building • Trees and Landscaping • Impact on residential amenity • Access, Movement and Parking • Impact on Protected Species In the BUAP, Draft BMAP v2004 and v2014, the site is un-zoned “white land” within the development limits of Belfast. The site is located within Malone Park Conservation Area. There is a previous appeal decision for a replacement dwelling under references 2016/A0016 & 2016/A0017 which is material consideration. A copy of this appeal decision is provided at Appendix 1. 9 letters of objection have been received to date including 3 representations on behalf of Malone Park Residents Association. The objections are summarised as follows: • Clear policy presumption in favour of retention, no evidence provided as to why this is an exception and that the existing dwelling should be demolished; • Historical significance of existing dwelling; • Objection to intensification, design, scale, height, massing and plot coverage of the proposed dwelling; • Proposal contrary to PPS6, PPS7, SPPS and Malone Park Design Guide; • Proposal does not preserve or enhance the Conservation Area; • Adverse impact upon setting of listed building; • Destabilisation / damage to adjoining properties from excavation and construction; • Significant damage to important trees and landscape features; • Loss of privacy, light, overshadowing, dominating impact on neighbouring properties; • Impact on active badger sett;	

- Geology / flooding.

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

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

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

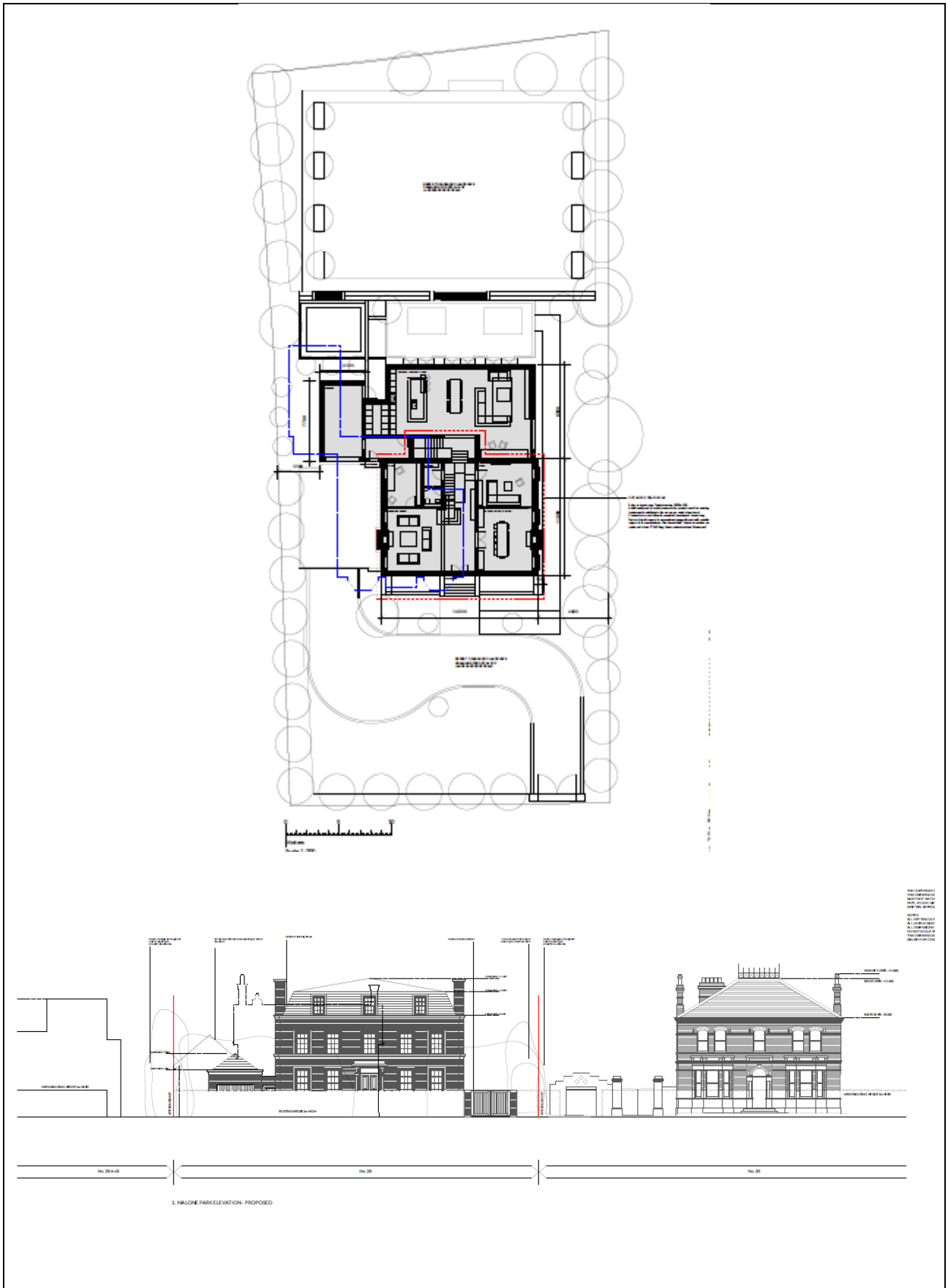
In the case of the new application, the footprint of the proposed replacement dwelling has been reduced, there is greater distance to the boundaries and a new landscaping plan has been provided which shows retention of existing tree coverage, particularly the trees along the boundary with No. 30 Malone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

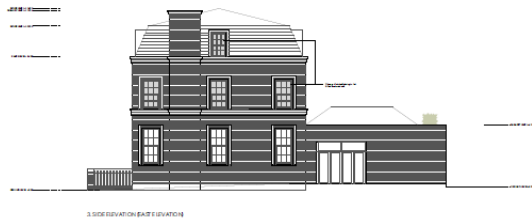
The existing dwelling makes only a modest positive contribution to the character and appearance of the area and is in poor condition. It is considered that the proposed replacement dwelling is well designed. The character and appearance of the Malone Park Conservation Area would be enhanced. Officers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

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

Recommendation

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





Characteristics of the Site and Area	
1.0	Description of Proposed Development This application seeks full permission for the demolition of the existing dwelling and the erection of a 3 storey (with basement) detached dwelling with garage and landscaping to the front and rear. There is a related application for demolition consent application under reference LA04/2019/1820/DCA. The proposal has been amended over the course of the application, which includes the following main changes: • Reduced building footprint from 356sq m to 334.5 sqm; • Increased separation distances to side boundaries. These amendments have been subject to re-neighbour notification
2.0	Description of Site and Area The site is located within the Malone Park Conservation Area and is currently in a dilapidated and overgrown state, with the front boundary boarded up and locked. The existing dwelling (originally faced in brick) is a three-bay, one and a half storey dwelling faced in roughcast render (on smooth render plinth) with pitched slated roof. Two canted bay windows to the ground floor, with hipped roofs sit symmetrically around a gabled porch. The porch gable features decorative barges and finials, complementing those to the attic gables over first floor windows. Vertical emphasis, window openings retain timber sliding sashes. Decorative barges also occur to side gables. Moulded chimneys are expressed to the ridge. To the west, at the rear, is a gabled summerhouse whose interwar era may be reflected by the veranda. Picture windows have been inserted into the western gable, and the northern elevation to which has been added a two storey, flat roofed extension. To the rear of the property are the remains of a former tennis court. Malone Park is a significant tree lined avenue located between the Lisburn Road and Malone Road. It contains large individually designed residential properties, set well back from the road, within mature gardens, of significant proportions. The site is surrounded by other dwellings on all sides to the north, east, west and across the road to the south.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History <u>Application Site</u> LA04/2019/1820/DCA - Demolition of existing detached dwelling, adjacent garage and associated hard standing to rear – to be considered by the Planning Committee alongside this application. LA04/2018/0282/F - Hoarding at 2.5m height to front and side of site – REFUSED 3rd May 2018. Z/2015/0063/F (Appeal ref: 2016/A0016) - Demolition of existing dwelling and erection of 3 storey (and basement) detached dwelling with garage with landscaping to the rear– DISMISSED AT APPEAL 6th February 2017. A copy of the appeal decision is provided at Appendix 1.

	Z/2015/0101/DCA (Appeal ref: 2016/A0017) - Associated application for demolition of existing detached dwelling, adjacent garage – DISMISSED AT APPEAL. A copy of the joint appeal decision is provided at Appendix 1. Z/2009/0616/F - Two storey rear extension with glazed link to new two storey block and single storey attached garage/utility to dwelling – GRANTED 23rd February 2010. Z/2009/0663/DCA - Demolition of existing rear extension to dwelling and garage – GRANTED 23rd February 2010.	
4.0	Policy Framework	
4.1	Belfast Urban Area Plan 2001 (BUAP)	
4.2	(Draft) Belfast Metropolitan Area Plan (BMAP) 2015 (both v2004 and v2015) The extant Development Plan is the BUAP. Both versions of Draft BMAP carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. Given the stage at which the Draft BMAP has reached pre-adoption through a period of independent examination, the policies within Draft BMAP 2015 (v2014) are considered to hold significant weight, save for policies relating to Sprucefield, Lisburn which remain contentious.	
	Draft BMAP 2015 (v2004)	
	4.2.1	Policy SETT2 Development with the Metropolitan Development Limit and Settlement Development Limits
	4.2.2	Designation BT001 Metropolitan Development Limit
	Draft BMAP 2015 (v2014)	
	4.2.3	Policy SETT 2 Development within the Metropolitan Development Limits and Settlement Development Limits.
4.3	Belfast Local Development Plan Draft Plan Strategy 2035 The Belfast Local Development Plan Draft Plan Strategy 2035 will Guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.	
4.4	Regional Development Strategy 2035	
4.5	Strategic Planning Policy Statement 2015	
4.6	Planning Policy Statement 2: Natural Heritage Planning Policy Statement 3: Access, Movement and Parking Planning Policy Statement 6: Planning, Archaeology and the Built Heritage Planning Policy Statement 7: Quality Residential Environments	

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

8.0	Representations
8.1	The application was neighbour notified on the 15th August 2019. It was advertised in the local press on the 16th August 2019. Following receipt of additional information and amended plans, the application was re-neighbour notified on the 8th July 2021, the period for which expired on the 22nd July 2021. 9 letters of objection received on the original application including 2 representations on behalf of Malone Park Residents Association. These representations are summarised below. • Judgements in judicial reviews Ulster Architectural Heritage Society's Application [2014] NIQB 21 (7 February 2014) Ref TRE9161 & Gillian & Ors, Re An Application for Judicial Review [2003] NICA 10 (14 March 2003) Ref CARC3874 are clear where there is a policy presumption (BH14) the full weight of that presumption must be brought to bear and cannot be diluted and where any question of priority arises in relation to PPS6 and the Guide, it is the Guide that must take priority; • No 28 Malone Park has been assessed as making a positive material contribution to the Conservation Area by both the Council and the PAC in previous decisions, no evidence has been submitted as to why or how the existing dwelling constitutes an exception to the policy presumption in favour of retention and should be demolished; • Historical significance of existing dwelling; • No. 28 Malone Park is a listed building; ▪ <u>Officer Response:</u> <i>The property is not listed.</i> • Not in agreement with the submitted Conservation Appraisal and Conservation Impact Statement / Rebuttal Statement – no weight should be attached to economic viability argument, reject assertion it is not fit for purpose; • Objection to intensification, design, the scale, height, massing and plot coverage of the proposed dwelling as its falls to accord with Malone Park Conservation Area Design Guide and Policy BH12 of PPS 6; • Proposal is more than 1.5 times the building coverage ratio of the original dwelling; • No contextual elevations submitted and lack of information on views into and out of the Conservation Area, therefore the proposal cannot be properly assessed; • Proposal does not preserve or enhance the character or appearance of the Conservation Area. As there is a clear opportunity to enhance, the current proposal must be refused as it is contrary to policy and published guidance; • The new dwelling in terms of close proximity, height, massing and style would adversely affect the setting of No 30 Malone Park, contrary to Policy BH11 of PPS 6; • Dominance; • Proposal is contrary to PPS 7; • Only minor amendments have been made to the scheme, this does not address the concerns at the previous appeal; • Sheet piling is indicted which will have a greater impact on existing vegetation than the foundations; • Secant Pile Wall construction will create ground instability, cause noise and disturbance to adjoining residents; basement / Sheet piling will require substantial excavation and poses a grave danger to nearby buildings; ▪ <u>Officer Response:</u> <i>There is no evidence that the construction process would give rise to harmful ground instability. In any event this issue would be regulated outside the planning process. Other matters are considered in the sections below.</i> • Damage to Malone Park roadway during construction;

	• Proposal will significantly damage important trees and landscape features which form a critical part of Malone Park Conservation Area; • Landscaping plan shows a new holly hedge along the boundary with No 30 – there is an existing hedge which is within the ownership of No 30 and cannot be removed; • Loss of privacy, whilst the first floor and second floor windows are to be obscurely glazed, there will still be overlooking from the large ground floor window into No 30 Malone Park; • Loss of privacy to adjoining properties, application site sits higher than Nos 33 and 35 Myrtlefield Park; • PPS7 Addendum advises that the use of obscure glazing is not an acceptable solution for main rooms; ▪ <u>Officer Response:</u> <i>The windows which are shown to be obscurely glazed are all secondary windows, with the main windows to the front and rear, therefore this does not present an issue. The Commissioner in the previous appeal decision also found this to be an acceptable solution.</i> • Loss of light and overshadowing; • Loss of light from planting of trees along the rear boundary; ▪ <u>Officer Response:</u> <i>Planning permission is not required for the planting of trees;</i> • Impact on active badger sett; • Geology/ flooding; • <u>Officer Response:</u> <i>The site does not fall within the surface water flood maps or historical flood maps provided by Rivers Agency.</i> • Full weight of the design Guide must be applied including one and a half times rule as directed by the High Court and Court of Appeal in Gilligan & Ors [2003] NICA 10; • Important to note that it is ‘building coverage’ and ‘original dwelling’ and not original buildings and dwelling coverage. These matters are addressed directly above or in the main body of the report below.
9.0	Assessment
	<u>Application Background</u>
9.1	This application follows the previous appeal decision 2016/A0016 & 2016/A0017 with the main differences between the appeal scheme and current scheme being: • Reduced building footprint from 388 sq. m to 334.5 sq. m. • Decreased width of building from 25m to 21m; • Decreased length of building from 20.5m to 19.9m; • Increased separation distances to side boundary with No 30 Malone Park from 4.6 m to 6.6 m; • Detailed tree survey and arboricultural assessment; • Construction Management Plan; • Landscape Design and Access Statement / Visual Assessment; • Detailed landscaping scheme and landscape management and maintenance plan. The conclusions reached by the Planning Appeals Commission (PAC) in the appeal decision are material to the consideration of this application. A copy of the appeal decision is provided at Appendix 1.

9.2	The key issues in the assessment of the proposed development are: • Principle of development • Impact on the character and appearance of the Malone Park Conservation Area • Setting of Listed Building • Trees and Landscaping • Impact on residential amenity • Access, Movement and Parking • Impact on Protected Species
9.3	<u>Principle of development</u> In the BUAP 2001, Draft BMAP 2015 (both v2004 and v2014), the site is un-zoned “white land” within the development limits. The site is a sustainable location for residential development with good access to shops, services, public transport and employment. The principle of a proposed replacement dwelling is considered acceptable, subject to consideration of the issues below.
9.4	<u>Impact on the character and appearance of the Malone Park Conservation Area</u> There is a statutory requirement under Section 104(11) of the Planning (NI) Act 2011 to have special regard to the desirability of; a. preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; or b. enhancing the character or appearance of that area in cases where an opportunity to do so does arise.
9.5	Paragraph 6.18 of the Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) contains a policy direction reflecting Section 104 of the 2011 Act. It states that there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest. A similar approach is taken under Policies BH12 and BH14 of PPS6.
9.6	<u>Demolition</u> Policy BH 14 of PPS 6 advises that permission will normally only be granted for the demolition of an unlisted building in a Conservation Area where the building makes no material contribution to the character and appearance of the area. It also advises that in assessing proposals for demolition of an unlisted building that makes a positive contribution, regard will be had to the same broad criteria outlined for the demolition of listed buildings set out in Policy BH 10 and paragraph 6.25 of PPS 6. These include the merits of the existing building, the building’s condition, the adequacy of efforts to retain the building in use and the merits of alternative proposals. The contribution of the existing building to Malone Park Conservation Area and its resultant demolition were discussed in detail in the previous appeal decision. This is considered in detail below.
9.7	<u>Merits of the existing building</u> The Council’s Conservation Officer is of the opinion that the existing building makes a significant contribution to the architectural and historic interest / character and appearance of the Conservation Area through, in part, its historical architectural evolution as a late Victorian/ Edwardian / interwar period residential suburb. This is a view shared in the community representations.

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

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

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

Malone Park/ Adelaide Park Conservation Guide

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

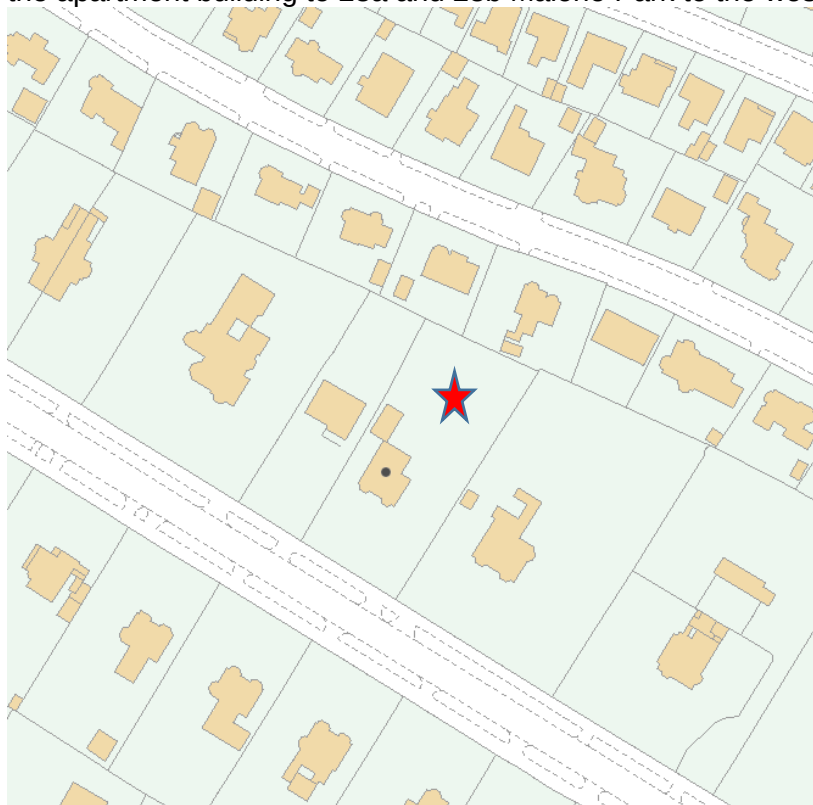
OSNI third edition (1900-1907) – site highlighted in red



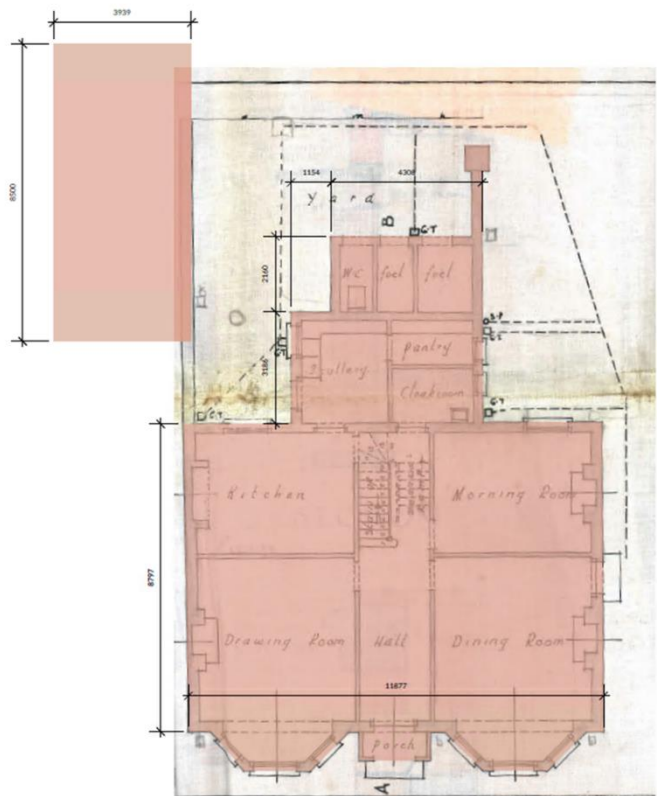
OSNI third edition (1919-1963) – site highlighted in red



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



1944 Building Control Plans



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

Table 1: Outbuilding included as part of the original dwelling

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

Table 2: Outbuilding excluded from original dwelling

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

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

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

	<i>paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.'</i>
9.48	Policy BH 11 of PPS 6 relates to development affecting the setting of a Listed Building. It states: <i>The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:</i> <i>a) the detailed design respects the listed building in terms of scale, height, massing and alignment;</i> <i>b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and</i> <i>c) the nature of the use proposed respects the character of the setting of the building.</i>
9.49	DfC Historic Environment Division has considered the effects of the proposal on this listed building and have advised that it satisfies the policy tests of paragraph 6.12 of the SPPS and Policy BH11 of PPS 6 subject to conditions to ensure the use of high quality materials, retention of existing landscaping and the implementation of the planting scheme. Having regard to HED's advice, it is considered that the proposal would not adversely affect the setting of the listed building. Paragraph 6.12 of the SPPS, Policy BH 11 of PPS 6 and Section 91 of the Planning Act (NI) 2011 are satisfied.
9.50	<u>Impact on existing trees and landscaping</u> The previous appeal was dismissed partly on the basis that the previous proposal lacked an accurate tree survey. Therefore, the baseline extent of trees and the impact that the proposal would have during and post construction could not be properly assessed. The proposal therefore failed criteria (a) of Policy QD1 of PPS7 and criteria (f) and (g) of Policy BH12 of PPS 6. The existing tree cover was highlighted an important and integral part of the Conservation Area in the appeal decision and which positively contributed to the Malone Park Conservation Area.
9.51	As mentioned, an accurate tree survey has now been received and the scheme has been amended to increase the separation distance between the proposed dwelling and the existing trees along the south eastern boundary. Furthermore, a detailed construction management plan and tree protection plan have been submitted which demonstrates how the existing mature trees can be safely retained during and post construction.
9.52	The proposed landscaping scheme also indicates the planting of 34 trees and the Landscape Management Plan and tree works plan will help secure the effective management of retained trees and the new planting.
9.53	The Council's Tree Officer and the Landscaping and Development team have reviewed the information and offer no objection to the proposal. They have advised that proposed landscaping scheme would assist in the enhancement of the amenity value of the site and the character and appearance of Malone Park Conservation Area.
9.54	Overall, it is considered that the previous reasons for dismissal at appeal in this regard have been adequately addressed and the proposal complies with the relevant criteria set out in Policy BH12 of PPS 6, Policy QD1 of PPS7 and paragraph 6.19 of the SPPS.

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

	the proposal subject to the conditions specified. The proposal is considered to accord with Policies NH2 and NH5 of PPS2 and the SPPS.
10.0	Summary of Recommendation: Having regard to the development plan, relevant policy context and other material considerations including third party representations and the previous appeal decision, the proposal is considered acceptable. It is recommended that the application is approved subject to conditions and it is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions.
11.0	Conditions 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. No development shall commence until samples of the materials and detailed schedule of materials to be used in the construction of the external surfaces (including roof, walls, windows/ doors, rainwater goods) of the development hereby permitted have been submitted to and approved in writing by the Council. Development shall be carried out in accordance with the approved details Reason: In the interests of Malone Park Conservation Area and the character and setting of the listed building. 3. All hard and soft landscaping works shall be carried out in accordance with the approved plan XXX. All landscaping shall be carried in the first planting season (November – March) following completion of the development and maintained thereafter. Any proposed trees, plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. Reason: In the interests of biodiversity, amenity and to preserve and enhance the character and appearance of Malone Park Conservation Area. 4. The development hereby permitted shall be carried out and maintained in accordance with the Landscape Management and Maintenance Plan (dated XXX) prepared by XX, published to the planning portal XX. Reason: In the interests of biodiversity, amenity and character and appearance of Malone Park Conservation Area. 5. No trees which are shown as being retained on approved drawing no XXX published to the planning portal XXX and shall be cut down, uprooted or destroyed nor shall any retained tree be pruned or reduced without the prior written approval of the Council.

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

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

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

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

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

8. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance and provided written confirmation that no nests are present / birds will be harm and /or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of the works commencing.

Reason: To protect breeding birds.

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

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

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

	The CEMP shall be implemented in accordance with the approved details. Reason: Protection of Residential Amenity. 11. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable. In the event of unacceptable risks being identified, a Piling Risk Assessment and a Remediation Strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. This strategy should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable. Reason: Protection of environmental receptors to ensure the site is suitable for use. 12. After completing the remediation works under Condition 12 and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable. The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives. Reason: Protection of environmental receptors to ensure the site is suitable for use.

Notification to Department (if relevant): Yes – referral of DCA application
Representations from Elected members: None
Details of Neighbour Notification (all addresses) The Owner/Occupier, 21 Malone Park,Belfast,Antrim,BT9 6NJ The Owner/Occupier, 23 Malone Park,Belfast,Antrim,BT9 6NJ The Owner/Occupier, 25 Malone Park,Belfast,Antrim,BT9 6NJ The Owner/Occupier, 28a ,Malone Park,Belfast,Antrim,BT9 6NJ The Owner/Occupier, 28b ,Malone Park,Belfast,Antrim,BT9 6NJ The Owner/Occupier, 30 Malone Park,Belfast,Antrim,BT9 6NJ The Owner/Occupier, 33 Myrtlefield Park,Belfast,Antrim,BT9 6NF 35 Myrtlefield Park,Belfast,Antrim,BT9 6NF The Owner/Occupier, 37a ,Myrtlefield Park,Belfast,Antrim,BT9 6NF Pragma,

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

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Development Management Addendum Report	
Application ID: LA04/2019/1820/DCA	Date of Committee: 16 th August 2022
Proposal: Demolition of existing detached dwelling, adjacent garage and associated hard standing to rear	Location: 28 Malone Park Belfast BT9 6NJ
Referral Route: Demolition of dwelling in the Conservation Area	
Recommendation:	Approval
Applicant Name and Address: Lewis Creighton 20 Malone Park Belfast BT9 6NL	Agent Name and Address: Studio Vericat 66 Ardenlee Avenue Belfast BT6 0AB
ADDENDUM REPORT This application for Conservation Area Consent for demolition was previously listed for Planning Committee on 27th June 2022. The application was then deferred at the meeting for a Committee Site Visit. The Committee Site Visit took place on the 5th August 2022. This Addendum report should be read in conjunction with the original report to the 27th June 2022 Committee, which is appended. There was also a Late Item for the 27th June 2022 Committee which is also appended. An associated application for full planning permission is also to be considered by the Planning Committee at this same meeting (LA04/2019/1819/F). Recommendation The officer recommendation remains to grant Conservation Area Consent subject to conditions. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions. Before the decision can be issued, being an application for Conservation Area Consent, the application will need to be notified to the Department under Section 29 of the Planning Act (Northern Ireland) 2011.	

Late Items

Agenda Item	Application	Issues Raised	Action
3c	LA/2019/1819/F & LA04/2019/1820/DCA 28 Malone Park	Malone Park Residents Association, which is speaking against the application, has submitted a speaking note to Democratic Services. The speaking note makes reference to the High Court decision in the matter of the application for judicial review against the former Department of Environment's (DoE) decision to grant planning permission for development of the former Athletics Store on Queen Street. The judicial review succeeded on the basis that the former DoE had overlooked the existence of the presumption against demolition, and none of the documents gave any or proper consideration to the presumption-respecting option. The Court ruled that the presumption in favour of retention must be considered and given full presumptive weight	Officers have considered the policy presumptions against development contained within PPS6 and the Malone Park Conservation Guide and afforded them their full presumptive weight. There are however a number of other relevant material considerations which are set out in the case officer report. The question of weight is a matter for the Committee. The case officer report to the Committee deals with the issue of demolition of the existing building from par. 9.6 to 9.17 inclusive. This includes consideration of the merits of the existing building, application of PPS 6 including engagement of Policies BH10 and BH14, as well as paragraph 6.25. It also has regard to the previous appeal decision which was not subject to challenge. The report also considers the SPPS, Policy BH2 of the draft Plan Strategy and Section 104(11) of the Act. In this regard officers believe that the assessment is in accordance with the UAHS decision.

Committee Report

Development Management Report	
Application ID: LA04/2019/1820/DCA	Date of Committee: 27 th June 2022
Proposal: Demolition of existing detached dwelling, adjacent garage and associated hard standing to rear.	Location: 28 Malone Park Belfast BT9 6NJ
Referral Route: Demolition of dwelling in the Conservation Area	
Recommendation:	Approval
Applicant Name and Address: Lewis Creighton 20 Malone Park Belfast BT9 6NL	Agent Name and Address: Studio Vericat 66 Ardenlee Avenue Belfast BT6 0AB
Executive Summary: This application seeks conservation area consent for full demolition of the existing dwelling and garage at 28 Malone Park. An accompanying planning application for the proposed replacement dwelling (ref. LA04/2019/1819/F) is also being considered. The main issue to be considered is the acceptability of demolition in the Malone Park Conservation Area. There is a previous appeal decision for a replacement dwelling under references 2016/A0016 & 2016/A0017 which is material consideration. A copy of this appeal decision is provided at Appendix 1. 7 letters of objection have been received to date including 3 representations on behalf of Malone Park Residents Association. The objections are summarised below with some of the points appertaining to the proposed replacement dwelling under application LA04/2019/1819/F. • Clear policy presumption in favour of retention, no evidence provided as to why this is an exception and that the existing dwelling should be demolished; • Historical significance of existing dwelling; • Objection to intensification, design, scale, height, massing and plot coverage of the proposed dwelling; • Proposal contrary to PPS6, PPS7, SPPS and Malone Park Design Guide; • Proposal does not preserve or enhance the Conservation Area; • Adverse impact upon setting of listed building; • Destabilisation / damage to adjoining properties from excavation and construction; • Significant damage to important trees and landscape features; • Loss of privacy, light, overshadowing, dominating impact on neighbouring properties; • Impact on active badger sett; • Geology / flooding. These matters relating to the proposal to demolish the existing dwelling are addressed in detail in the main body of the report below. The Council's Conservation Officer has objected to the proposal on the basis that the existing building makes a significant positive contribution to the conservation area and its demolition is therefore unacceptable and the proposed replacement scheme is inappropriate.	

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

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

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

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

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

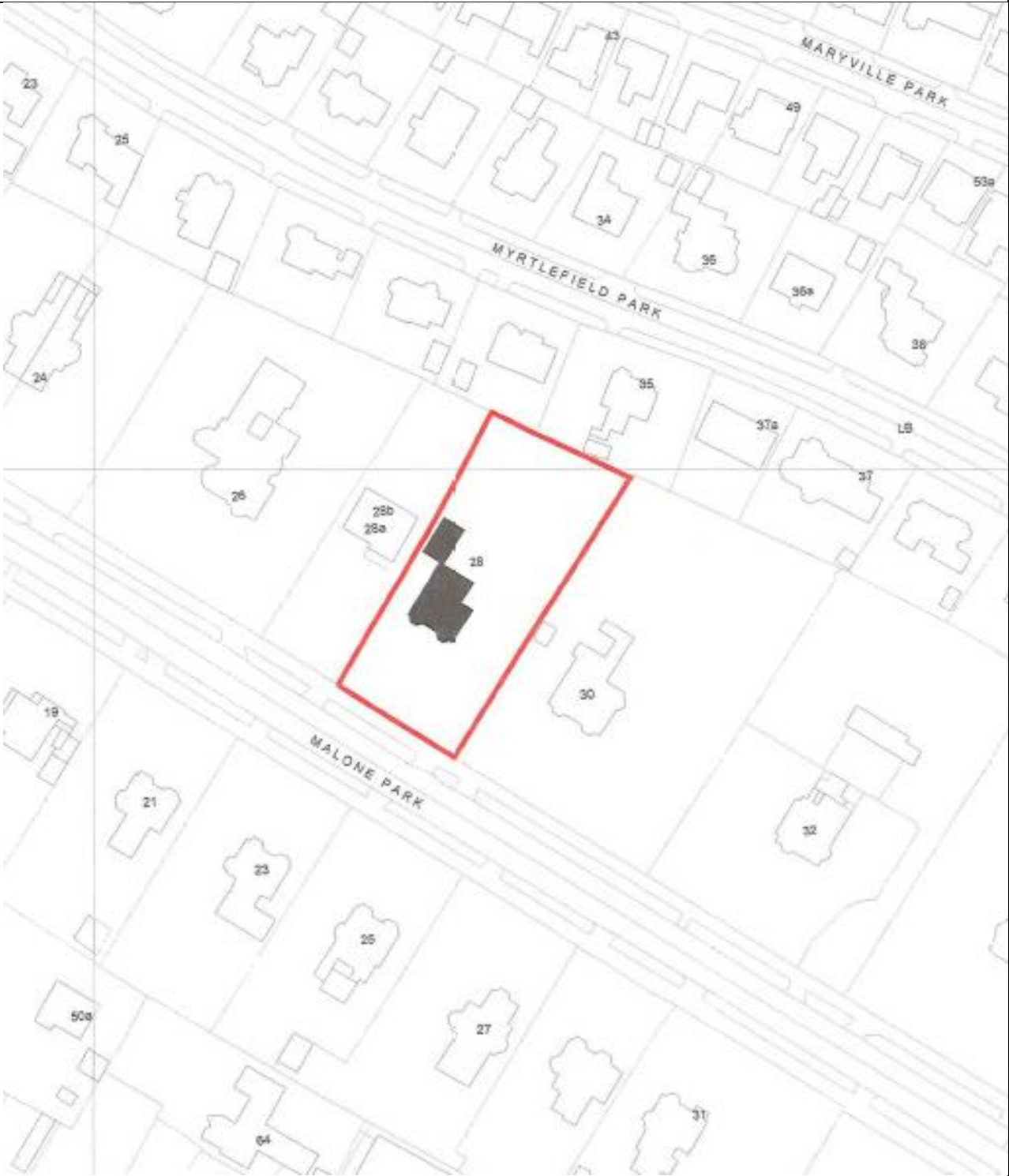
Recommendation

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

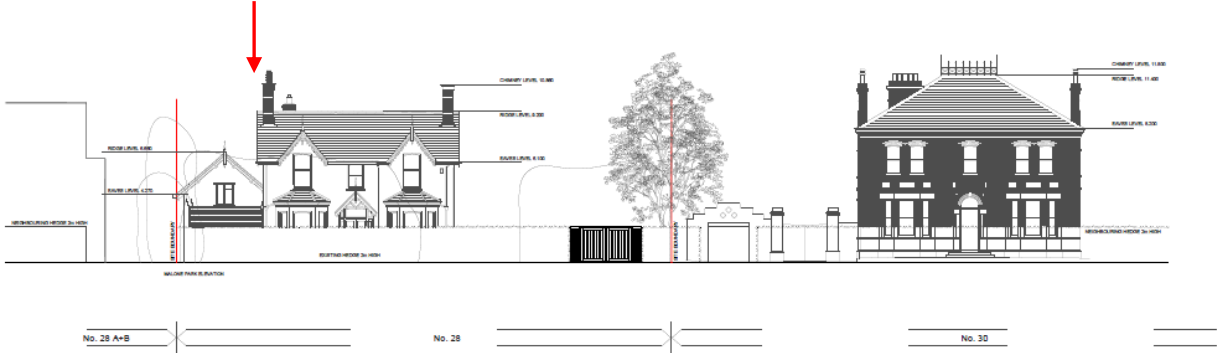
Before the decision can be issued, being an application for Conservation Area Consent, the application will need to be notified to the Department under Section 29 of the Planning Act (Northern Ireland) 2011.

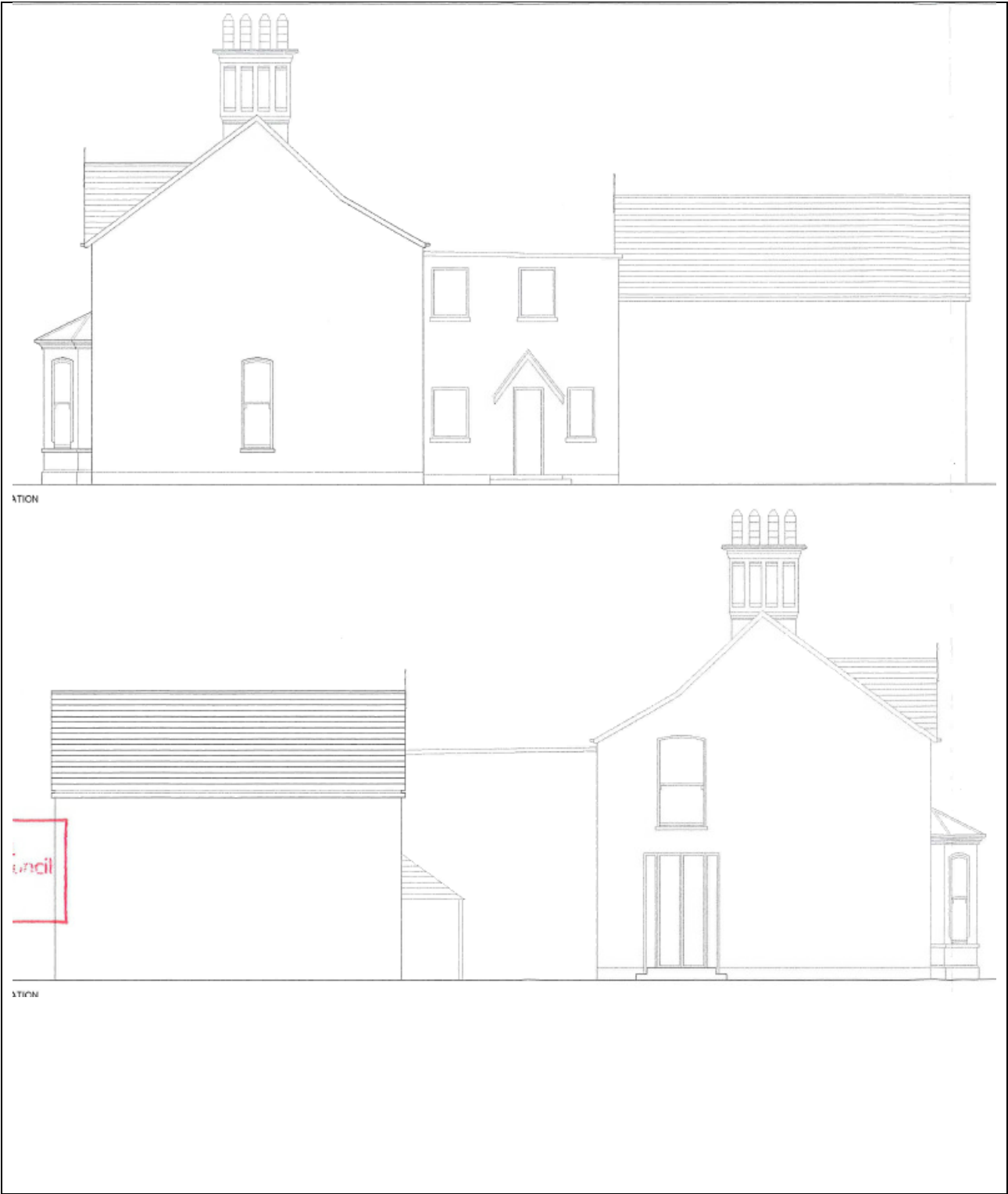
Case Officer Report

Site Location Plan



Existing dwelling to be demolished





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

	Z/2009/0663/DCA - Demolition of existing rear extension to dwelling and garage – GRANTED 23 rd February 2010.
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	(Draft) Belfast Metropolitan Area Plan (BMAP) 2015 (both v2004 and v2015) The extant Development Plan is the BUAP. Both versions of Draft BMAP carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. Given the stage at which the Draft BMAP has reached pre-adoption through a period of independent examination, the policies within Draft BMAP 2015 (v2014) are considered to hold significant weight, save for policies relating to Sprucefield, Lisburn which remain contentious.
	Draft BMAP 2015 (v2004)
4.2.1	Policy SETT2 Development with the Metropolitan Development Limit and Settlement Development Limits
4.2.2	Designation BT001 Metropolitan Development Limit
	Draft BMAP 2015 (v2014)
4.2.3	Policy SETT 2 Development within the Metropolitan Development Limits and Settlement Development Limits.
4.3	Belfast Local Development Plan Draft Plan Strategy 2035 The Belfast Local Development Plan Draft Plan Strategy 2035 will Guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.
4.4	Regional Development Strategy 2035
4.5	Strategic Planning Policy Statement 2015
4.6	Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
4.7	Section 104(11) of the Planning Act (Northern Ireland) 2011: 'Special regard must be had to the desirability of: (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise.'

5.0	Other Material Considerations
	Malone Park / Adelaide Park Design Guide Development Management Practice Note: Historic Environment
6.0	Non-Statutory Consultees Responses
6.1	BCC Conservation Officer – objection
7.0	Representations
7.1	The application was advertised in the local press on the 14th August 2019. 7 letters of objection received including 3 representations on behalf of Malone Park Residents Association. These representations are summarised below. Some of the points relate to the proposed replacement dwelling under application LA04/2019/1819/F. - Judgements in judicial reviews Ulster Architectural Heritage Society's Application [2014] NIQB 21 (7 February 2014) Ref TRE9161 & Gillian & Ors, Re An Application for Judicial Review [2003] NICA 10 (14 March 2003) Ref CARC3874 are clear where there is a policy presumption (BH14) the full weight of that presumption must be brought to bear and cannot be diluted and where any question of priority arises in relation to PPS6 and the Guide, it is the Guide that must take priority; - No 28 Malone Park has been assessed as making a positive material contribution to the Conservation Area by both the Council and the PAC in previous decisions, no evidence has been submitted as to why or how the existing dwelling constitutes an exception to the policy presumption in favour of retention and should be demolished; - Historical significance of existing dwelling; - No. 28 Malone Park is a listed building; - Not in agreement with the submitted Conservation Appraisal and Conservation Impact Statement / Rebuttal Statement – no weight should be attached to economic viability argument, reject assertion it is not fit for purpose; - Objection to intensification, design, the scale, height, massing and plot coverage of the proposed dwelling as its falls to accord with Malone Park Conservation Area Design Guide and Policy BH12 of PPS 6; - Proposal is more than 1.5 times the building coverage ratio of the original dwelling; - No contextual elevations submitted and lack of information on views into and out of the Conservation Area, therefore the proposal cannot be properly assessed; - Proposal does not preserve or enhance the character or appearance of the Conservation Area. As there is a clear opportunity to enhance, the current proposal must be refused as it is contrary to policy and published guidance; - The new dwelling in terms of close proximity, height, massing and style would adversely affect the setting of No 30 Malone Park, contrary to Policy BH11 of PPS 6; - Dominance; - Proposal is contrary to PPS 7; - Only minor amendments have been made to the scheme, this does not address the concerns at the previous appeal; - Sheet piling is indicted which will have a greater impact on existing vegetation than the foundations; - Secant Pile Wall construction will create ground instability, cause noise and disturbance to adjoining residents; basement / Sheet piling will require substantial excavation and poses a grave danger to nearby buildings; - Damage to Malone Park roadway during construction;

	• Proposal will significantly damage important trees and landscape features which form a critical part of Malone Park Conservation Area; • Landscaping plan shows a new holly hedge along the boundary with No 30 – there is an existing hedge which is within the ownership of No 30 and cannot be removed; • Loss of privacy, whilst the first floor and second floor windows are to be obscurely glazed, there will still be overlooking from the large ground floor window into No 30 Malone Park; • Loss of privacy to adjoining properties, application site sits higher than Nos 33 and 35 Myrtlefield Park; • PPS7 Addendum advises that the use of obscure glazing is not an acceptable solution for main rooms; • Loss of light and overshadowing; • Loss of light from planting of trees along the rear boundary; • Impact on active badger sett; • Geology/ flooding; • Full weight of the design Guide must be applied including one and a half times rule as directed by the High Court and Court of Appeal in Gilligan & Ors [2003] NICA 10; • Important to note that it is 'building coverage' and 'original dwelling' and not original buildings and dwelling coverage. The only matter for consideration in this application is whether the proposed demolition is acceptable. All other matters are for consideration in the full planning application and are addressed in the related committee report.
9.0	Assessment
	<u>Application Background</u>
9.1	This application follows the previous appeal decision 2016/A0016 & 2016/A0017 with the main differences between the appeal scheme and current scheme being: • Reduced building footprint from 388 sq. m to 334.5 sq. m. • Decreased width of building from 25m to 21m; • Decreased length of building from 20.5m to 19.9m; • Increased separation distances to side boundary with No 30 Malone Park from 4.6 m to 6.6 m; • Detailed tree survey and arboricultural assessment; • Construction Management Plan; • Landscape Design and Access Statement / Visual Assessment; • Detailed landscaping scheme and landscape management and maintenance plan. The conclusions reached by the Planning Appeals Commission (PAC) in the appeal decision are material to the consideration of this application. A copy of the appeal decision is provided at Appendix 1.
9.2	The key issue in the assessment of the proposed development is: • Acceptability of demolition within the Malone Park Conservation Area
9.3	There is a statutory requirement under Section 104(11) of the Planning (NI) Act 2011 to have special regard to the desirability of;

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

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

9.17	The detailed consideration of the proposed replacement dwelling is set out in the Committee report for LA04/2019/1819/F. It is considered a well designed and detailed replacement dwelling which includes a proposed landscape design which will ensure that landscaping still remains dominant.
9.18	Overall, the existing dwelling makes only a modest positive contribution to the character and appearance of the area and is in poor condition. It is considered that the proposed replacement dwelling is well designed. Having regard to these considerations and the previous appeal decision, it is considered that the proposal would enhance the character and appearance of Malone Park Conservation Area and the presumption in favour retaining the existing building can be set aside in this exceptional instance. It is considered that the grounds for dismissal of the previous appeal have been addressed and that the proposal complies with Policy BH10, BH12 and BH14 of PPS 6, paragraph 6.18 of the SPPS, Policy BH2 of the draft Plan Strategy and Section 104(11) of the Act.
10.0	Summary of Recommendation:
10.1	Having regard to the development plan, relevant policy context and other material considerations including third party representations and the previous appeal decision, the proposal is considered acceptable.
10.2	It is recommended that the application is approved subject to conditions and it is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions.
10.3	Before the decision can be issued, being an application for Conservation Area Consent, the application will need to be notified to the Department under Section 29 of the Planning Act (Northern Ireland) 2011.
11.0	DRAFT CONDITIONS
	- The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted. Reason: As required by Section 105 of the Planning Act (Northern Ireland) 2011. - In accordance with Section 105 of the Planning Act (NI) 2011, the building shall not be demolished until a contract for the redevelopment of the site in accordance with the detailed proposals under application reference LA04/2019/1819/F has been agreed, and evidence of that contract submitted to and approved in writing by the Council. Reason: To ensure the implementation of a satisfactory replacement scheme in the interests of Malone Park Conservation Area. - No works (including demolition) shall commence on site until a full survey, including analysis, and photographic record of the dwelling and garage at 28 Malone Park has been submitted to and approved in writing by the Council. Reason: To secure the proper recording of this unlisted building in Malone Park Conservation Area.

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

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

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Appeal Decisions

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

Decision

The appeals are dismissed.

Reasoning

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

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

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

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

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

Planning History

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

Condition of the Existing Building

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

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

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

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

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

The Proposed Building

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

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

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

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

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

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

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

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

Residential Environment.

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

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

This decision relates to the following plans:

Appeal 1: 2016/A0016

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

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

Appeal 2: 2016/A0017

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

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

And the following submitted as post hearing evidence:

160/P/101	Revised Site Plan (PAC 1).

055/P/901	Materials Sketch (PAC1).

COMMISSIONER MANDY JONES

List of Documents

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

Appearances at the Hearing

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

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

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

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Development Management Officer
Committee Report
Addendum

Summary	
Committee Meeting Date: 16 August 2022	
Application ID: LA04/2021/2519/F	
Proposal: Variation of condition no.11 of planning approval LA04/2018/0059/F (variation of restricted opening hours from 11pm to 01.00am)	Location: Lands at Nos 348-350 Ormeau Road Belfast BT7 2FZ.
Referral Route: Request for referral to the Planning Committee under Section 3.8.1 of the Scheme of Delegation.	
Recommendation:	Approve - Subject to Conditions
Applicant Name and Address: Fratelli Ormeau Road Ltd C/O Galgorm Spa & Golf Resort Galgorm BT42 1EA	Agent Name and Address: Clyde Shanks Ltd 2nd Floor 7 Exchange Place Belfast
<u>ADDENDUM REPORT</u> This full application was previously listed for Planning Committee on 27 th June 2022. The application was presented and subsequently deferred to enable a site visit to be undertaken by the Planning Committee to acquaint itself with the location and the proposal at first hand. A site visit for elected members took place on 5 th August 2022. Additional information following the Planning Committee meeting and site inspection is set out below. 1. Mr Malcolm McFarlane from Bredagh GAC has requested removal of letter of support. 2. Environmental Health has provided additional clarifying comments on their position in relation to noise control Although it is noted within the body of the report that BCC Environmental Health (EHO) has no objection to the proposal, concerns remain regarding potential for noise disturbance due to patron dispersal from the premises. EHO has responded further with the following: <i>‘The matter of predicting noise impact from patron behaviour is complex and hard to predict as so many differing scenarios can arise such as the number of patrons potentially shouting and the fact that they will be on the move and some may linger in an area.</i> <i>Once patrons have left the premises whether individually or in small groups, and as they disperse, they will pass by in closer proximity to some of the nearby houses and it is possible on some nights that disturbance may occur from rowdier patrons who may loiter and whose behaviour and noise</i>	

level can be difficult to predict and assess. Having a robust noise management plan can help to reduce such negative patron behaviour.

There are concerns that although the noise assessment has demonstrated that it is possible to control the music noise level and patron dispersal much of that control is dependent on successful management by the operator of the premises.

Documents submitted by the planning agent as well as within the NMP make the point that the developer/operator, Galgorm Collection, has a proven track record of operating and managing other similar premises considered a luxury experience. **The reputation of the developer/operator is not the subject of question, and significantly any permission to grant approval goes with the land and not with the applicant, the developer /operator may change at any point.'**

Although the developer has, in communication with the Council, advised on patron dispersal it is unclear what legal measures can be taken by the operator of the premises to disperse patrons once they leave the confines of the site onto the public street / road.

The conditions recommended by EHO are as follows:

1. The restaurant (and bar) shall not operate outside the following hours 11am to 1am on Fridays and Saturdays
and
10am - 11pm from Sunday to Thursday.

Reason: Protection of residents against adverse noise impact.

2. Prior to operation of the hereby approved bar/restaurant, the applicant shall submit to the planning authority, for review and approval in writing, a final Noise Management Plan. The NMP shall outline operational measures to be put in place to control noise breakout including but not exclusively; to ensure doors are not left open, managing the settings on the in-house music and speaker system to ensure these are kept at the recommended settings, supervision and management of patrons within the premises and outside during patron arrival and dispersal.

The Noise Management Plan as approved in accordance with this condition shall be adhered to at all times thereafter.

Reason: Protection of residents against adverse noise impact.

3. Prior to operation of the hereby approved bar/restaurant the applicant shall submit to planning service, for review and approval in writing, a noise verification report. The verification report shall confirm the maximum permissible internal music level as well as confirm the details of the music limiting technology installed to ensure a maximum level across 1/1octave bands will not be exceeded. The verification report shall include noise measurements, and calculations where necessary, taken by a competent acoustic consultant which demonstrates compliance with noise rating curve NR15 across octave centre frequency bands inside habitable rooms of nearby sensitive receptors after 11pm while music is being played within the bar/restaurant.

Reason: Protection of residents against adverse noise impact.

4. The maximum permissible music noise level from any amplified sound as presented in the verification report, once approved, within the hereby permitted bar/restaurant shall not be exceeded at all times thereafter to ensure the noise levels across octave centre frequency bands (Leq) will not exceed NR15 target levels inside habitable rooms of nearby sensitive residential premises.

Reason: Protection of residents against adverse noise impact.

As this is a variation application, all other conditions on the original approval LA04/2018/0059/F will be repeated.

Summary

- The site visit by members has taken place.
- EHO have provided clarification on their comments, they do not object subject to the imposition of conditions. The recommendation therefore remains as set out in the case officer’s report of June 2022 to approve.

Recommendation

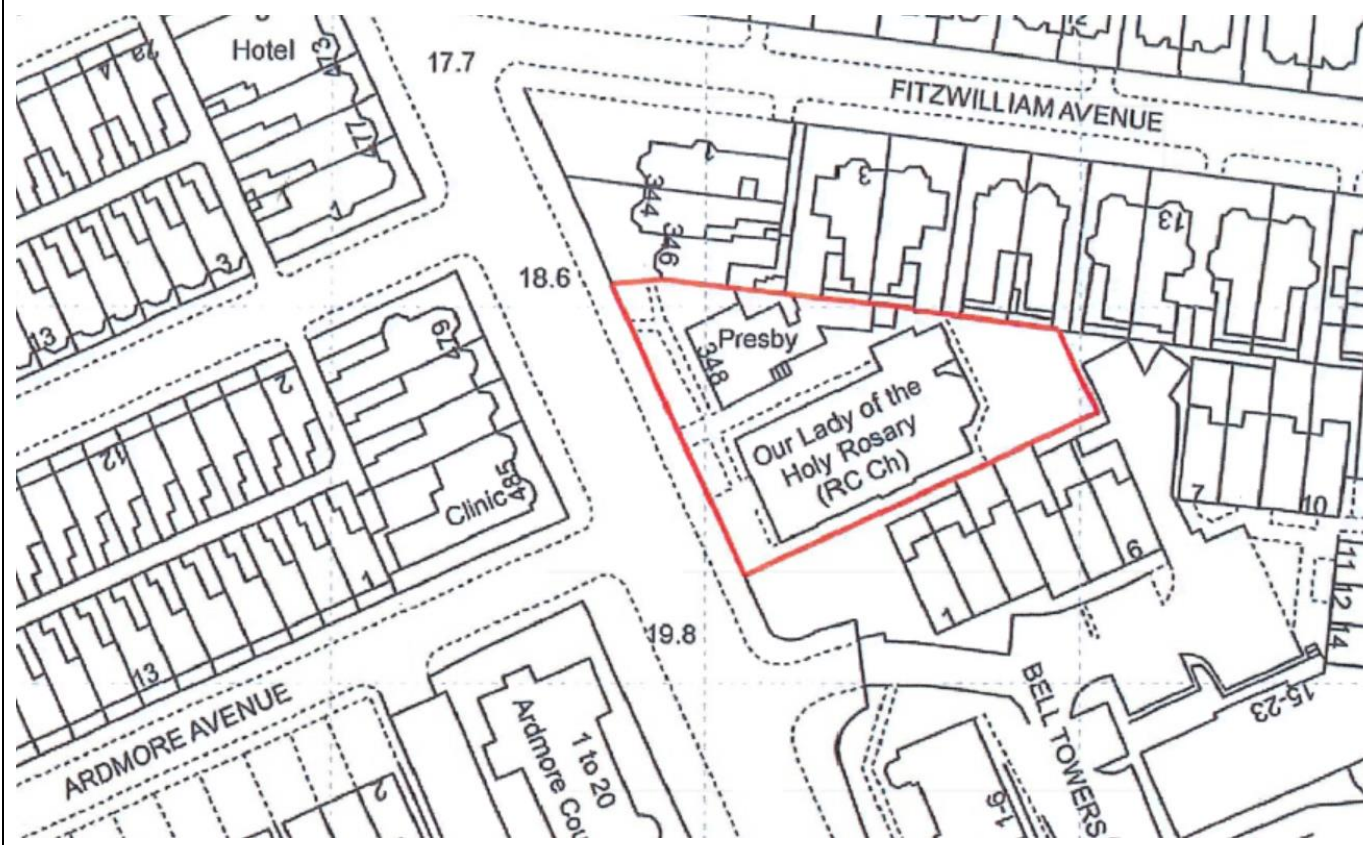
The proposal is recommended for approval subject to Conditions.

It is requested that delegated authority be given to the Director of Planning and Building Control to finalise the wording of conditions.

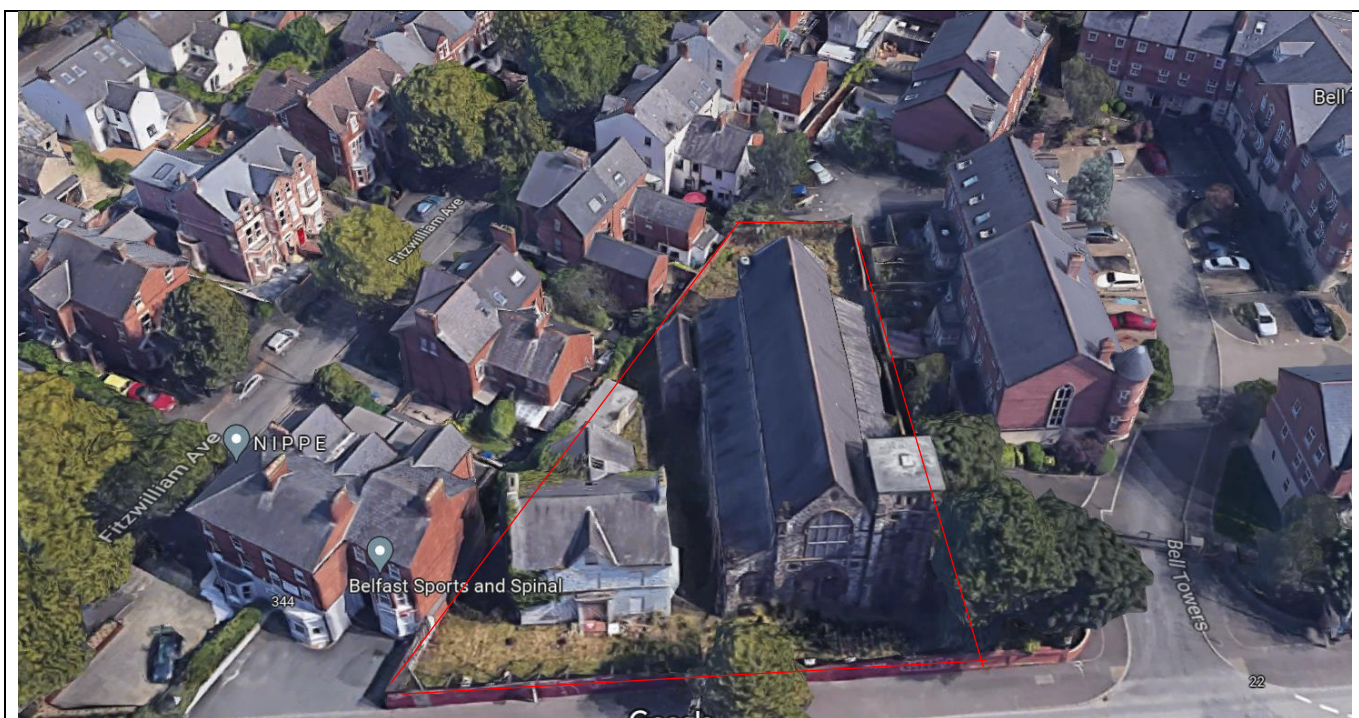
Committee Report

Development Management Report	
Application ID: LA04/2021/2519/F	Date of Committee: Tuesday 27 th June 2022
Proposal: Variation of condition no.11 of planning approval LA04/2018/0059/F (variation of restricted opening hours from 11pm to 1.00am)	Location: Lands at Nos 348-350 Ormeau Road Belfast BT7 2FZ.
Referral Route: Referral to the Planning Committee original approval LA04/2018/0059/F granted by Committee	
Recommendation:	Approval
Applicant Name and Address: Fratelli Ormeau Road Ltd C/O Galgorm Spa & Golf Resort Galgorm BT42 1EA	Agent Name and Address: Clyde Shanks Ltd 2nd Floor 7 Exchange Place Belfast
Executive Summary: The proposal is for a variation of planning condition 11 of LA04/2018/0059/F to extend the opening hours of the proposed licenced restaurant from 11pm to 1am. The site is located within the existing settlement limits of the City as defined within the BUAP and draft BMAPS and the buildings on site are Listed. Planning approval was granted for an 18 bedroom hotel and licenced restaurant on 22 November 2019. No works have commenced on site to date. The key issue to be considered is: - Impact on neighbouring amenity due to noise, nuisance and general disturbance The site is the Former Holy Rosary Church and Parochial Hall and is primarily surrounded by residentially dwellings in the Bell Towers and in Fitzwilliam Avenue. 18 objections have been received, raising concern in respect of noise impact and parking issues. Two letters of support for the development have also been received. BCC Environmental Health was consulted and offered no objections to the change in hours subject to planning conditions. Having had regard to the expert advice of Environmental Health it is recommended that the condition be varied to allow the following opening times: -1am for Friday and Saturday nights, - mid-night for Sunday night - the remaining nights retained at 11pm. Recommendation - Approve subject to conditions It is recommended that the application is approved, and it is requested that delegated authority be given to the Director of Planning and Building Control to finalise the wording of conditions	

Site Location Plan



Front of site



Arial image – site outlined red

Characteristics of the Site and Area

1.0	Description of Proposed Development The proposal is for a variation of planning condition 11 to extend the opening hours of the proposed licenced restaurant from 11pm to 1am.
2.0	Description of Site The application site is a vacant parochial house and Church which enjoys extant planning permission and listed building consent for limited demolition and extensions to facilitate a change of use to a hotel and restaurant. The site fronts onto the Ormeau Road an arterial route serving the city. There is currently a 2.4m timber hoarding on the boundary which currently has the benefit of temporary planning permission. The surrounding area is defined by commercial, ecclesiastic, and residential developments.

Planning Assessment of Policy and other Material Considerations

3.0	Site History LA04/2020/1229/F Variation of planning condition no 11 of permission refused LA04/2018/0059/F; Demolition of 2 storey rear return, external steps and single storey outbuilding of former Parochial House, demolition of existing vestry entrance porch, external steps, single storey boiler house and part of internal wall to tower and relocation of internal spiral staircase of former Holy Rosary Church. Erection of 3 storey and single storey rear and 2 storey side extensions and associated works. Change of use to 18 bed hotel and licensed restaurant Planning Permission granted LA04/2018/2017/2800/LBC associated listed building consent Planning Permission granted LA04/2018/1979/F; Retention of boundary fence around the grounds of former church & parochial house. Planning Permission granted LA04/2018/1977/LBC associated listed building consent Planning Permission granted
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001

4.2	Draft Belfast Metropolitan Area Plan 2004
4.3	Draft Belfast Metropolitan Area Plan 2015 The extant development plan is the BUAP. However, given the stage at which the Draft BMAP has reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
4.4	Belfast Local Development Plan Draft Plan Strategy 2035 The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.
4.5	Strategic Planning Policy Statement for Northern Ireland (SPPS)
5.0	Statutory Consultees Responses None
6.0	Non Statutory Consultees Responses BCC Environmental Health
7.0	Representations The application was neighbour notified and advertised in the local press. The planning service received 18 letters of objection. The objections are from residents of the adjacent streets and raised the following concerns: - Noise impact - Parking Two letters of support were received from Bredagh GAA Club and Ormeau Business Assoc - Support hotel in the area and the re-use of the church will be an improvement. Hours will be comparable with others. Issues addressed below.
8.0	Other Material Considerations None
8.1	Any other supplementary guidance None
9.0	Assessment
9.1	The proposal is considered to be in compliance with the development plan.
9.2	Consideration:
9.3	The principle of the site being used for hotel and restaurant has been established within the extant planning approval on site LA04/2018/0059/F for an 18-bedroom hotel with an associated licenced restaurant. The issue for consideration is the acceptability of extending the opening hours of the restaurant and the potential to impact on the neighbour amenity, primarily by way of increased noise at unsociable hours.

9.4	It is noted that within Environmental Health response to application LA04/2018/0059/F dated 30th October 2019 that a closing time for the restaurant was recommended to be 00.00hrs however this was altered to 11pm on the Decision Notice under delegated authority as officers considered 11pm closing to be appropriate. This was based on the tight residential context and that the primary use was a hotel and restaurant and therefore, a restaurant closing at 11pm is typical. The 11pm closing time was considered to allow the restaurant to operate on the same footing as other licenced restaurants and to offer a level of protection to the neighbouring residential properties from increased noise at unsociable hours and to residents of the hotel. EH advised that the original 00.00hrs closing time was to facilitate patrons of the hotel and not the public and therefore was content with the alteration.
9.5	In processing this current application for extended opening hours, Officers retained concerns regarding potential increased noise levels impacting on neighbouring amenity at unsociable hours given the proximity of the residential dwellings. This is reflective in the level of objections received, 18 in total, all indicating a concern regarding noise impact.
9.6	The current application was submitted to extend the opening hours from 11pm to 1am, information within the statement to support the increased opening hours, by various ways of noise control mitigation, was supplied to Environmental Health. Having assessed the information EH has advised that the potential for noise disturbance can be controlled by way of Planning Conditions and Noise Management Plan enforced by the operator.
9.7	Officers, concerns regarding the potential for noise disruption and nuisance to neighbouring amenity are guided by the comments and expertise of BCC Environmental Health. EH advise that the level of noise can be controlled to allow the premises to be operated as a licenced restaurant with extended opening hours. Subject to a recommended conditions from EH setting out extended opening hours for Friday and Saturday to 1am, Sunday to mid-night and the remainder of the week to remain at 11pm and through a Noise Management Plan.
9.8	Officers consider that a recommendation to refuse would not be sustainable given the support for the proposal from Environmental Health and therefore the proposal subject to a new hours of operating condition is acceptable.
9.9	In regards to an increase on street parking raised by objectors the level of parking was considered within the original approval LA04/2018/0059/F, it is not anticipated that any significant impact on demand will arise from the change in operating hours.
10.0	Summary of Recommendation: Approval subject to conditions. Conditions attached to the original approval LA04/2018/0059/F will also be repeated in addition to those set out below.
11.0	Conditions
11.1	The development hereby permitted shall be begun before 21st Nov 2024. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
11.2	The hereby permitted licenced restaurant shall not be permitted to operate beyond 1am on Fridays and Saturday nights, midnight on a Sunday and 11pm Monday to Thursday. Reason: Protection of residents against adverse noise impact.
11.3	Prior to operation of the hereby approved bar/restaurant, the applicant shall submit to the planning authority, for review and approval in writing, a final Noise Management Plan. The NMP shall outline operational measures to be put in place to control noise breakout such as ensuring doors are not left open, managing the settings on the in-house music and speaker system to ensure these are kept at the recommended settings, supervision and management of patrons within the premises and outside during patron arrival and dispersal. Reason: Protection of residents against adverse noise impact.

	The hereby approved Noise Management Plan shall be adhered to at all times thereafter. Reason: Protection of residents against adverse noise impact.
11.4	Prior to operation of the hereby approved bar/restaurant the applicant shall submit to planning service, for review and approval in writing, a noise verification report. The verification report shall confirm the maximum permissible internal music level as well as confirm the details of the music limiting technology installed to ensure a maximum level across 1/1octave bands will not be exceeded. The verification report shall include noise measurements, and calculations where necessary, taken by a competent acoustic consultant which demonstrates compliance with noise rating curve NR15 across octave centre frequency bands inside habitable rooms of nearby sensitive receptors after 11pm while music is being played within the bar/restaurant. Reason: Protection of residents against adverse noise impact.
11.5	The maximum permissible music noise level from any amplified sound as presented in the verification report, once approved, within the hereby permitted bar/restaurant shall not be exceeded at all times thereafter to ensure the noise levels across octave centre frequency bands (Leq) will not exceed NR15 target levels inside habitable rooms of nearby sensitive residential premises Reason: Protection of residents against adverse noise impact.
Notification to Department (if relevant): No	
Representations from Elected members: None	

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2nd Addendum Committee Report

Development Management Report	
Application ID: LA04/2021/2285/F	Date of Committee: 16 th August 2022
Proposal: Proposed 2.5 storey residential apartment building comprising 11 No. apartments (social), amenity space, landscaping, access, parking and ancillary site works (Amended Plans)	Location: 29 Parkside Gardens, Belfast, Co. Antrim, BT15 SAW
Referral Route: Referred to Committee by Director or Planning and Building Control proximity to interface	
Recommendation:	Refusal
Applicant Name and Address: JAMDAC Developments Ltd 16 Mount Charles Belfast BT7 1NZ	Agent Name and Address: Clyde Shanks Ltd Second Floor 7 Exchange Place Belfast BT1 2NA
<u>ADDENDUM REPORT</u> The application was initially brought to Planning Committee on 15th February 2022 but was deferred for a site visit for elected members on Thursday 3rd March 2022. The application was subsequently presented to Planning committee on the 15th March 2022. At the March committee, members agreed to defer consideration of the application to allow the applicant to reconsider the issues raised by officers, including parking spaces and amenity concerns. Members should read this Addendum Report in conjunction with the first Addendum report and the original full detailed planning report attached below. <u>Summary</u> • The site visit by members has taken place. • An amended scheme has been received	



A Proposed Eastern Elevation
Scale 1:100



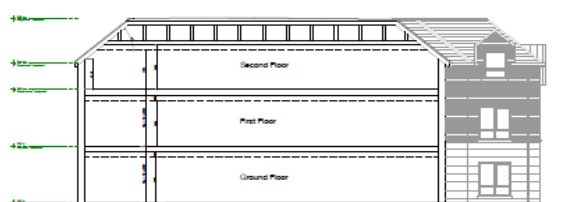
B Proposed Northern Elevation
Scale 1:100



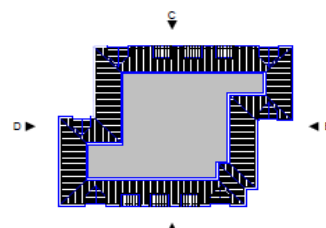
C Proposed Western Elevation
Scale 1:100



D Proposed Southern Elevation
Scale 1:100



Proposed Section A-A
Scale 1:100



Elevation Key
not to scale

Consideration of Amended Scheme

The applicant submitted amendments to the scheme following the previous Committee in an attempt to address concerns raised by officers:

Parking

- The number of parking spaces has been reduced from 11 to 7 resulting in a reduced amount of hardstanding on site. DFI Roads provided further comment and have offered no objections.

Amenity Space

- As a result of the reduction in parking spaces, communal amenity space provision has increased from 263.1sqm to 418.9sqm (an increase of 155.8sqm). This results in an increase from 23.9sqm per apartment to 38.08sqm per apartment. The quantum is in excess of guidance however, the scale and height of the building is such that the significant areas of the space will be over shadowed for parts of the day, which will detract from its value. In addition, the scheme does not offer any private amenity space.
- The scheme includes additional tree planting to the rear (north) of Nos. 31 and 33 Parkside Gardens. The Tree officer is content with the tree proposal arrangements.

Outlook

The outlook for south facing apartments has been altered with the addition of obscured glazing to habitable rooms (kitchens). As these windows are located in habitable rooms (kitchen/dining area) it would be unreasonable to use obscure glazing and would impact the quality of the living environment. The use of obscure glazing to habitable rooms is an indication of over development.

The bin collection area has been repositioned to a hardstanding area close to the entrance point of the site. No details were provided of a secure covered area for the bins.

NIW Water

- NI Water have raised concerns with capacity issues though an engineering solution is possible. This solution would be subject to agreement with NI Water.

Officers having considered the amendments conclude that all the matters of concern set out in the previous reports have not been overcome: Refusal reasons are set below:

- *The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments and to Policy LC1 of the Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas, in that the development would, if permitted, introduce a built form and a building of a bulk, scale and mass, not in keeping with the overall character and environmental quality of the established residential area. If permitted would result in over development of the site which would introduce to the location an unacceptable density and an uncharacteristic layout.*
- *The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments in that the proposal would, if permitted, result in an unacceptable impact to neighbouring residents by way of overlooking and the potential for perception of dominance being harmful to their living environment and impact on amenity from the bin collection area proposed.*
- *The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments in that the proposal would, if permitted, result in unacceptable poor outlook for prospective residents by the use of obscure glazing for habitable rooms as a result of overdevelopment of the site.*

The proposal has been considered and assessed in accordance with the relevant prevailing planning policies and development plan.

Recommendation

The proposal is recommended for refusal.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of reasons for refusal subject to no new substantive planning issues being raised by third parties.

Late Items

Agenda Item	Application	Issues Raised	Action
7b	LA04/2021/2285/F 29 Parkside Gardens, Belfast. Proposed 2.5 storey residential apartment building comprising 11 No. apartments (social), amenity space, landscaping, access, parking and ancillary site works	Letter of support from Newington Housing association. Letter states that the Housing Executive has confirmed that there are 1,041 applicants on the Newington Limestone waiting list of which 885 are deemed to be in housing stress. Figure is likely to increase when a new projected need for 2022-2025 is published by NIHE. Newington Housing Association is fully committed and supportive of this proposal especially as there is a shortfall of development land within their area of operation.	Members to note. Officers supportive of social housing but the scheme should meet the tests of PPS7 QD1
7b	LA04/2021/2285/F 29 Parkside Gardens, Belfast.	Letter of support from NIHE – Belfast Region Place Shaping Team. Letter states that the NIHE will support the following housing mix at this location: 8 No. 2 bedroom 3 person apartments G/N 2 No. 1 bedroom 2 person apartments G/N 1 No. 2 bedroom 3 person wheelchair apartment.	Members to note. Officers supportive of social housing but the scheme should meet the tests of PPS7 QD1
7b	LA04/2021/2285/F 29 Parkside Gardens, Belfast.	Agents email of 9 th February raised the following points: No feedback provided;	The application was subject of a Pre Application Discussion for a class C3 use – assisted living. The concerns with the application under consideration were also raised at the PAD despite the change from class C3 to C1 use.

Agenda Item	Application	Issues Raised	Action
		Note refusal reasons include parking issues as well as impact on trees. Struggle to see how the Council has concluded this with DFI Roads and Tree Officer responses outstanding; Asked to provide further information regarding the impact on trees beyond the scope of the tree constraints plan originally submitted. Arboricultural Impact Assessment and Method Statement submitted 8th February not yet reviewed; Density figures at 9.14 are factually incorrect;	No DFI Roads or parking refusal reasons are proposed. Reference to parking in the refusal reasons is in respect of the layout being dominated by parking which would contribute to, alongside other concerns, a poor quality living environment for prospective residents. See below point re Tree comments/ Agent was not requested to submit an Arboricultural report. Agent was asked to forward the survey that was used to inform the condition of trees on the tree constraints map which the agent themselves had provided. Agent advised there was no report produced. Case officer information submitted re the categorising of the trees – species, condition etc. Agent then forwarded Arboricultural Impact Assessment and Method Statement which has now been considered by the Tree Officer (see below) At 9.14 of the case officer report should read 'The density of the proposal site would equate to 110 dwelling units per hectare. This is nearly double the highest existing density in the area'.

Agenda Item	Application	Issues Raised	Action
		Request for the application to be withdrawn from planning committee; Applicant and housing provider will be raising this with the Council as a matter of procedural fairness.	This is listed as a separate late item for members to note. Noted.
7b	LA04/2021/2285/F 29 Parkside Gardens, Belfast.	Agent submitted Planning Committee Briefing Note raising the following points; • Proposal is for Social Housing prepared in collaboration with Newington Housing Association • Followed Pre-Application Discussion (PAD) feedback; Includes complex needs apartment on the ground floor; • Makes use of a derelict former builder's yard with hardstanding and storage sheds – a clear betterment; • No objection responses received from all consultees that cannot be addressed by way of condition • No objection from Historic Environment Division who are the custodians of Alexandra Park Historic Parks, Gardens and Demesnes; • No objections received from local residents;	Noted- Applicant is not a social housing provider The application was subject of a Pre Application Discussion for a class C3 use – assisted living. The concerns with the application under consideration were also raised at the PAD despite the change from class C3 to C1 use. Noted. Not raised as an issue. Policy PED 7 of PPS 4 can be set aside. Noted. NI Water have recommended refusal. Noted. The Alexandra Park is owned and maintained by Belfast City Council. Noted

Agenda Item	Application	Issues Raised	Action
		• Favourable planning history for 2.5 storey 8 No. apartment building (not social) on site; • Sufficient communal open space provided and the site is located adjacent to Alexandra Park.	Noted Planning considers the amenity provision to be insufficient both in quality and quantum as per the case officer report.
7b	LA04/2021/2285/F 29 Parkside Gardens, Belfast.	BCC Tree Officer consulted with Arboricultural Impact Assessment and Method Statement. The Tree Officer has commented with the following points; No trees within the site currently a Tree Protection Plan is not required; Please confirm if any pre development tree surgery is required to prune any overhanging crown spread from nearby trees outside of the application site. If trees on Council property would need to confer with the Council's Tree and Woodland Officers; X5 proposed trees along the western boundary may struggle to establish over time as species choice may not be ideal for the location. Future planting should integrate proposal and have a harmonious relationship within the site, providing enjoyable private amenity space without future implications such as overshadowing or lateral branches growing towards the building structure creating risks and concerns; Trees adjacent to parking areas should be clear stemmed with narrow or tight crown spreads with a suitable established growing size; Landscape maintenance and management plan submitted is deemed appropriate ensuring	Members to note. Refusal Reason 4 re impact to trees to be removed.

Agenda Item	Application	Issues Raised	Action
		professional and periodical management to ensure trees afford future amenity value within the site; No objection in principle will not directly impact on and adjacent trees; Revised landscaping plan should be provided or provided as a discharge of condition.	
7b	LA04/2021/2285/F 29 Parkside Gardens, Belfast.	Email from agent (10/03). 'The Development Management Report Inc. Addendum for the 15th March committee also still refers to the premature refusal reason relating to trees despite that Council's own Tree Officer has no objection stating, <i>"the application will not directly impact on and adjacent trees"</i>.'	As above, refusal reason 4 (impact on trees) is removed.
7b	LA04/2021/2285/F 29 Parkside Gardens, Belfast.	Amended layout and elevations submitted with email and letter detailing the following points: The applicant maintains that, contrary to the Development Management Report, the density of the scheme (91.6 dwellings per hectare) is lower than the surrounding residential area (111.2 dph) and is not therefore out of character. Notably, the Council's Local Development Plan Draft Plan Strategy, which is a material consideration, contains Policy HOU4 which indicates that in inner city areas a minimum density of 75 dph and a maximum of 150 dph will be appropriate;	The amended scheme will be addressed below, with each point addressed in turn: - Addressed above. Density approximately 110 dwellings per hectare. This is more than double the density of surrounding area. - As the agent's amenity space calculations include paths around the building, officers disagree. The total amenity

Agenda Item	Application	Issues Raised	Action
Continued		• An additional 96.1sqm of green amenity space is provided resulting in a total of 263.1sqm of amenity space to serve the 11 apartments. This equates to 23.9sqm per apartment, far in excess of the minimum standard of 10sqm as set out in Creating Places; • The additional amenity space is located to the east of the site complimenting the space already proposed to the west of the site;	space now sits at approximately 180 sqm. This equates to approximately 16 sqm per unit. The key here is the provision of 'private open space', as per 'Creating Places'. The additional amenity space provided is not private. The site sits within a residential area where the character is that of dwellings enjoying private amenity space. The desire for private open space in apartment developments was highlighted by the Planning Appeals Commission in their report on an appeal against the refusal of permission for an apartment scheme on Eia Street. • In respect of the relationship of the building to the proposed amenity space - to the west the space is sandwiched between the building and the boundary of the site and adjacent trees, the overall quality of the space provided is questionable. As each area will be overshadowed by the scale of the building due to the
Continued			

Agenda Item	Application	Issues Raised	Action
Continued		- As the amenity space is now both east and west facing and as the building stands off the proposed boundaries (by circa 6.5m) there will be no unacceptable overshadowing of the amenity space; - The parking layout has been reorientated to reduce alleged dominance and provide for the additional amenity space. One space per apartment remains as does a disabled space to serve the complex needs apartment; and - Amended fenestration to the southern elevation nearest to existing residential dwellings. This comprises a cantilevered bay window to the first and second floor apartments with obscure glazing facing the dwellings opposite and clear glazing for outlook at the sides to prevent direct line of sight while maintaining adequate day light and views over the open space.	orientation. The additional amenity space is sandwiched between a 3 storey building and high boundary trees and will be completely overshadowed in the evening by the building. - The amenity space has been provided at the cost of a turning area and the re-positioning of two parking spaces. Residents will have the prospect of reversing for a long distance to turn their vehicle or turn it in to the front of the building. - The windows have not been removed and remain at first and second floor level giving the perception of being overlooked. As these windows are located in habitable rooms (kitchen/dining area) it would be unreasonable to use obscure glazing or to secure by a planning condition. Irrespective of the introduction of obscured glazing on two windows the first and second floor windows on the southern elevation facing directly onto

Agenda Item	Application	Issues Raised	Action
Continued		- Creating Places states 'a separation distance greater than 20m will generally be appropriate to minimise overlooking..... And that greater flexibility will generally be appropriate in assessing the separation distance for apartments and infill housing schemes in urban locations and higher density areas. It is suggested that given the inner urban location the scheme should be given be afforded greater flexibility. - The scheme is acceptable for the following reasons: - Unique location with open space bounding on three sides.	the rear of the two closest dwellings remain unchanged. - Whilst a 20m separation distance is generally accepted. In this case officers consider it is insufficient. This is a three storey apartment block in the immediate backland of 3 residential dwellings with habitable second floor windows overlooking the rear of adjacent housing. Flexibility can be applied in higher density areas but not to the extent whereby a window at approximately 7.5m above ground level overlooks an adjacent dwelling. - Proximity to open space does not outweigh the need for adequate and appropriate amenity space on-site. - The context is noted. This is not a terraced dwelling scheme. 8 units were previously permitted as an Outline in principle only not 11.

Agenda Item	Application	Issues Raised	Action
continued		2. The context and character of the area comprises of large blocks of terraced dwellings. 3. The planning history advocated a 2.5 storey block. 4. Addresses unmet social need. 5. Complies with other regional planning policy and guidance. 6. Regeneration of brownfield site.	4. It is acknowledged that this is an area of housing need. 5. As the proposal fails to meet specific planning policy requirements it does not meet regional planning policy. 6. Regeneration is welcomed, but in a manner that is appropriate to the site and existing context. To summarise the amended scheme does not address previous concerns. The scale and massing of the building remains the same. There is an insufficient level of private amenity space for the residents, and the proposed communal space is of poor overall quality and value to the scheme. A turning head / area has been removed which is likely to impact safety and movement on the site. There remains first and second floor windows from habitable rooms 20m from the rear of adjacent dwellings. The introduction of obscured glazing on habitable rooms is representative of the of the overdevelopment of the site. Its retention via planning condition is considered to be unreasonable.

Agenda Item	Application	Issues Raised	Action
7b	LA04/2021/2285/F 29 Parkside Gardens, Belfast.	DFI Roads consultation response received 10/02/2022. DFI Roads have reiterated their request for a Travel Plan having considered the applicant's road consultants letter which stated a travel plan is unnecessary. Travel Plan submitted 14th March 2022, includes the following proposals: Funded sustainable travel, with each apartment offered and provided: • Metro Travel Card – 3 years, 100% subsidy • Car Club Membership – 3 years, 50% subsidy • Belfast Bike Scheme Membership – 3 years, 100% subsidy	DFI Roads consulted 15th March 2022. A Section 76 agreement would be required to secure green travel measures should approval be forthcoming, subject to DFI Roads comments.

**Addendum
Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: Tuesday 15 th March 2022	
Application ID: LA04/2021/2285/F	
Proposal: Proposed 2.5 storey residential apartment building comprising 11 No. apartments (social), amenity space, landscaping, access, parking and ancillary site works (Amended Plans)	Location: 29 Parkside Gardens, Belfast, Co. Antrim, BT15 SAW
Referral Route: Referred to Committee by Director or Planning and Building Control proximity to interface	
Recommendation:	Refusal
Applicant Name and Address: JAMDAC Developments Ltd 16 Mount Charles Belfast BT7 1NZ	Agent Name and Address: Clyde Shanks Ltd Second Floor 7 Exchange Place Belfast BT1 2NA
<u>ADDENDUM REPORT</u> This full application was previously listed for Planning Committee on 15th February 2022. The application was not presented and subsequently deferred for a site visit to be undertaken to allow the Committee to acquaint itself with the location and the proposal at first hand. Member should read this Addendum Report in conjunction with the original full detailed planning report attached below. A site visit for elected members took place on Thursday 3rd March 2022. <u>Assessment</u> The proposal has been considered and assessed in accordance with the relevant prevailing planning policies and development plan. <u>LDP update</u> The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered Sound and adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.	

Summary

- The site visit by members has taken place;
- No further information or amendments have been received and the recommendation remains unchanged.

In conclusion, the recommendation remains as set out in the case officer's report and this addendum.

Recommendation

The proposal is recommended for refusal. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of reasons for refusal subject to no new substantive planning issues being raised by third parties.

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Tuesday 15 February 2022	
Application ID: LA04/2021/2285/F	
Proposal: Proposed 2.5 storey residential apartment building comprising 11 No. apartments (social), amenity space, landscaping, access, parking and ancillary site works (Amended Plans)	Location: 29 Parkside Gardens, Belfast, Co. Antrim, BT15 SAW
Referral Route: Referred to Committee by Director of Planning and Building Control proximity to interface	
Recommendation:	Refusal
Applicant Name and Address: JAMDAC Developments Ltd 16 Mount Charles Belfast BT7 1NZ	Agent Name and Address: Clyde Shanks Ltd Second Floor 7 Exchange Place Belfast BT1 2NA
Executive Summary: The proposal is for full planning permission for a proposed 2.5 storey residential apartment building comprising 11 No. apartments (social), amenity space, landscaping, access, parking and ancillary site works. The Key issues in the assessment of the proposed development include; • Principle of development and use; • Loss of Economic land; • Height, Scale, Massing and Design;& Layout; • Provision of amenity space;	

- Parking provision and access;
- Impact on residential amenity of both existing and proposed residents;
- Impact on heritage;
- Other environmental factors.

The adopted Belfast Urban Area Plan 2001 designates the site as un-zoned white land. Draft BMAP 2004 and 2015 both designate the site as un-zoned white land. The 2015 version of Draft BMAP also included the site within the boundary of Alexander Park – Historic Park, Garden and Demesne BT 063

The principle of residential development on the site has previously been established under planning permission Z/2008/0053/O. Planning Policy Statement 4: Planning and Economic Development also applies as the site was last used for economic use and the applicant has demonstrated the proposal complies with Policy PED 7.

In terms of the proposed built form and layout, the proposed bulk, scale and massing are considered to be unacceptable, out of character and would appear dominant. The proposal would not be in keeping with the existing area and would detrimentally impact on its character and appearance. The proposal shows an excess of hardstanding, no private amenity space and insufficient and inappropriate communal amenity space, which will be largely shadowed by the proposed building. There is no landscaped buffer provided to the protected park with the built form positioned almost to the boundary of the site.

In terms of residential amenity there will be overlooking to existing rear amenity and windows of neighbours and there is a potential for a perception of dominance given the relative difference in scale proposed. Outlook for prospective residents would be dominated by hardstanding and parking and to the north facing apartments the proximity of trees, outside the ownership of the applicant, may result in significant shadow.

The applicant has failed to demonstrate that trees within Alexander Park will not be impacted by the development.

Historic Environments Division, Rivers Agency, Environmental Health and NIEA Regulation Unit and Natural Heritage have no objection to the proposal subject to conditions.

NIEA Water Management have advised the proposal has the potential to adversely impact the surface water environment.

NI Water has recommended refusal due to insufficient capacity.

DFI Roads and the Tree Officer comments to follow and will be reported through late items if they become available.

The application has been advertised and neighbour notified, and no objections have been received to date.

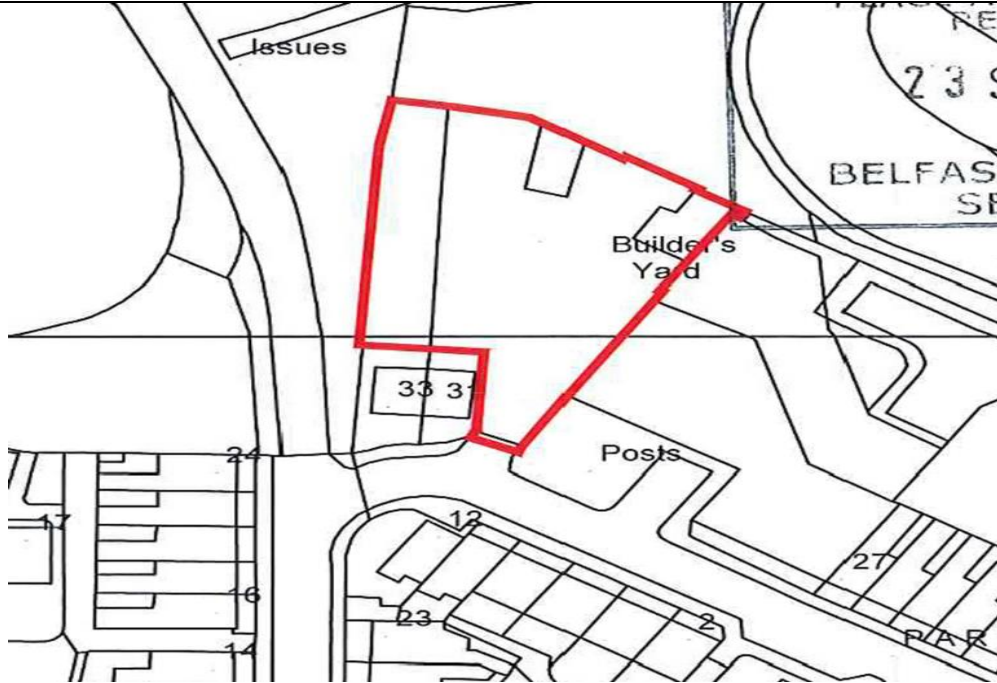
Recommendation:

Refuse

Having regard to the policy context and other material considerations, the proposal is considered unacceptable and refusal of planning permission is recommended for the reasons set out in paragraph 11 below. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of reasons for refusal subject to no new substantive planning issues being raised by third parties.

Case Officer Report

Site Location Plan



Proposed Site Plan



Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

1.0	Description of Proposed Development
1.1	The proposal is for full planning permission for a proposed 2.5 storey residential apartment building comprising 11 No. apartments (social), amenity space, landscaping, access, parking and ancillary site works.
2.0	Description of Site
2.1	The site is located at 29 Parkside Gardens, a former builder's yard set within and between a residential and parkland context with a pair of semi-detached dwellings to the immediate front of the site sitting west of the entrance, a bungalow to the immediate east of the entrance and Alexandra Park adjacent to the rear, north and west.

2.2	The eastern boundary wall separates the site from a vacant plot of land adjacent to an interface. The interface bounds the park along Mountcollyer Street. The site is noted on the Belfast interface project map as blighted land. There is a significant buffer along the interface of the nearest dwellings on Parkside Gardens.
2.3	Access to the site is by an opening between 31 and 27 Parkside Gardens with the site wrapping around the rear of semi-detached dwellings 31 and 33 Parkside Gardens
2.4	The area is characterised by two storey semi-detached and two and a half storey terraced residential dwellings with on street parking. Alexander Park lies adjacent to the north, west and east of the site.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	Z/2008/0053/O - Site for residential development of 8no apartments – Granted
3.2	Z/1990/3127 - Change of use from commercial vehicle repairs to builders' yard and auxiliary office - Granted
3.3	Z/1982/1157 – Change of use from yard for repairs of plant and heavy vehicles to repair – Granted
3.4	Z/1981/0854 – Conversion of existing shed to stabling use – Granted
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015 (2004 Version)
4.3	Draft Belfast Metropolitan Area Plan 2015
4.4	4.4.1 Strategic Planning Policy Statement for Northern Ireland (SPPS) 4.4.2 Planning Policy Statement 3: Access, Movement and Parking 4.4.3 Planning Policy Statement 4: Planning and Economic Development 4.4.4 Planning Policy Statement 6: Planning, Archaeology and the Built Heritage 4.4.5 Planning Policy Statement 7: Quality Residential Environments 4.4.6 Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas 4.4.7 Planning Policy Statement 8: Open Space and Recreation 4.4.8 Planning Policy Statement 12: Housing in Settlements 4.4.9 Planning Policy Statement 15: Planning and Flood Risk 4.4.10 Development Control Advice Notice (DCAN) 8: Housing in Existing Urban Areas 4.4.11 Development Control Advice Notice (DCAN) 15: Vehicular Access Standards 4.4.12 Creating Places
5.0	Statutory Consultees Responses
5.1	DFI Roads – Noted the change in proposed use from that at the PAD stage. Subsequently DFI Roads have not requested a Travel Plan alongside auto tracking, a service management plan and amendments to the vehicular access and parking. This information was not requested by planning and was submitted by the applicant without request.

5.2	NI Water Multi Units East have recommended refusal of the proposal on the basis of sufficient waste water treatment works capacity is not sufficient to accommodate the proposal without significant risk of environmental harm.
5.3	Rivers Agency – No objection subject to condition
5.4	NIEA were consulted and advised of the following; • Water Management advised the proposal had the potential to adversely impact the surface water environment. • Regulation Unit has no objection to the proposal subject to conditions; • Natural Heritage has no objection.
5.5	Historic Environments Division were consulted and advised of the following; • Historic Buildings advised the proposal is sufficiently removed from the Listed Building and have no objection to the proposal; • Historic monuments considered the Archaeological Impact Assessment and concurs with its findings and has no objection to the proposal.
6.0	Non Statutory Consultees Responses
6.1	BCC Environmental Health - No objection subject to conditions.
6.2	BCC Tree Officer – Response to follow.
7.0	Representations
7.1	The application has been neighbour notified and advertised in the local press; no representations from neighbours have been received.
8.0	Other Material Considerations
8.1	The adopted Belfast Urban Area Plan 2001 designates the site as un-zoned white land.
8.2	Draft Belfast Metropolitan Area Plan (BMAP) 2004 plan the site is designated as un-zoned white land.
8.3	Draft Belfast Metropolitan Area Plan (BMAP) 2015 plan that was adopted and now subsequently quashed the site was designated as un-zoned white land and it is included within the boundary of Alexander Park – Historic Park, Garden and Demesne BT 063.
8.4	Living Places an Urban Stewardship and Design Guide for Northern Ireland.
9.0	Assessment
9.1	The Key issues in the assessment of the proposed development include; • Principle of development and use; • Loss of Economic land; • Height, Scale, Massing and Design; & Layout; • Provision of private amenity space; • Parking provision and access; • Impact on residential amenity of both existing and proposed residents; • Impact on heritage; • Other environmental factors.

9.2	The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is the statutory development plan for the area. draft BMAP remains a material consideration. The site is located within the settlement development limit for Belfast in the adopted and both draft versions 2004 and 2015 of BMAP.
9.3	Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
9.4	Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS sets out five core planning principles of the Planning System, including health and well-being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. Paragraphs 4.11 and 4.12 require the safeguarding of residential environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraph 4.23-7 stress the importance of good design.
9.5	<u>Principle of development and use</u> Whilst the principle of residential development on the site has been previously approved under planning permission Z/2008/0053/O – outline permission for 8 apartments. Whilst the principle of residential use on the site is acceptable and compatible with the adjacent residential use and park, it is the form of development proposed in this case that is considered unacceptable.
9.6	<u>Loss of Economic Land</u> As the proposal site was last used as a builder's yard policy PED 7 of PPS4. This policy affords protection to lands last used for business purposes. The principle of residential development and the use as residential has previously been accepted through previous planning permission Z/2008/0053/O. The applicant has provided a design concept statement which also addresses PED 7. The applicant has stated that the proposal complies with criterion (b), (d), (e) and (f).
9.7	In terms of criterion (b) the applicant has stated that the proposed use for social housing is of greater community benefit than its extant use as a derelict former builder's yard, which also complies with criterion (d) in that the present use has a significant adverse impact on the character or amenities of the surrounding area. It is accepted that the proposed social housing would be of greater community benefit than its currently derelict state and would be considered complimentary and in keeping with the adjacent residential and parkland use and therefore complying with criterion (d).
9.8	It is the restricted nature of the site that renders it unsuitable for modern industrial, storage or distribution purposes and therefore the case made is deemed to comply with criterion (e). Nor are there any building of archaeological or historical interest or importance that would be required to be secured, as set out in criterion (f).
9.9	It is considered that the applicant has sufficiently demonstrated that the proposed residential use on the site is acceptable at this derelict former builders' suppliers.
9.10	<u>Height, Scale, Massing and Design and Layout</u> The proposed development includes:

9.11	Height – 9.82m from FFL Eaves – 7.28m from FFL Gable Depth – 16.66m Length – 23.05m
9.12	The proposed height, scale and massing combined with the footprint, which occupies a significant portion of the site, is considered to be unacceptable and would appear dominant. The plot coverage and the proposed hard standing for parking will leave little private amenity space. The building is 'pushed' to the rear boundary and will be positioned just off the boundary with the Park, with no landscape buffer between the proposal and Alexander Park to the north. The proposal represents overdevelopment of the site.
9.13	The length and depth of the proposed building is significant, at over 23metres X 16.6metres and with limited space remaining around the building to absorb a building of this scale. The building will be dominant on the plot.
9.14	Whilst the area is relatively high density, the proposal would be out of keeping with the local character of the area and out of keeping within the context in which it is to be located and in particular with more recent development in the vicinity. The area generally displays terraced dwellings with private amenity to the front and rear; and as the area has been subject to substantial clearance and redevelopment in recent years, the new dwellings built have good amenity provision to the front and rear resulting in a quality environment. In terms of density in the area this ranges from 40 dwellings per hectare to 59 per hectare. The density of the proposal site would equate to 130 dwelling units per hectare. This is more than double the highest existing density in the area. This reiterates the proposal represents over development of the site and would not deliver a quality residential environment for prospective residents.
9.15	Policy QD 1 of planning policy Statement 7 – Quality Residential Environments also considers the impact of the proposal on the character of the area. It is considered that the proposal represents overdevelopment of the site combined with the proposed level of hardstanding for the provision of car parking is considered to be excessive resulting in an unacceptable layout, impacting on the amenity of prospective and existing residents.
9.16	The outlook for apartments fronting on to the eastern and southern portion (apartments 1, 3, 4, 7, 8 and 11) of the site will outlook on to areas dominated by hard standing in the form of the road, parking, pedestrian surface and a brick boundary wall and neighbouring gardens private amenity areas. The remaining apartments outlook on to a section of grass area directly south of the proposed building and providing a visual break between the walkway around the building and the car park and those apartments outlook to the west will outlook on to the shared communal amenity space.
9.17	The dominance of site coverage and hard standing within the proposal site is a symptom of overdevelopment of the site and highlights the lack of adequate amenity provision or landscape buffer.
9.18	<u>Amenity for Prospective Residents</u> In terms of amenity space, there is no private amenity space proposed within the development. There is a total of approximately 83m² of communal amenity space proposed, with no individual private amenity space for the apartments. Whilst the applicant's block plan states 167m², this would appear to include a walkway area and a grassed area which would not be considered to be private. As set out in creating places, the recommended minimum amenity space provision per apartment is in the range of 10m² to 30m², dependent upon the urban context in which the proposal site is located.

	As this site is out of the inner city, it would be expected that the amenity provision per apartment would exceed the recommended minimum of 10m². In addition, there are units proposed that are 2 bedroom and would reasonable be expected to accommodate families, which require greater amenity space provision.
9.19	It is acknowledged that the proposal site is directly adjacent to Alexander Park, however considering the EIA Street planning appeal decision 2018/A0070 it was considered that existing other public spaces were not an acceptable substitute for the deficit of private and communal space in quantitative and qualitative terms. Therefore, it is considered that insufficient private amenity space has been provided for prospective residents and is contrary to criterion (c) of policy QD1.
9.20	The communal amenity space provided is located within the western portion of the site and this western boundary is to be bounded by a 1.8m close boarded timber fence. The orientation and layout of the site will mean that the communal amenity area will likely be in the shade most of the day combined with the existing dwellings to the south as the sun path moves from east to west throughout the day. All of these are symptoms of over development and indicate that the proposed development exceeds the maximum capacity that the site can accommodate.
9.21	Therefore, the proposed layout is unacceptable and is considered to be contrary to criterion (a), (b), (c), (e), (f), (g) and (h) of policy QD 1 of PPS 7 and criterion (a) and (b) of Policy LC 1 of the Addendum to PPS 7.
9.22	In terms of the required minimum space standards, the proposed dwellings meet and exceed the space standards as set out in Annex A of the Addendum to Planning Policy Statement 7 – Safeguarding the Character of Established Residential Areas and therefore is in accordance with criterion (c) of policy LC 1.
9.23	<u>Impact on Neighbouring Residential Amenity</u> In terms of the residential amenity of existing residents, despite the minimum separation distance of 20m being provided, it is considered that the proposed residential development will result in direct overlooking to the rear gardens and amenity areas of the semi-detached dwellings located at 31 and 33 Parkside Gardens and to the bungalow at 27 Parkside Gardens. In terms of overshadowing the proposal will not result in unacceptable impact to the residential amenity of adjacent dwellings as the proposal site sits to the north of those and therefore it will be the proposed communal amenity area that will be overshadowed by the existing dwellings and western boundary wall. Again, whilst there is unlikely to be any significant shadow, the neighbours may experience the perception of dominance given the scale and mass of the block proposed, particularly relative to the bungalow at 27 Parkside Gardens.
9.24	<u>Impact on trees</u> Whilst on the site itself there are no trees or vegetation, the site is adjacent to Alexander Park. Directly adjacent to the northern boundary wall are trees which form part of Alexander Park. The applicant submitted a Tree Constraints Plan which show the position of the trees however the plan states 'that the trees are in such a condition that they cannot realistically be retained in the context of current land use for longer than 10 years. However, these trees are not within the applicant's ownership and this development should not put those trees at risk regardless of their condition.
9.25	There is also concern about the proximity of the trees to the northern elevation. The proximity of the trees would result in potential for loss of light to these already north facing apartments, increasing the likelihood that any future occupants would request that the Council (owner of Alexander Park) to remove the trees to allow for light and outlook from

	these north facing apartments. Having said this the BCC Tree Officer confirmed that he had no objection in terms of the potential impact on the adjacent trees so on balance it is considered that a refusal reason based on the impact on adjacent trees could not be sustained.
9.26	<u>Parking Provision and Access</u> DFI Roads were consulted and requested the submission of a parking survey, refuse collection auto tracking, travel plan and a survey management plan. This information was submitted by the applicant without request together with a supporting letter. It is noted that the agent has failed to provide a travel plan and a service management plan for this proposal as requested by DFI Roads. The applicant's road consultant has stated that a travel plan is unnecessary for a proposal of this scale given its an accessible area with low car ownership. They have also stated that the travel plan would result in an additional cost of £20,000 for the housing association. The applicant's road consultant has also queried the requirement for a service management plan, given the scale of the proposal and that the only large vehicle accessing the site will be a refuse lorry if they wish to enter the site as a bin collection point is located adjacent to the entrance and neighbouring dwelling no.31 Parkside Gardens.
9.27	DFI Roads have also raised issues in respect of the forward sight distance required. The agent submitted further information which is with DFI Roads for consideration.
9.28	<u>Bins & waste collection</u> The proposed bin storage is to be internal within the building and accessible to all proposed residents internally. A bin collection point has been proposed, a concrete hard standing area between the vehicular access and the neighbouring dwelling at 31 Parkside Gardens. The proposed site plan shows space for 13 bins, neatly parked in rows, however the reality is that bins would be parked and would likely sprawl out on to the access road or the public footpath. There is also concern that if residents did not collect bins in a timely manner that this would impact on the neighbouring dwellings by smell and potentially increase the risk of vermin; and impede access to the site, given the narrow entrance. It is considered that the collection point would not be sufficient and would potentially impact on the amenity of the adjacent dwellings.
9.29	<u>Other Environmental Factors</u> NI water were consulted and have recommended refusal of the proposal on the basis of insufficient waste water treatment works capacity which cannot accommodate the proposal without significant risk of environmental harm. The applicant has failed to demonstrate through evidence from the statutory provider that the site can be adequately serviced.
9.30	Environmental Health were consulted and have no objection subject to conditions.
9.31	NIEA Water Management advised the proposal had the potential to adversely impact the surface water environment.
9.32	NIEA Regulation Unit have no objection subject to conditions.
9.33	NIEA Natural Heritage advised they had no concerns and recommended informatives.
9.34	Rivers agency has no objection subject to condition to the proposal.

10.0	<u>Recommendation</u> The proposal is considered to be unacceptable and refusal of planning permission is recommended.
10.1	Having regard to the policy context and other material considerations above, the proposal is considered unacceptable and refusal of planning permission is recommended. Delegated authority is sought for the final wording of refusal reasons from the Director of Planning and Building Control.
10.2	Summary of Recommendation: Refusal
11.0	Refusal Reasons 1. The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments in that the proposal would, if permitted, introduce an unacceptable layout through the overdevelopment of the site which would fail to provide a quality residential environment to the detriment of the amenity of prospective residents as the layout will be dominated by parking, fails to provide adequate or appropriate private and communal amenity space resulting in a poor quality living environment. 2. The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments and to Policy LC1 of the Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas, in that the development would, if permitted, introduce a layout, built form and a building of a bulk, scale and mass, not in keeping with the overall character and environmental quality of the established residential area. If permitted would result in over development of the site which would introduce to the location an unacceptable density and an uncharacteristic layout. 3. The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments in that the proposal would, if permitted, would result in an unacceptable impact to neighbouring residents by way of overlooking and the potential for perception of dominance being harmful to their living environment and impact on amenity from the bin collection area proposed.
Neighbour Notification Checked:	
Yes	
Notification to Department (if relevant)	
N/A	
Representations from Elected members:	
N/A	

ANNEX	
Date Valid	30th September 2021
Date First Advertised	22nd October 2021
Date Last Advertised	22nd October 2021
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Parkside Gardens,Belfast,Antrim,BT15 3AW The Owner/Occupier, 12 Parkside Gardens,Belfast,Antrim,BT15 3AW The Owner/Occupier, 31 Parkside Gardens,Belfast,Antrim,BT15 3AW The Owner/Occupier, 31 Parkside Gardens,Belfast,Antrim,BT15 3AW The Owner/Occupier, 33 Parkside Gardens,Belfast,Antrim,BT15 3AW The Owner/Occupier, 33 Parkside Gardens,Belfast,Antrim,BT15 3AW The Owner/Occupier, 75 Mountcollyer Street,Belfast,Antrim,BT15 3AZ The Owner/Occupier, 77 Mountcollyer Street,Belfast,Antrim,BT15 3AZ The Owner/Occupier, 79 Mountcollyer Street,Belfast,Antrim,BT15 3AZ The Owner/Occupier, 8 Parkside Gardens,Belfast,Antrim,BT15 3AW	
Date of Last Neighbour Notification	28th January 2022
Date of EIA Determination	n/a
ES Requested	No
Drawing Numbers and Title	
Drawing No's. 01, 02, 03A, 04A, 05A, 06A, 07A, 08A, 09A, 10, 11 and 12 Type: Site location map, existing layout, proposed layout, proposed floor plans and elevations, site sections, tree constraints plan and landscape plan. Status: Submitted	

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Tuesday 16 th August 2022	
Application ID: LA04/2022/0293/F	
Proposal: Erection of hotel/aparthotel comprising 162 hotel beds and 94 aparthotel beds, conference facilities, restaurant /cafe/bar uses (including roof top bar), gym, landscaped public realm, car parking, cycle parking and associated site and road works.	Location: Lands directly south of Titanic Belfast and north-west of Hamilton Dock located off Queens Road, Belfast.
Referral Route:	Major development
Recommendation:	Approval
Applicant Name and Address: JMK Group 29 Welbeck Street London W1G 8DA	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE
Executive Summary: The application seeks full planning permission for a hotel/aparthotel with 162 hotel beds and 94 aparthotel beds, conference facilities, restaurant /cafe/bar uses (including roof top bar), gym, landscaped public realm, car parking, cycle parking and associated site and road works. The main issues to be considered in this case are; • The principle of a hotel at this location; • Loss of Open Space • Scale, Massing and Design; • Impact on Built and Archaeological Heritage; • Traffic and Road Safety; • Flooding and Drainage; • Impact on amenity; • Human health; • The impact on natural heritage; • Pre-application Community Consultation; • The consideration of developer contributions. The site is located within an established industrial/ commercial area within the wider Titanic Quarter. It forms part of the mixed-use Titanic Quarter zoning. The site previously benefitted from being part of the wider Phase 2 Concept Masterplan (outline planning permission Z/2010/2864/O) granted in June 2008, with a hotel approved on the site in 2010. Both the outline and 2010 hotel permissions have now lapsed however they remain a material consideration.	

A further planning application (LA04/2019/1636/F) for hotel use was approved by the Council on 27.02.2020 which further established the principle of development and a hotel use at this location. The 'Design Principles' document which accompanied the Concept Masterplan, included a range of parameters for this particular site (referred to in the masterplan as Block 8) relating to land area, gross floor space, storeys and height. The extant approval exceeds the height set out in the masterplan by approximately 2.2m but was considered appropriate given the quality of the proposal and design cues taken from the nearby listed H&W Drawing Offices. The current scheme is only 150mm higher than the extant approval. Historic Environment Division have considered the proposal and have no objections.

The amended scheme for a 256-bed hotel is very similar in terms of design, height, massing and layout to the extant approval for a 276-bed hotel (LA04/2019/1636/F). The application has been submitted to respond to market conditions and the applicant now seeks to develop a 256-bedroom hotel which will include 94 apart-hotel rooms and 162 conventional hotel rooms.

As the site is within the settlement development limit and taking into account the site context and history, the principle of hotel use at this site is acceptable subject to prevailing policy considerations.

Consultees including DfI Roads, NIEA, Shared Environmental Services, Historic Environment Division, NI Water, DfI Rivers, City Airport, NIE, the Council's Landscape Team, Environmental Health Department, Senior Urban Design Officer and Tree Officer have no objection to the proposal subject to conditions. Their consultations are detailed in the main body of the report.

The proposal will not adversely impact upon the nearby protected sites within and around Belfast Lough. Conditions will ensure that development is carried out in a sympathetic manner to ensure any potential disruption to these sites is appropriately mitigated.

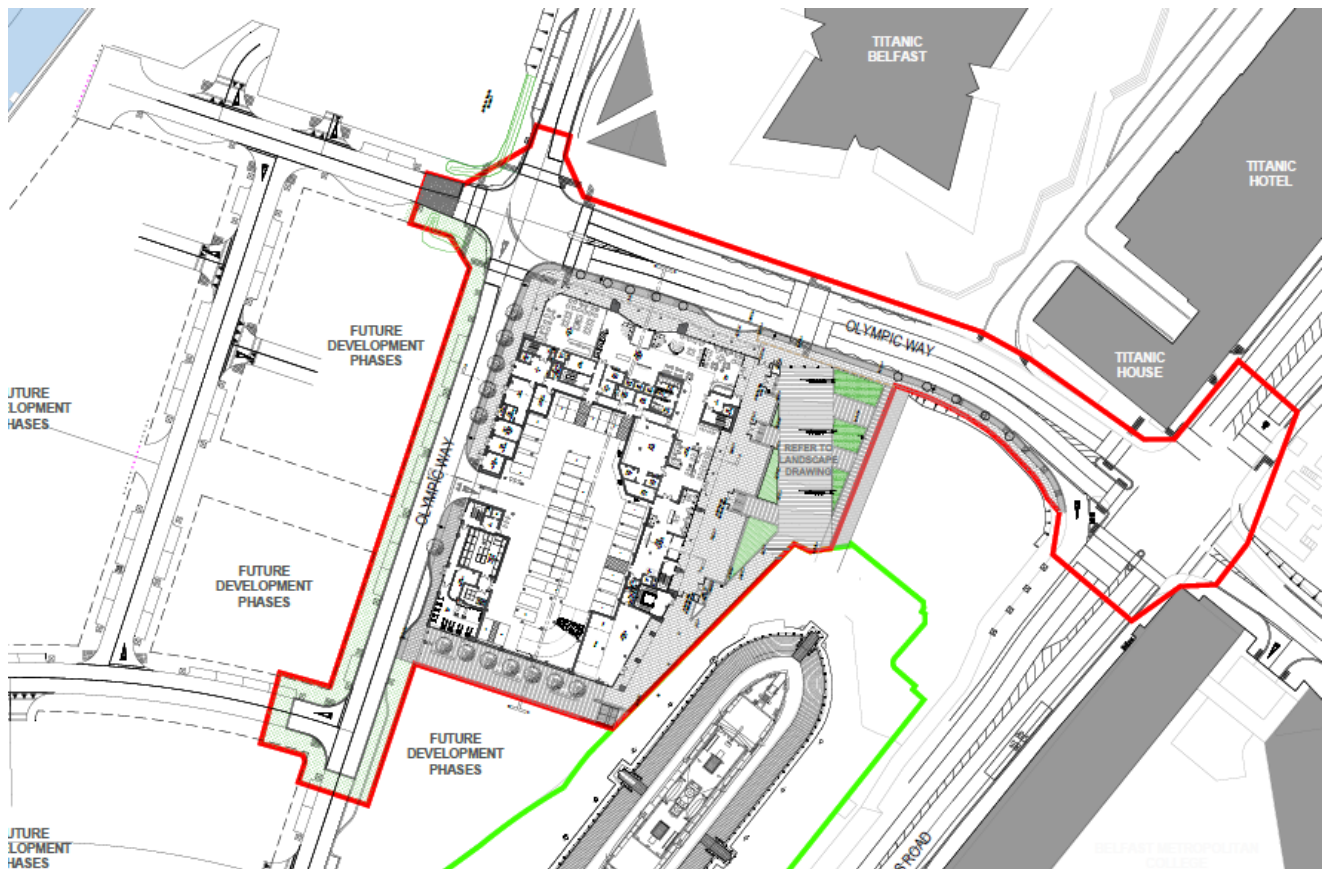
2 no objections were received and are detailed and considered in the report.

The proposal will have an estimated construction cost of about £36 million. Approximately 620 FTE construction jobs will be created. The operational phase will deliver approximately 70 FTE jobs.

Having regard to the Development Plan, and other material considerations, the proposed development is considered acceptable. It is recommended that planning permission is granted subject to conditions. Delegated authority is requested for the Director of Planning and Building Control to finalise the wording of conditions.

Case Officer Report

Site Location Plan/Site Layout/Elevations





PROPOSED ELEVATION 01



PROPOSED ELEVATION 03

PROJECT NOTES		REVISIONS	
1	REV	DATE	BY



PROPOSED ELEVATION 02



CGI Views



Characteristics of the Site and Area															
1.0	<u>Description of Proposed Development</u>														
1.1	The description of the proposal is as follows: <i>‘Erection of hotel/aparthotel comprising 162 hotel beds and 94 aparthotel beds, conference facilities, restaurant /cafe/bar uses (including roof top bar), gym, landscaped public realm, car parking, cycle parking and associated site and road works.’</i>														
1.2	The Design and Access Statement (DAS) states that <i>‘except for the inclusion of the aparthotel beds replacing some of the hotel beds, and some other minor changes which are described in Section 3, the proposed development is similar to the hotel scheme (reference: LA04/2019/1636/F) approved by Belfast City Council on 28 January 2020. The overall massing, design, siting and materiality does not deviate from the previously approved scheme.’</i>														
1.3	The proposed hotel is a 7-storey building including the mezzanine level. There is a small increase in height of 150mm to 23.85m compared to the extant scheme. And also a small increase in overall floorspace to 16,769 sq m from 16140sq m . See below comparison table from the Design and Access Statement (DAS): <table><tr><td></td><td>Floor Space (GIA)</td><td>Height (HPL Level)</td><td>Ground Floor Datum</td></tr><tr><td>2020 Approved Scheme</td><td>16,140sqm</td><td>6 Storeys 23.7m</td><td>4.2m</td></tr><tr><td>Proposed Development</td><td>16.769sqm</td><td>6 Storeys 23.85m</td><td>4.2m</td></tr></table>				Floor Space (GIA)	Height (HPL Level)	Ground Floor Datum	2020 Approved Scheme	16,140sqm	6 Storeys 23.7m	4.2m	Proposed Development	16.769sqm	6 Storeys 23.85m	4.2m
	Floor Space (GIA)	Height (HPL Level)	Ground Floor Datum												
2020 Approved Scheme	16,140sqm	6 Storeys 23.7m	4.2m												
Proposed Development	16.769sqm	6 Storeys 23.85m	4.2m												
1.4	The building surrounds a central courtyard. A large section of which has been identified as conference spill out space with a diagonal route including a glass covered area linking to a hotel guest garden space on the northern side. This diagonal route is flanked by grassed areas and planting.														
1.5	A total of 96 no car parking spaces including 4 no disabled spaces are provided located at ground and mezzanine level. 18 no cycle parking spaces are also included as well as showering and changing facilities. This is 4 no less than the extant approval.														
2.0	<u>Description of Site and Area</u>														
2.1	The site is a flat grassed site with an area of approximately 1.3 Ha and is located within a former industrial/ commercial area within the wider Titanic Quarter and forms part of the mixed-use Titanic Quarter zoning in dBMAP 2015.														
2.2	The site is not located within any specific designations; however, it is located close to: - Victoria Park Area of Special Scientific Interest (ASSI); - Inner Belfast Lough ASSI; - Belfast Lough Special Protection Area (SPA); - Belfast Lough Open Water SPA; and - the proposed East Coast (Northern Ireland) Marine SPA.														
2.3	Belfast Lough is hydrologically connected to the Outer Ards SPA and Ramsar Site; Larne Lough SPA and Ramsar Site; Copeland Island SPA; and Strangford Lough SPA, SAC and Ramsar Site.														

2.4	The area is notable for its wide range of uses including the Odyssey Pavilion and Arena, Titanic Belfast, Titanic Hotel, Belfast Metropolitan College, ARC apartments and other offices and uses.
Planning Assessment of Policy and other Material Considerations	
3.0	Planning History Full details are available at Annex A, those recent and specific to the site are detailed below:
3.1	Z/2006/2864/O - Residential led mixed use development including Titanic Experience Building, public realm areas and associated infrastructural works. Address: Titanic Quarter Phase II-Land bounded to the south by Abercorn Basin, to the east by Queen's Road, to the west & north by River Lagan and including the listed former Harland & Wolff HQ, Belfast. Decision: Approval Date: 25.06.2008 This outline planning permission for Phase 2 of Titanic Quarter included a number of documents including a Development Framework, Concept Masterplan and Design Principles. This permission had a lifespan of 12 years but has now expired.
3.2	Z/2009/1260/F - Erection of hotel comprising 244 bedrooms, ancillary restaurant and conference facilities, hotel offices, landscaped public realm, basement car park and associated site and road works. Address: Lands adjacent to the north of Hamilton Dock, north of Abercorn Crescent/Queen's Road, Queen's Island, Belfast. Decision: Approval Date: 01.07.2010
3.3	LA04/2019/1636/F - Erection of hotel comprising 276 beds, conference facilities, restaurant /cafe/bar uses (including roof top bar), landscaped public realm, car parking and associated site and road works. Address: Lands directly south of Titanic Belfast and North-West of Hamilton Dock located off Queens Road, Belfast. Decision: Permission Granted Decision Date: 27.02.2020
3.4	LA04/2021/2280/F – Mixed-use, mixed tenure residential-led development of 778 apartments in three buildings with internal and external amenity space; flexible commercial/community floorspace (convenience store with hot food counter/A1/A2/D1 uses/cafe/bar/restaurant); public realm including public square and waterfront promenade; cycle and car parking and associated landscaping, access roads, plant and site works including to existing river revetment (further environmental information received) Address: Lands adjacent to and south east of the river Lagan, west of Olympic Way of Queen's road, Queen's Island, Belfast, BT2 9EQ, Decision: Under consideration
3.5	LA04/2016/0096/F - Amendment to permission Z/2014/1555/F for refurbishment, part restoration, change of use and extension to listed former Harland & Wolff Headquarters Building and to provide 36no. additional bedrooms (120No. in total) in a new annex, including service area, covered terrace, ancillary uses and associated access and site works. Address: Former Harland And Wolff Headquarters Building and Drawing Offices, Queens

3.6	Road, Belfast. Decision: Approval Date: 16.05.2017 LA04/2021/2318/PAN - Erection of Hotel/Aparthotel comprising Circa 260 beds conference facilities, restaurant/cafe/bar uses (including roof top bar), landscaped public realm, car parking and associated site and road works (Amendment to previously approved hotel scheme) Address: Lands directly south of Titanic Belfast and north-west of Hamilton Dock located off Queen's Road, Belfast, Decision: PAN Acceptable Decision Date: 18.10.2021
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014) Belfast Local Development Plan 2035 – Draft Plan Strategy
4.2	Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS) Planning Policy Statement 2 – Natural Heritage (PPS2) Planning Policy Statement 3 – Access, Movement and Parking (PPS3) Planning Policy Statement 4 – Planning and Economic Development (PPS4) Planning Policy Statement 6 – Planning, Archaeology and the Built Environment (PPS6) Planning Policy Statement 8 – Open Space, Sport and Recreation (PPS8) Planning Policy Statement 15 – Planning and Flood Risk (PPS15) Parking Standards (former Department of Environment) Developer Contributions Framework (adopted 2020)
5.0	<u>Statutory Consultees</u> DfI Roads – no objections in principle, subject to conditions DfI Rivers – no objections NIEA Natural Heritage – no objections subject to condition NIEA Land, Soil, and Air – no objections subject to conditions Shared Environmental Services - no objections subject to conditions NIW – No objection Historic Environment Division – no objection City Airport – no objection
6.0	<u>Non-Statutory Consultees</u> Environmental Health BCC – no objection subject to conditions Landscape BCC – no objection Tree Officer BCC – no objection subject to conditions
7.0	<u>Representations</u>
7.1	2 no representation were received from local residents.
7.2	The issues raised can be summarised as follows: 1. Noise from rooftop bar 2. Hours of operation of rooftop bar 3. Licensing of rooftop bar 4. Noise mitigation

7.3	These issues have been considered in the main body of the report. Noise, in particular, is considered below at para 8.11. Licensing is required for bar premises however this does not fall under the remit of the planning process.
8.0	<u>ASSESSMENT</u>
8.1	<u>Development Plan</u>
8.1.1	Section 45 (1) of the Planning Act (NI) 2011 requires the Council to have regard to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the said Act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material considerations indicate otherwise.
8.1.2	Following the Court of Appeal decision that quashed the adoption of the Belfast Metropolitan Area Plan 2015, the extant Development Plan is now the Belfast Urban Area Plan 2001 (BUAP). Both the draft Belfast Metropolitan Area Plan 2015 (dBMAP v2004) and Belfast Metropolitan Area Plan (dBMAP v2014) are material considerations. The weight to be afforded the draft Belfast Metropolitan Area Plan is a matter of judgement for the decision maker. The Committee is advised that significant weight should be afforded to the latest version of dBMAP 2015 (v2014) given the advanced stage it reached in the adoption process and that the only outstanding areas of contention related to retail policies at Sprucefield, Lisburn.
8.1.3	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.
8.2	<u>The principle of a hotel at this location</u>
8.2.1	The SPPS sets out five core planning principles for the planning system, including improving health and wellbeing, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making.
8.2.2	In the BUAP the site is located on unzoned land within the development limits of Belfast and within the Draft Belfast Metropolitan Area Plan (v2004 & v2014) within the Titanic Quarter zoning. The presumption is therefore in favour of development subject to relevant planning considerations.
8.2.3	The acceptability of a hotel use at this location has been established under: - Z/2009/1260/F (Erection of hotel comprising 244 bedrooms, ancillary restaurant and conference facilities, hotel offices, landscaped public realm, basement car park and associated site and road works) approved on 01.07.2010. - LA04/2019/1636/F (Erection of hotel comprising 276 beds, conference facilities, restaurant /cafe/bar uses (including roof top bar), landscaped public realm, car parking and associated site and road works) approved on 27.02.2020 and remains extant.

	- LA04/2016/0096/F (Amendment to permission Z/2014/1555/F for refurbishment, part restoration, change of use and extension to listed former Harland & Wolff Headquarters Building and to provide 36no. additional hotel bedrooms (120No. in total) in a new annex, including service area, covered terrace, ancillary uses and associated access and site works) approved on 16.05.2017.
8.2.4	A condition is recommended by officers to ensure that the apart hotel cannot be used as long-term residential accommodation as the proposal has not been assessed against the relevant policies for residential accommodation and may be inappropriate for such use. The condition would ensure that a maximum stay was 30 days with no return within a further 30 days by the same occupant.
8.3	<u>Loss of Open Space</u>
8.3.1	Given that the site is located within a maintained grass area the proposal has been assessed against Policy OS1 of PPS8 'Protection of Open Space'. Although Policy OS1 has the presumption against the loss of existing open space, the planning history in this instance must be given substantial weight. The site is located within an area identified for redevelopment within an approved Masterplan, part of the 2008 Outline permission for Titanic Quarter, as detailed above in Section 3. The principle of development was reinforced through the granting of planning permissions for a hotel in 2010 and 2020 (the latter remains extant). These considerations outweigh PPS8 policy considerations. For these reasons the principle of redeveloping the site is deemed acceptable.
8.4	<u>Scale, Massing and Design</u>
8.4.1	Paragraphs 4.11 and 4.12 of the SPPS require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraphs 4.23-7 stress the importance of good design. Paragraphs 4.18-22 states that sustainable economic growth will be supported.
8.4.2	There are no significant design alterations to the extant approval as the current application is a result of largely internal alterations to respond to market demands.
8.4.3	The scale, height and massing is virtually the same as considered acceptable under the extant permission ~~was~~ and is also considered acceptable in the context of the setting including the listed H&W Drawing Office (Titanic Hotel).
8.4.4	The Urban Design Officer's response from the previous scheme remain applicable. His response reflects on the previous design alterations that were negotiated and states: <i>'The break-up of the massing and articulation of the building takes design cues from the neighbouring Harland and Wolff building, particularly in relation to how horizontal elements within the elevations of the building have been composed. Here horizontal banding above GF and 2F levels across the entire façade pick up on key horizontal features/detailing found within the listed Harland and Wolff drawing office'</i> . The fifth floor setback also <i>"visually sits comfortably at this level and reads as a lighter, subservient element which is again welcomed. This treatment also results in a strong shoulder height at 4F level which picks up on the upper roof height of the Harland and Wolff building"</i> .
8.4.5	The Urban Design Officer had previously expressed reservations regarding the extent and location of roof plant however, officers were content that on balance this was acceptable given no objections from HED. The roof plant in this current application has been reduced and is considered acceptable.

8.4.6	In terms of the materiality the Urban Design Officer goes on to state <i>'the use of dark brick in the lower five floors alongside bronze/gold accents within window reveals, horizontal banding and corner detailing is undoubtedly bold, yet the overall composition is confident in its own right and provides an appropriate contrast to both the contemporary materials of Titanic Belfast and the more traditional rustic tones of the listed drawing offices'</i> .
8.4.7	A condition is recommended relating to materials which stipulates that samples are made available for inspection on site and are approved in writing in advance by the Council.
8.5	<u>Built Heritage</u>
8.5.1	The proposal is adjacent to HB26/07/009 - Administration and drawing office block (Harland & Wolff), a Grade B+ listed building of special architectural and historic interest, protected under Section 80 of the Planning Act (NI) 2011.
8.5.2	There were detailed negotiations under the previous approval in order to achieve an appropriate scheme. HED: Historic Buildings were consulted and responded to state that they note <i>"that this proposal, albeit slightly taller than the previous approval, is not significantly different in scale or mass to affect the understanding or experience of the listed building to harm its essential character, including setting"</i> .
8.5.3	The proposal is therefore considered compliant with Strategic Planning Policy Statement for Northern Ireland (SPPS) para(s) 6.12 and of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage (PPS6) Policy BH11 (Development affecting the Setting of a Listed Building).
8.6	<u>Archaeological Heritage</u>
8.6.1	HED: Historic Monuments state in their response that: <i>'Hamilton Graving Dock was the first of five docks to be built on the Co. Down side of the River Lagan. Its service basin, the Abercorn Basin, opened in 1867, was created out of open water facing the Harland and Wolff shipbuilding berths known as Abercorn Shipyard. The dock is 450ft long and the basin covers over 12 acres of water. It was used to finish the fitting out of ships once they had left the shipways and is constructed with stepped sides down the floor. A wharf, now removed, extended into Abercorn basin to the south west of the dock and was used to tie up ships before and after their time in the dock. Together with Abercorn Basin, Titanic and Olympic Slipways and Harland and Wolff Drawing Office, this area of industrial heritage forms a key element of the renowned Harland and Wolff shipyard on Queen's Island and along with other docks and quays in the area is part of the story of the shipbuilding industry in Belfast. The site is now one of Northern Ireland's premier tourist attractions and forms part of a heritage trail in 'Titanic Quarter' on Queen's Island.'</i>
8.6.2	HED: Historic Monuments refer to their response under LA04/2019/1636/F and are content that the proposal satisfies Policy BH4 of PPS 6 subject to the grant of a Scheduled Monument Consent (SMC) and conditions for the agreement and implementation of a developer-funded programme of archaeological works. A Vibration Monitoring Method Statement is also required.
8.7	<u>Ecology and Natural Heritage</u>
8.7.1	The application site is in close proximity to the following national, European and international designated sites; - Outer Belfast Lough ASSI which is declared under the Environment Order (Northern Ireland) 2002;

	- Belfast Lough SPA, Belfast Lough Open Water SPA and the East Coast Marine pSPA all of which are designated under the EC Birds Directive (72/409/EEC on the conservation of wild birds); - North Channel SAC and the Maidens SAC which are designated under the EC Habitats Directive (92/43/EEC on the conservation of natural habitats and of wild fauna and flora); - Belfast Lough Ramsar Site which is designated under Ramsar Convention - Belfast Lough MCZ which is designated under the Marine Act (Northern Ireland) 2013
8.7.2	NIEA, Natural Environment Division (NED) is <i>'generally content that the implementation of mitigation measures outlined in the oCEMP should minimise any potential impacts on the watercourses and designated sites'</i> and therefore on <i>"the basis of the information provided, has no concerns subject to conditions"</i> .
8.7.3	This planning application was also considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service (SES) on behalf of Belfast City Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.
8.7.4	SES responded to state that subject to a condition for a final CEMP, that <i>'the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects'</i> .
8.8	<u>Landscaping and boundary treatments</u>
8.8.1	The proposed landscaping does not deviate from the extant approval.
8.8.2	The Tree Officer was consulted and provided feedback which was addressed by the applicant. The Tree Officer is now content and has provided conditions.
8.8.3	The Council's Landscape, Planning and Development team were consulted and stated that they <i>'fully support proposals to create a new public space that integrates with adjacent areas of high-quality public realm at Titanic Belfast and Hamilton Dock <and are> also satisfied that proposed landscape materials and street furniture are in line with design guidance set out in the Maritime Mile Toolkit'</i> . In addition they <i>'welcome the inclusion of green space, street tree and shrub planting within public realm proposals and confirm planting mixes and details are acceptable'</i> .
8.8.4	A Landscape Management and Maintenance Plan has been provided and will be subject to condition.
8.9	<u>Traffic, Movement and Parking</u>
8.9.1	The principal of development was established under LA04/2019/1636/F which remains extant. DfI Roads were consulted on the current proposal and requested further information such as an amended Transport Assessment Form and Transport Assessment. Upon re-consultation, DfI Roads provided a final response of no objections subject to a number of conditions.
8.10	<u>Contaminated Land</u>
8.10.1	The application is supported by a Preliminary Risk Assessment. Generic Quantitative Risk Assessment, and Remedial Strategy report which have been considered by both NIEA and Environmental Health. Both have provided conditions and informatives accordingly.

8.11	<u>Noise</u>
8.11.1	Environmental Health has reviewed the Noise Impact Assessment and advised that it meets the relevant requirements.
8.11.2	The proposal includes a rooftop bar with an external terrace. The bar will be open until 1am. Environmental Health have provided conditions regarding the following in order to protect nearby residents from loss of amenity: - Patron occupancy of the external terrace associated with the rooftop bar to be restricted to a maximum of 20 patrons at any one time - Access to and use of any external terrace associated with the rooftop bar shall not be permitted between the hours of 01:00hrs-08:00hrs - Prior to operation of the external terrace associated with the rooftop bar, a 1800mm barrier, with no gaps, to be installed - No entertainment or amplified music to be provided within the rooftop bar and the associated external terrace within the hereby permitted development, including any associated external areas - Hours of use for external areas, associated with the café of the hereby permitted development, to be restricted to between the hours of 07:00 to 23:00hrs - Deliveries and collections to and from the hereby permitted development to be limited to between the hours of 07:00 and 23:00hrs - The plant and equipment associated with the development hereby permitted, shall be selected and designed so as to achieve a rating level (LAr) no greater than the Background LA90 both during the daytime and during night-time - During operation of the gym, the gym windows are to remain closed
8.12	<u>Air Quality</u>
8.12.1	Environmental Health has reviewed the Air Quality Assessment and advised that it meets the relevant requirements. Conditions have been provided.
8.13	<u>Odour</u>
8.13.1	Environmental Health has reviewed the Odour Impact Assessment and advised that it meets the relevant requirements. Conditions have been provided.
8.14	<u>Site Drainage/Flood Assessment</u>
8.14.1	DfI Rivers Flood Maps (NI) indicates that the site is affected by the 1 in 200 year coastal plain. The proposal has therefore been assessed against Policy FLD1 of Revised Planning Policy Statement 15. No development is permitted within the 1 in 200-year coastal flood unless it is deemed to meet one of the exceptions listed within FLD 1. It is the remit of the planning authority to grant such an exception. It is considered that the proposal is an exception under part (b) of FLD1 in that the land is raised above the floodplain, it is not dependant on new coastal flood defences, it is not within an area likely to be at risk from coastal erosion and the elevation of development above the flood plain will not unduly disrupt the provision and ongoing delivery of essential services.
8.14.2	DfI Rivers has reviewed the Flood Risk & Drainage Assessment by RPS Consulting dated February 2022 and subject to the Council's confirmation of an exception under FLD1, would not object.
8.14.3	With regards to Policy FLD 3, the Drainage Assessment provides evidence that the surface water is to be discharged the existing 900mm storm pipe and then to the sea. Back flooding is negated by existing tide flex valves on the existing Harbour Commissions drainage

	infrastructure. a Schedule 6 consent (to discharge into a watercourse) has been provided. Rivers Agency have no objection.
8.14.4	NIW were consulted and confirm that there is available capacity at the Waste Water Treatment Works and therefore they have no objections.
8.15	<u>Economic Considerations.</u>
8.15.1	The proposal will have an estimated construction cost of c£36 million. Approximately 620 FTE construction jobs will be created. The operational phase will deliver approximately 70 FTE jobs.
8.15.2	Policy PED9 states that a proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria:
8.15.3	It is compatible with surrounding land uses; The proposal is within an established industrial/ commercial area within the Titanic Quarter. Historic Environment Division (HED) have raised no objections in terms of the setting of the adjacent H&W drawing offices and the proposed building is considered acceptable. HED (Historic Monuments) have raised no objections subject to conditions.
8.15.4	It does not harm the amenities of nearby residents; It does not create a noise nuisance; The closest residential properties are located approximately 130m south of the site and Environmental Health has no objections subject to conditions with regards to noise, odour and air quality and these are detailed later in the report.
8.15.5	It does not adversely affect features of the natural or built heritage; HED has not objected in terms of the impact on the setting of the nearby H&W Drawing Offices. The site is not located within any National, European or Internationally designated sites, but is located within close proximity to a number of protected sites. DAERA and Shared Environmental Services have no objections in relation to potential impact on protected sites.
8.15.6	It is not located in an area at flood risk and will not cause or exacerbate flooding; The area is not within a designated flood plain or an area that has been identified as being prone to flooding.
8.15.7	It is capable of dealing satisfactorily with any emission or effluent; No emissions would be associated with the proposed use. NI Water have not objected.
8.15.8	The existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified; Adequate access arrangements, parking and manoeuvring areas are provided; DfI Roads have no objections. Adequate access arrangements, parking and manoeuvring areas are provided. The site is also located off the Glider Route. It is considered that the level of parking is acceptable given the accessibility of the site and its proximity to the city centre.
8.15.9	A movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport; The proposed access road and parking tie in with the existing road infrastructure and new road layout which serves this section of Titanic Quarter.

8.15.10	The site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity; The proposed hotel will not be detrimental to visual amenity. The overall composition provides an appropriate contrast to both the contemporary materials of Titanic Belfast and the more traditional rustic tones of the listed drawing offices.
8.15.11	Appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view; The proposal has been accompanied by a comprehensive planting scheme which will enhance and tie into the existing public realm in the Titanic Quarter. As the proposed hotel has elevations on all four sides of the block, it was acknowledged from an early stage that particular stretches would inevitably be impacted by the non-active uses, normally associated with 'back of house' service requirements and car parking provision. It is noted that the consultant team has worked hard to restrict non-active sections and where possible to break them up.
8.15.12	Is designed to deter crime and promote personal safety; The active ground floor frontage will promote surveillance and help discourage anti-social behaviour within an illuminated area of public realm.
8.16	<u>Pre-Community Consultation</u>
8.16.1	For applications that fall within the major category a prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on the applicant for planning permission to consult the community in advance of submitting an application. Also relevant are the Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020 which removed the requirement for in-person events due to the pandemic for a temporary period.
8.16.2	Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2021/2318/PAN) was submitted to the Council on 08 October 2021 and was deemed acceptable on 18 October 2021.
8.16.3	Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report (PACC) to accompany the planning application. A PACC Report has been submitted in support of this application which details a project website, social media campaign, leaflets, hotline number and the public advertisement.
8.16.4	According to the PACC report, there were: - 754 page views of the website - 56 downloads of the project information pack - 21,337 people reached by social media - 4 attendees at the project webinar - 4 feedback forms received
8.16.5	Of the 4 feedback forms received, 75% did not support the planning application but did support the principal of enhancing Belfast's status as a tourist destination and investment/job creation for Titanic Quarter.

8.16.6	It is considered that the PACC Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.
8.17	<u>Statutory Consultation</u>
8.17.1	The scheme was advertised on 25 th February 2022. Neighbour notifications were issued on 16 th March 2022.
8.18	<u>Developer Contributions</u>
8.18.1	Para 5.69 of the SPPS states that "Planning authorities can require developers to bear the costs of work required to facilitate their development proposals". Relevant further guidance is provided by the Council's Developer Contributions Framework, adopted in 2020.
8.18.2	The Economic Development Team recommended that developer contributions under Section 76 relating to employability and skills during the construction and operational phases should be applied. As there is an extant approval which was approved shortly before the publication of the Developer Contributions Framework, and there is public realm included in the proposal, it is considered that it would be unreasonable to request a Section 76 for employability and skills given the fallback position.
8.18.3	New public realm works are provided as part of the proposal and this will be secured via condition.
8.19	<u>Conclusion</u>
8.19.1	The proposal will have a positive impact on the character and appearance of the area. The proposal is considered to be in accordance with the development plan, taking account of all other material consideration including the relevant planning policies and planning history.
10.0	Summary of Recommendation:
10.1	It is recommended that planning permission is granted subject to conditions with delegated power given to the Director of Planning and Building Control to finalise the wording of conditions.
11.0	Proposed Conditions:
11.1	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.
11.2	No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council. The POW shall provide for: • The identification and evaluation of archaeological remains within the site; • Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ; • Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and • Preparation of the digital, documentary and material archive for deposition.

	All construction thereafter must be in accordance with the approved POW. Reason: To ensure that archaeological remains within the application site are properly identified, protected and appropriately recorded.
11.3	A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under 11.2. These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council. Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated, and the excavation archive is prepared to a suitable standard for deposition.
11.4	No site works or development of any nature shall take place unless a Vibration Monitoring Method Statement for monitoring the structure of Hamilton Dock during construction works has been submitted to and approved in writing by the Council. This must set the acceptable threshold value at a peak component particle velocity (PCPV) between 2.5 and 5.0 mm/s. All construction thereafter must be in accordance with the approved Vibration Monitoring Method Statement. Reason: To protect the structure of Hamilton Dock from unacceptable levels of vibration during construction.
11.5	No development activity, including ground preparation or vegetation clearance, shall take place unless a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council. The CEMP shall include the following: - Construction methodology and timings of works, including the Continuous Flight Auger (CFA) piling design; - Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site; - Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures; - Water Quality Monitoring Plan; - Environmental Emergency Plan; - Details of the appointment of an Ecological Clerk of Works (ECOW) and/or Marine Mammal Observer (MMO) and their roles and responsibilities during the piling phase of construction. All construction thereafter must be in accordance with the approved CEMP unless otherwise agreed in writing by the Council Reason: To protect Northern Ireland priority species, to ensure implementation of mitigation measures identified within the shadow Habitat Regulations Assessment and to prevent likely significant effects on the Inner Belfast Lough ASSI, Belfast Lough SPA, Belfast Lough Ramsar site and Belfast Lough Open Water SPA designated sites.
11.6	The development hereby permitted shall not be occupied unless the remediation measures and groundwater monitoring as described in the RPS Remedial Strategy report, Hamilton Dock Hotel Ref. IBR1144 dated February 2022 have been implemented to the satisfaction

	of the Council. The Council must be given 2 weeks written notification prior to the commencement of remediation work. Reason: Protection of environmental receptors to ensure the site is suitable for use.
11.7	If during the development works, new contamination or risks are encountered which have not previously been identified, 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 the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction. Reason: Protection of environmental receptors to ensure the site is suitable for use and for the protection of human health.
11.8	After completing the remediation works under Conditions 11.5 and 11.6; and prior to occupation of the development, a verification report must be submitted to and agreed in writing with the Council. This report must be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks. The verification report shall present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives. Reason: Protection of environmental receptors to ensure the site is suitable for use.
11.9	In the event that piling is required, no development or piling work shall commence on this site unless a Piling Risk Assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", has been submitted to and agreed in writing with the Council. The methodology is available at: http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf.
11.10	All construction thereafter must be in accordance with the approved Piling Risk Assessment unless otherwise agreed in writing by the Council. Reason: Protection of environmental receptors to ensure the site is suitable for use.
11.11	Once a contractor has been appointed, a final Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Council, at least 4 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment. All construction thereafter must be in accordance with the approved CEMP unless otherwise agreed in writing by the Council. Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment and to ensure the project will not have an adverse effect on the integrity of any European site.

11.12	Prior to the occupation or operation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the RPS Group Plc report entitled Hamilton Dock Hotel/Aparthotel, Remedial Strategy (dated February 2022 and referenced IBR1144) have been implemented. The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use. It must demonstrate that the identified human health contaminant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. In particular, this Verification Report must demonstrate that: - Gas protection measures commensurate with the Characteristic Situation 2 classification have been provided in the development in line with the requirements of BS 8485:2015+A1:2019. - Independent verification of the gas protection measures installed have been completed in accordance with CIRIA C735. Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.
11.13	Prior to the operation of the hotel food preparation areas, the odour abatement systems detailed within the RPS Group Odour Impact Assessment Report ref: NI2467 dated February 2022 shall be installed. The systems shall terminate at the kitchen extract vents, 1m above the roof top plant room, as detailed in Figure D 1 of the Odour Impact Assessment Report ref: NI2467 dated February 2022. The approved extraction and ventilation system must be cleaned and maintained in accordance with Manufacturers' instructions and be retained thereafter. Reason: To protect residential amenity.
11.14	All demolition and construction activities shall be undertaken in line with best practice guidance. Demolition and construction activities shall pay due regard to the current standards; BS 5228-1:2009+A1:2014 and BS 5228-2:2009+A1:2014 A2: Noise and Vibration Control on Construction and Open Sites. Reason: To protect amenity and human health.
11.15	Prior to commencement of operation of the gym, the mechanical ventilation system shall be installed as per the recommendations contained within Hamilton Dock Hotel/Aparthotel, Titanic Quarter, Noise Impact Assessment, ref: NI2467 dated 1st February 2022 prepared by RPS group. The mechanical ventilation system must be cleaned and maintained in accordance with Manufacturers' instructions and be retained thereafter. Reason: In the interests of residential amenity.
11.16	No operation of the gym hereby permitted may occur unless the gym windows remain closed in accordance with the recommendations contained within the submitted report Hamilton Dock Hotel/Aparthotel, Titanic Quarter, Noise Impact Assessment, ref: NI2467 dated 1st February 2022 prepared by RPS group. Reason: In the interests of residential amenity.
11.17	Prior to operation of the external terrace associated with the rooftop bar, a 1800mm barrier, with no gaps, shall be installed in accordance with the submitted report Hamilton Dock

	Hotel/Aparthotel, Titanic Quarter, Noise Impact Assessment, ref: NI2467 dated 1st February 2022 prepared by RPS group. The barrier must be permanently maintained and retained thereafter. Reason: In the interests of residential amenity.
11.18	Access to and use of any external terrace associated with the rooftop bar shall not be permitted between the hours of 01:00hrs-08:00hrs. Reason: In the interests of residential amenity.
11.19	Patron occupancy of the external terrace associated with the rooftop bar shall be restricted to a maximum of 20 patrons at any one time. Reason: In the interests of residential amenity.
11.20	No entertainment or amplified music is permitted within the rooftop bar and the associated external terrace within the hereby permitted development, including any associated external areas, unless otherwise agreed in writing with the Council. Reason: In the interests of residential amenity.
11.21	The external areas associated with the café of the hereby permitted development, shall not be used outside the hours of 07:00 to 23:00hrs. Reason: In the interests of residential amenity.
11.22	Deliveries and collections to and from the hereby permitted development shall be limited to between the hours of 07:00 and 23:00hrs. Reason: In the interests of residential amenity.
11.23	The plant and equipment associated with the development hereby permitted, shall be selected and designed so as to achieve a rating level (LAr) no greater than the Background LA90 both during the daytime and during night-time when measured or determined at the nearest noise sensitive premises. All measurements and calculations must be conducted in line with the methodology outlined in BS4142:2014 Methods for rating and assessing industrial and commercial sound. Reason: In the interests of residential amenity.
11.24	Combustion plant shall meet the technical specification (low NOx technology) as indicated within <i>chapter 5.1.4 Air Quality Impact Assessment (AQIA), Hamilton Dock Hotel/Aparthotel, RPS (February 2022)</i>. Moreover, the flue of any combustion plant must terminate 1m above roof level. Reason: Protection of human health.
11.25	Prior to commencement on site, a Dust Management Plan that includes the mitigation measures outlined within Appendix B of <i>Air Quality Impact Assessment (AQIA), Hamilton Dock Hotel/Aparthotel, RPS (February 2022)</i> shall be implemented during any demolition or construction works. Reason: Protection of human health.

11.26	The development hereby permitted shall not become operational unless the vehicular access providing visibility splays of x-distance of 4.5 m and y-distance of 70.0 m has been constructed. The area within the visibility splays shall be cleared to provide a level surface with no obstruction higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.
11.27	The development hereby permitted shall not become operational until hard surfaced areas have been constructed in accordance with the approved layout Drawing Nos. 08 & 19 both published on the planning portal on 21st February 2022 to provide adequate facilities for car parking (including for people with disabilities), cycle parking, servicing and circulating within the site. Reason: To ensure that adequate and accessible provision has been made for parking and servicing.
11.28	A minimum of 11 No. secure cycle parking spaces shall be provided and permanently retained within the ground floor of the building for use by hotel customers and staff and 6 No. cycle parking spaces shall be provided and be permanently retained close to the pedestrian accesses of the proposed development for use by visitors to the development. Reason: To encourage the use of alternative modes of transport for development users.
11.29	The development hereby permitted shall operate in accordance with the approved Travel Plan (and appended Service Management Plan) published on the planning portal on 8th April 2022. This shall include provision of the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by DfI Roads. Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles and to ensure that adequate provision has been made for servicing in the interests of road safety and the convenience of road users.
11.30	All landscaping works shall be carried out in accordance with the approved details on drawing Nos 35, 36, 37, 38, 39, 40 and 41 uploaded 21 February 2021. The works shall be carried out prior to the completion of the development unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. Reason: In the interests of the character and appearance of the area
11.31	All trees and planting within the site shall be retained unless shown on the approved drawings as being removed (they can be stored temporarily at a safe appropriate location and transplanted onto the site as part of proposed landscaping measures). Any trees or planting indicated on the approved drawings which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council. Reason: In the interests of visual amenity.

11.32	Prior to any work commencing all tree protective measures, protective barriers (fencing) and ground protection is to be erected or installed as specified and in accordance with the British Standard 5837: 2012 (section 6.2) on any trees to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site. The Council shall be notified when the fencing is erected so that a site visit can be arranged to confirm that the fencing is installed in the correct locations. Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.
11.33	No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the RPA of trees within the site and adjacent lands during the construction period. Reason: To avoid compaction within the RPA of existing trees to be retained.
11.34	Maintenance and management of the open space and landscaped areas as shown on Plan No. 36 uploaded on 24 March 2022, shall be carried out in accordance with the Paul Hogarth Company 'Landscape Management Plan'. Any variations to these management arrangements shall be submitted to and approved in writing by the Council. Reason: To ensure successful establishment and maintenance of the open space and amenity areas in the interests of visual and residential amenity.
11.35	The proposed public realm works, as shown on approved Plan Nos 35, 36, 37, 38, 39, 40 and 41 uploaded 21 February 2021, shall be carried out prior to the occupation/ operation of any part of the development hereby approved. Reason: To ensure the provision of a high quality of landscaping and public realm.
11.36	Notwithstanding the submitted details, the following elements of the approved scheme shall not be constructed, installed, implemented or carried out unless in accordance with further details and samples which must be first submitted to and approved in writing by the Council: 1. Brick 2. Cladding 3. Windows 4. Rainwater goods 5. Roofing materials The works must be implemented and permanently retained in accordance with the details so approved. A sample of each material shall be retained on site until the project is complete. Reason: To ensure the material finish and detailing is sympathetic to the Conservation Area and the setting of nearby listed buildings.
11.37	Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 and Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be used other than as hotel accommodation. The maximum stay by an occupant shall be no more than consecutive 30 days with no return by the same occupant within a period of 30 days from the date of the last occupancy, in accordance with written records which shall be made available to the Council at all reasonable times.

	Reason: Residential use of the building would require further consideration by the Council having regard to the Local Development Plan and relevant material considerations.
12.0	Representations from Elected Representatives (if relevant) N/A
13.0	Referral to DfI (if relevant) N/A

ANNEX A	
Date Valid	11th February 2022
Date First Advertised	25th February 2022
Date Last Advertised	N/A
Date of Neighbour Notification(s)	16 th March 2022
Number of Neighbour Notifications	551 letters issued – full details available on planning portal.
Date of EIA Determination	19th May 2022
ES Requested	No
Planning History Ref ID: LA04/2021/2280/F Proposal: Mixed use, mixed tenure residential-led development of 778 apartments in three buildings with internal and external amenity space; flexible commercial/community floorspace (convenience store with hot food counter/A1/A2/D1 uses/cafe/bar/restaurant); public realm including public square and waterfront promenade; cycle and car parking and associated landscaping, access roads, plant and site works including to existing river revetment (further environmental information received) Address: Lands adjacent to and south east of the river Lagan, west of Olympic Way of Queen's road, Queen's Island, Belfast, BT2 9EQ, Decision: Under consideration. Ref ID: LA04/2020/0010/F Proposal: Proposed aquarium, car parking and associated infrastructure. Address: Lands to the South East of Titanic Hotel, North East of Bell's Theorem Crescent and South West of Hamilton Road, Belfast, Decision: Permission Granted Decision Date: 24.09.2020 Ref ID: LA04/2019/1636/F Proposal: Erection of hotel comprising 276 beds, conference facilities, restaurant /cafe/bar uses (including roof top bar), landscaped public realm, car parking and associated site and road works. Address: Lands directly south of Titanic Belfast and North-West of Hamilton Dock located off Queens Road, Belfast., Decision: Permission Granted Decision Date: 27.02.2020 Ref ID: LA04/2017/0717/F Proposal: Extension, integration and alteration of titanic pavilions (no.3 and no.4) including change of use from retail, to provide additional conferencing facilities for the adjacent titanic Belfast, proposed works include a new entrance and external events area.	

Address: Pavilions 3 & 4 adjacent to, Titanic Belfast Building, Titanic Quarter, Queens Road, Belfast, BT3 9EP.,

Decision: PG

Decision Date: 30.10.2017

Ref ID: LA04/2016/1482/F

Proposal: Temporary inflatable exhibition structure with associated surface car parking.

Address: Site adjacent to, 7 Queens Road, Belfast BT3 9DT (Opposite 2 Queens Road Belfast),

Decision: Permission Granted

Decision Date: 20.06.2017

Ref ID: Z/2014/0419/F

Proposal: Application under article 28 of the Planning (Northern Ireland) Order 1991 to vary planning condition 14 attached to planning permission Z/2009/0135/F to ensure consistency with the updated Transport Master Plan addendum for Titanic Quarter Phase 2.

Address: Land adjacent to listed former Harland & Wolff headquarters and drawing offices and west of Queens Road Queens Island Belfast,

Decision: Permission Granted

Decision Date: 18.07.2014

Ref ID: Z/2014/0414/F

Proposal: Application under article 28 of the Planning (Northern Ireland) Order 1991 to vary planning condition 21 attached to planning permission Z/2009/0530/F to ensure consistency with the updated Transport Master Plan addendum for Titanic Quarter Phase 2.

Address: Land east of Victoria Channel and 120m west of the former Harland and Wolff Drawing offices, Queen's Road, Queen's Island, Belfast,

Decision: Permission Granted

Decision Date: 18.07.2014

Ref ID: Z/2014/0421/F

Proposal: Application under Article 28 of the Planning (Northern Ireland) Order 1991 to vary planning condition 26 attached to planning permission Z/2009/1091/F to ensure consistency with the updated Transport Master Plan addendum for Titanic Quarter Phase 2.

Address: Former Harland & Wolff Drawing Headquarters Building, Queen's Road, Queen's Island, Belfast, BT3 9DU,

Decision: Permission Granted

Decision Date: 18.07.2014

Ref ID: Z/2014/1580/LBC

Proposal: Conversion, refurbishment, restoration, extension and minor demolition of the former Harland and Wolff headquarters building and drawing offices for use as 84 bedroom boutique hotel with heritage related tourist/event facilities including the retention and repair of historic decorative features, upgrade of windows, external structural works and cleaning, removal of internal partitioning, installation of new heritage roof lights, external and internal works including the re-use of materials and installation of use of new materials (Brickwork, cladding, roof, coverings, joinery works)

Address: Former Harland And Wolff Headquarters Building and drawing Offices, Queens Road, Belfast, BT3 9DU,

Decision: Consent Granted

Decision Date: 23.07.2015

Ref ID: Z/2014/0423/F

Proposal: Application under article 28 of the Planning (Northern Ireland) Order 1991 to vary planning condition 18 attached to planning permission Z/2009/0115/F to ensure consistency with the updated Transport Master Plan addendum for Titanic Quarter Phase 2.

Address: Lands adjacent to and south east of the River Lagan, north of Abercorn Crescent/Queen's Road, Queen's Island, Belfast,
Decision: Permission Granted
Decision Date: 18.07.2014

Ref ID: Z/2014/0415/F

Proposal: Application under article 28 of the Planning (Northern Ireland) Order 1991 to vary planning condition 11 attached to planning permission Z/2009/1260/F to ensure consistency with the updated Transport Master Plan addendum for Titanic Quarter Phase 2.

Address: Lands adjacent to the north of Hamilton Dock, north of Abercorn Crescent/Queens Road, Queens Island, Belfast.,
Decision: Permission Granted
Decision Date: 18.07.2014

Ref ID: Z/2014/1555/F

Proposal: Conversion refurbishment, restoration, extension and minor demolition of the former Harland And Wolf Headquarters building and drawing offices for use as 84 bedroom boutique hotel with heritage related tourist/event facilities, and other ancillary accommodation including plant and storage areas, communal areas together with associated access and site works. Tourist facilities to include guided tours.

Address: Former Harland and Wolf Headquarters Building and Drawing Offices, Queens Road, Queens Island, Belfast, BT3 9DU,
Decision: Permission Granted
Decision Date: 08.07.2015

Ref ID: Z/2011/0435/F

Proposal: Restoration of former graving dock, display of former caisson gate and SS Nomadic ship in permanently dry dock. Ship to include interpretation education space, cafe & entertainments licence. Proposals to dock side to include repair to existing surfaces and new surface materials, new lighting, boundary railings and dock edge railings as well as restoration and extension of existing pump house and installation of bridge and gangways

Address: Hamilton Graving Dock, Queens Road, Queens Island, Belfast,
Decision: Permission Granted
Decision Date: 25.01.2012

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Tuesday 16 th August 2022	
Application ID: LA04/2022/0023/O	
Proposal: Site for 15 storey residential development.	Location: Lands at Holmes Street to the rear of 15-21 Bruce Street Belfast.
Referral Route:	Major development
Recommendation:	Approval
Applicant Name and Address: Conway Estates Ltd 58 Moneymore Road Magherafelt BT45 6HG	Agent Name and Address: N/A
Executive Summary: This application seeks outline planning permission for a 15 storey residential development. Details of scale and massing are to be determined now at this outline stage with siting, design, external appearance, access and landscaping being reserved for subsequent approval. Despite those matters being reserved, an indicative scheme has been submitted to help demonstrate that these can be achieved safely. The main issues to be considered in this case are: • The principle of residential use at this location; • Scale, Massing and Design; • Impact on Built and Archaeological Heritage; • Traffic and Road Safety; • Flooding and Drainage; • Amenity and Open Space • Human Health; • The consideration of developer contributions; • Pre-application Community Consultation; The site is within the development limits and within the city centre of Belfast in BUAP and both versions of Draft BMAP (2004 and 2014). The site is un-zoned “whiteland” within BUAP; un-zoned “whiteland” but also within the main office area/ Commercial District Character Area in dBMAP (2004); and zoned for Uncommitted Housing under CC04/01. It is also within the Commercial District Character Area in dBMAP (2015). The site is in the Linen Conservation Area.	

The site is a central and sustainable location for residential development and the proposal would support increased city centre level in line with the *Belfast Agenda*. The principle of residential use here is considered acceptable.

Having regard to the location of the site and its surrounding context which includes a number of tall buildings, it is considered that the site can accommodate a building of the scale and massing proposed in keeping with the character and appearance of the area. The detailed design of the building would be subject to reserved matters approval.

The proposal would have an estimated construction cost of £6 million. Approximately 400 construction jobs would be created. The operational phase will deliver approximately 4 FTE jobs.

Consultees including DfI Roads, NIEA, Historic Environment Division, NI Water, DfI Rivers, the Council's Landscape Team, Environmental Health Department and Economic Development team have no objection to the proposal subject to conditions. The Conservation Officer raises concerns about the proposal. These consultations are detailed in the main body of the report.

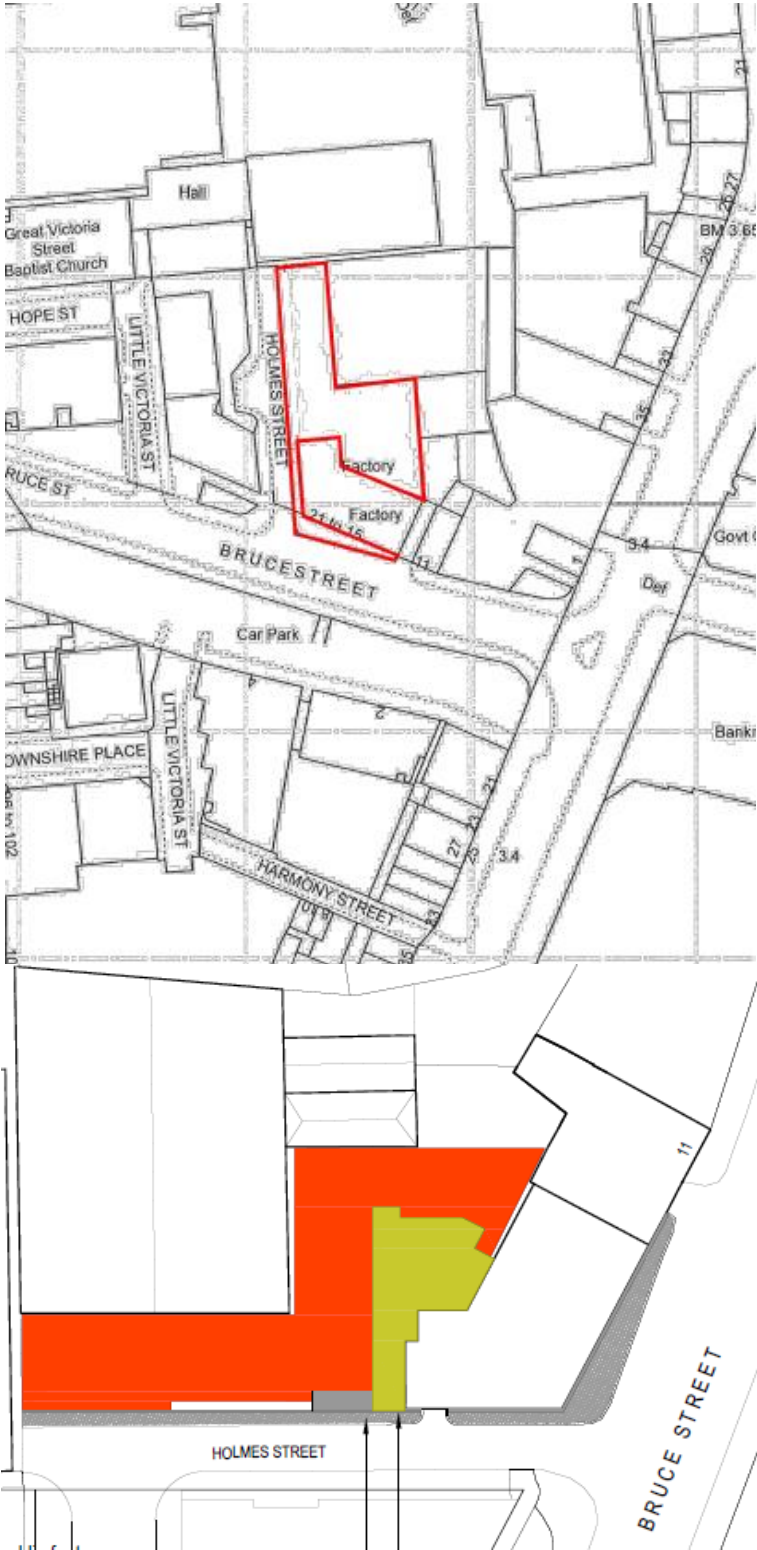
One objection has been received and is detailed in section 7.0 of the report.

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

Having regard to the Development Plan, and other material considerations, the proposed development is acceptable. It is recommended that planning permission is granted subject to conditions. Delegated authority is requested for the Director of Planning and Place to finalise the wording of conditions and completion of a Section 76 planning agreement to secure a developer contribution towards Employability and Skills during the construction phase of the development.

Case Officer Report

Site Location Plan/Site Layout/Elevations





Hoxnies Street Elevation
Indicative elevation (above)





Indicative 3D views (above)



Indicative CGIs (above)

Characteristics of the Site and Area	
1.0	<u>Description of Proposed Development</u>
1.1	The description of the proposal is: ' <i>Site for 15 storey residential development.</i> '
1.2	The application seeks outline planning permission to establish approval for scale and massing with siting, design, external appearance, access and landscaping being reserved for subsequent approval. Despite those matters being reserved, an indicative scheme has been submitted to help demonstrate that this can be achieved safely.
1.3	The indicative scheme shows 32no. 1-bedroom apartments, 35no. 2-bedroom apartments and 1no. studio apartment however as the number of apartments is reserved; this may differ at Reserved Matters stage.
1.4	The indicative scheme contains a single apartment at ground floor, bin and cycle storage and the entrance to the scheme facing on to Holmes Street. Due to the irregular shape of the site, there are a further 3 apartments which face onto a small area of communal open space around a courtyard.
1.5	There are roof terrace gardens on the 1 st , 5 th and 7 th floors totalling approximately 385 sq. m of outdoor communal space.
1.6	A PAD was submitted in 2019 (LA04/2019/2048/PAD) which explored the height, massing and residential use on this site.
2.0	<u>Description of Site and Area</u>
2.1	The site is 0.075 Hectares, relatively flat and currently used as a surface carpark with approximately 25 spaces.
2.2	The site is located on a small cul de sac (Holmes Street) which is bounded on one side by the student accommodation under construction (LA04/2021/2242/F) which will be 15 storeys. As you enter the street, straight ahead is the LIFE Church site with 2-storey buildings. There is a four-storey redbrick building known as the 'Creations Building' on the corner of Holmes Street and Bruce Street. This was formerly occupied by a furniture shop but is currently vacant.
2.3	The area is predominantly commercial however there are residential uses within a short walk most noticeably off the Dublin Road and Sandy Row.
2.4	The site is within the Linen Conservation Area.
Planning Assessment of Policy and other Material Considerations	
3.0	<u>Planning History</u> Full details of the planning history are provided at Annex A. Recent and specific planning decisions relevant to consideration of the application are detailed below:
3.1	<u>Application Site</u> Ref ID: LA04/2019/1459/PAN Proposal: Outline residential development Address: Lands at Holmes Street, to the rear of No.15-21 Bruce Street, Belfast., Decision: PAN Acceptable Decision Date: 03.07.2019

3.2	<u>Adjacent Site</u> Ref ID: LA04/2021/2242/F Proposal: Erection of new 15no storey purpose-built student accommodation building and associated development (amended scheme from that previously approved under application reference LA04/2018/2602/F) Address: Lands bounded by Little Victoria Street Bruce Street and Holmes Street Belfast Decision: Permission Granted Decision Date: 18.03.2022
3.3	Ref ID: LA04/2018/2602/F Proposal: Demolition of existing building at lands bound by Little Victoria Street, Bruce Street & Holmes Street and erection of new 15No. storey purpose-built student accommodation building. Address: Lands bounded by Little Victoria Street Bruce Street and Holmes Street Belfast Decision: Permission Granted Decision Date: 30.03.2021
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014) Belfast Local Development Plan Draft Plan Strategy 2035
4.2	Regional Development Strategy 2035 Strategic Planning Policy Statement for Northern Ireland (SPPS) Planning Policy Statement 2 – Natural Heritage Planning Policy Statement 3 – Access, Movement and Parking Planning Policy Statement 6 – Planning, Archaeology, and the Built Environment Planning Policy Statement 7 – Quality Residential Environments Planning Policy Statement 8 – Open Space Planning Policy Statement 12 – Housing in Settlements Planning Policy Statement 15 – Planning and Flood Risk Creating Places: Achieving Quality in Residential Developments (2000) Parking Standards (former Department of Environment) Developer Contribution Framework (adopted 2020)
5.0	<u>Statutory Consultees</u> DfI Roads – no objections in principle, subject to conditions DfI Rivers – no objections NIEA Water Management Unit – no objection subject to NIW response NIW – No objection Historic Environment Division – no objection NIHE – recommend social housing
6.0	<u>Non-Statutory Consultees</u> Environmental Health BCC – no objection subject to conditions Landscape BCC – no objection Conservation Officer – raises concerns about the design of the proposal and impact on the Conservation Area (these issues are addressed in the main report) Economic Development – no objection subject to Section 76 clause to secure Employability and Skills during construction

7.0	<u>Representations</u>
7.1	One representation has been received. The issues raised are summarised as follows: 1. Lack of parking 2. Inappropriate to have residential at ground floor
7.2	These issues are considered in the main body of the report.
8.0	<u>ASSESSMENT</u>
8.1	<u>Development Plan</u>
8.1.1	Section 45 (1) of the Planning Act (NI) 2011 requires the Council to have regard to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the said Act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material considerations indicate otherwise.
8.1.2	Following the Court of Appeal decision that quashed the adoption of the Belfast Metropolitan Area Plan 2015, the extant Development Plan is now the Belfast Urban Area Plan 2001 (BUAP). Both the draft Belfast Metropolitan Area Plan 2015 (dBMAP v2004) and Belfast Metropolitan Area Plan (dBMAP v2014) are material considerations. The weight to be afforded the draft Belfast Metropolitan Area Plan is a matter of judgement for the decision maker. The Committee is advised that significant weight should be afforded to the latest version of dBMAP 2015 (v2014) given the advanced stage it reached in the adoption process and that the only outstanding areas of contention related to retail policies at Sprucefield, Lisburn.
8.1.3	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.
8.2	<u>Strategic Planning Policy Statement</u>
8.2.1	The SPPS sets out five core planning principles for the planning system, including improving health and wellbeing, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making.
8.2.2	Paragraphs 4.11 and 4.12 of the SPPS require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraphs 4.23-7 stress the importance of good design. Paragraphs 4.18-22 states that sustainable economic growth will be supported.
8.3	<u>The principle of a residential use at this location</u>
8.3.1	The site is within the development limits and within the city centre of Belfast in BUAP, and both versions of Draft BMAP (2004 and 2014). The site is un-zoned "whiteland" within BUAP; un-zoned "whiteland" but also within the main office area/ Commercial District Character Area in dBMAP (2004); and zoned for Uncommitted Housing under CC04/01. It is also within the Commercial District Character Area in dBMAP (2015).

8.3.2	The site is designated as an 'Uncommitted Housing Site' in both versions of dBMAP. As no objections were received to the zoning, this is considered to carry significant weight.
8.3.3	The site is a central and sustainable location for residential development and the proposal would support increased city centre level in line with the <i>Belfast Agenda</i> . Having regard to the above considerations, the principle of residential use here is considered acceptable.
8.4	<u>Scale and Massing</u>
8.4.1	The scale and massing of the building are to be determined at this outline stage. A <i>Height Parameters Plan</i> has been provided which proposes heights of between 6m and 50m with 6m being the smallest, one storey element beside the courtyard, 24m for the 7-storey element, 48m for the 15 storey element and a further 2m in a restricted area for roof plant. Compliance with the Height Parameters Plan will be secured via condition.
8.4.2	There are relevant nearby planning permissions for buildings of height in the vicinity of the site such as the adjacent student accommodation to the west, which is under construction and is 15 storeys (51m-54m). There is also a recent approval for a 41.5m aparthotel to the rear of 29-33 Bedford Street under LA04/2020/0659/F. The LIFE Church Street is to the north and north-west of the site and contains 2-storey buildings. The Creations Building is 4-storeys.
8.4.3	Planning Policy Statement 7 (PPS 7) relates to quality in housing developments. PPS 7 objectives place emphasis on achieving quality residential development not only in terms of respecting local character and amenity but also the developments themselves should be attractive for prospective residents. Policy QD1 lists 9 criteria with which all proposals for residential development must conform. PPS12, DCAN 8 and Creating Places relate to housing developments and are also material considerations.
8.4.4	<u>Criterion (a)</u> of QD1 of PPS 7 requires the development to respect the surrounding context and to be appropriate in terms of layout, scale, massing, appearance and surfacing. The application is outline and therefore detailed matters are reserved for subsequent applications. The general arrangement, scale, height and separation distances are however provided to allow for full assessment of the potential impacts the development may have. These are considered to be appropriate for the context of the site.
8.4.5	<u>Criterion (b)</u> requires features of the archaeological and built heritage and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development. These considerations are dealt with in the later section of this report.
8.4.6	<u>Criterion (c)</u> requires adequate provision for public and private open space and landscaped areas as an integral part of the development. The indicative scheme indicates 385sqm of shared open space of which 256sqm is private, shared open space and 129sqm is public shared open space. In addition to the public amenity space, there are 17 no apartments with private amenity space which are on average 8.5sqm. As the indicative scheme contains 68 dwellings, this equates to approximately 5.6m of shared open space per apartment. This is below the minimum recommended standard of 10sqm in Creating Places, however, this is a matter of detail which can be reappraised and addressed at the reserved matters stage. There is no commitment to the number of residential units or average amenity space at this time.
8.4.7	<u>Criterion (d)</u> relates to the provision of local neighbourhood facilities. Given the city centre location, the development is considered to have very good access to facilities and it is unnecessary to require further facilities as part of the development.

8.4.8	<u>Criteria (e) and (f)</u> require adequate and appropriate provision for parking, walking and cycling in conjunction with the policy requirements of Planning Policy Statement 3: Traffic Movement and Parking. DfI Roads were consulted and have no objection in relation to access and parking. The site is highly accessible and considered acceptable with regard to criteria (e) and (f).
8.4.9	<u>Criterion (g)</u> relates to design and materials. This proposed design and materials have been reserved however there are indicative designs within the concept drawings which show a variety of materials such as red brick, dark grey cladding panels, and smooth render with consideration of the adjacent Creations building within the Conservation Area. Ultimately, these are matters for subsequent approval.
8.4.10	<u>Criterion (h)</u> deals with the impact the development may have on adjacent land uses and residents. The site is adjacent to commercial buildings and also student accommodation which is under construction. Taking into account the proposed layout, and separation distances and the nature of the proposed use, it is considered that the site can accommodate a building of the parameters proposed without undue impact in terms of overlooking, loss of light, overshadowing, noise or other disturbance. The detailed aspects of the scheme will be subject to subsequent approval.
8.4.11	In addition to Policy QD1, Criterion (c) of the Addendum to PPS 7 states that all dwelling units and apartments must comply with the space standards set out in Annex A of PPS 7. Due to the city centre location, the standards do not strictly apply however they do provide a useful guide and the units within the proposed scheme all meet or exceed the minimum sizes. The application does not propose a specific number or type of units and this is a matter for subsequent approval. A condition is recommended requiring an appropriate mix and balance of uses at the detailed design stage.
8.4.12	Northern Ireland Housing Executive (NIHE) was consulted and identified housing need in the area. This response was provided to the applicant who stated that they did not intend to provide affordable housing. As there is no policy requirement at this time, the Council cannot insist that affordable housing is provided as part of the scheme.
8.5	<u>Impact of the character and appearance of the Conservation Area</u>
8.5.1	Section 104 of the Planning (NI) Act 2011 requires that for conservation areas, special regard must be had to the desirability of (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; or (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise.
8.5.2	The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) is an important material consideration. The SPPS contains a policy direction reflecting Section 104 of the 2011 Act. Paragraph 6.18 of the SPPS advises that in managing development within a designated Conservation Area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. It goes on to say that there will be a general presumption against the grant of planning permission for development 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.
8.5.3	The proposed building should be considered having regard to the SPPS and Policy BH12 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage (PPS 6). Policy BH12 requires new development to preserve or enhance character and appearance and be sympathetic to characteristic built form. The site is located within the Linen Conservation Area as designated in the BUAP and dBMAP.

8.5.4	Policy BH12 of Planning Policy Statement 6 (PPS6) details criteria for new development in the conservation area. This policy contains a number of criteria which are applied to proposals in the Conservation Area. For ease of reference, proposal will be considered in turn under each criterion. (a) the development preserves or enhances the character and appearance of the area; (b) the development is in sympathy with the characteristic built form of the area (c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area
8.5.5	It is considered that the proposed building would be in keeping with the character and appearance of the area which includes building of substantial height and similar scale. The site is a small, semi-back-land site which is tucked away on a small cul-de-sac without any frontage on to the main routes of the Conservation Area. The detailed design of the building will be subject to separate reserved matters approval. The character and appearance of the Conservation Area would be preserved.
8.5.6	The Conservation Officer (CO) was consulted and advises that the Linen Conservation Area is characterised by: • Order and unity denoted by a strong base, middle and attic treatment with minor and major cornice • A rhythm of bays often expressed on the façade with pilasters • vertical expression to bays and openings of a human scale • A broken roof silhouette. • A high solid to void ratio with load bearing walls faced in brick.
8.5.7	The CO states that in terms of a hierarchy of heights, Holmes Street would ideally be subservient to Bruce Street. Whilst this is an accepted principle, the locale is notable for tall, back-land development such as the recently approved aparthotel at 31-33 Bedford Street and the Park Inn Hotel at Clarence Street West.
8.5.8	The CO expresses concern regarding the indicative ground floor use (residential and storage/plant) having a deadening effect on the frontage. This is a valid concern and one that was discussed with the applicant and agent. The argument put forward was that due to the cul de sac location, retail or commercial use would not be viable and that office use would not contribute any more than residential would in terms of vibrancy. Given the small footprint of the site and unusual circumstances of the city centre cul de sac, this is considered appropriate. The precise detail of the ground floor and activation of the street are matters for subsequent approval.
8.5.9	The CO provides further advice in terms of design, however, the detailed design of the building will be subject to separate reserved matters consideration and this will involve further consultation with the CO. In summary, it is considered that the character and appearance of the Conservation Area would be preserved.
8.5.10	d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area; Environmental Health has not raised any concerns subject to conditions regarding contamination and noise.
8.5.11	(e) important views within, into and out of the area are protected; The CO notes that key views which have not been identified in the Design and Access Statement include the junction of Adelaide Street and Ormeau Avenue, junction of

	Clarence Street West and Bedford Street and junction of Great Victoria Street and Bruce Street.
8.5.12	Having considered these key viewpoints, officers are content that the views would not be impacted adversely by the proposal. The combination of the Bedford Yard hotel approval and Bruce Street student accommodation approval would mean that the proposed building would sit comfortably within its setting and not adversely impact on these views.
8.5.13	The regeneration of the site along with adjacent sites will be beneficial, including the proposed public realm.
	(f) trees and other landscape features contributing to the character or appearance of the area are protected;
8.5.14	There are no landscape features on the site.
	g) the development conforms with the guidance set out in conservation area documents.
8.5.15	The Linen Conservation Area document contains development guidelines which state that: new development should relate sympathetically to the immediate surroundings. The Linen Conservation Area document makes reference to opportunities for public realm enhancement (new paving, seating, lighting and planting etc.) and the proposal includes new public realm improvements around the building including new paving and landscaping. It is considered that the proposals are consistent with the guidance.
8.5.16	It is considered that the proposal, by reason of its nature and the context of the site, would not readily provide opportunity for enhancement of the Conservation Area. However, having regard to the above analysis, it is considered that the character and appearance of the Conservation Area would be preserved. The proposal is therefore considered compliant with SPPS para 6.12 and Policy BH12 of PPS 6.
8.6	<u>The impact of the proposal on the setting of Listed Buildings</u>
8.6.1	The application site is in close proximity to / impacts upon a number of listed buildings which are of special architectural or historic interest and is protected by Section 80 of the Planning Act (NI) 2011. The Listed Buildings below are notable due to their proximity with/from the application site: • HB26 30 060 35-37 Bedford Street, Belfast Grade B2 • HB26 30 015 A 21 Bedford Street, Belfast Grade B2 • HB26 30 015 B 23 Bedford Street, Belfast Grade B2 • HB26 30 015 C 25 Bedford Street, Belfast Grade B2 • HB26 30 106 BBC Broadcasting House, Ormeau Ave Grade B1 • HB26 30 014 The Thompson Memorial Fountain, Ormeau Ave Grade B1
8.6.2	Historic Environment Division (HED) was consulted and advises that ' <i>HED (Historic Buildings) acknowledge this is an Outline application and this is not the appropriate format for fully resolved scheme designs... ..it is our consideration that the proposal will not significantly harm the essential character of the setting of the surrounding listed buildings. This assessment is based on the applications sites location in that the development will not interrupt designed, sequential or consequential important views onto, including the experience and understanding of, any of the surrounding listed buildings. That is, there is no visual competition affecting the ability to discern or interpret the listed buildings.</i> '
8.6.3	HED ' <i>also acknowledges that there is a 'spine' of tall buildings within the area, notably between Bedford Street to Brunswick Street (east to west orientation) and from James Street South to Clarence Street West (north to south orientation). The site, while outside</i>

	<i>this direct block of streets, is within the alignment of Bedford Street to Brunswick Street (east to west orientation) and could be considered part of this existing defined space within which tall buildings are situated. An important aspect of the tall buildings within this defined contextual space is their location within 'backland' development plots, i.e. they sit behind the main heritage buildings (both listed and non-listed) which are the frontage to Bedford Street. Notably from Bedford Street / Franklin Street junction to the Bedford Street / Ormeau Avenue junction'.</i>
8.6.4	Having regard to the advice from HED, the proposal is considered compliant with SPPS para 6.12 and Policy BH11 of PPS 6. The setting of Listed Buildings would not be harmed.
8.7	<u>The impact of the proposal on Archaeological Heritage</u>
8.7.1	HED: Historic Monuments states in their response that: <i>'The application site contains the location of a former weaving factory (IHR 10133) which is a site of industrial archaeology interest on the Department's Industrial Heritage Record. PPS 6 Policy BH2 applies.'</i>
8.7.2	<i>It further advises that it is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works, including an Industrial Archaeology survey and a mitigation strategy focussing on the industrial archaeological remains of the site. This is to identify and record any industrial archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6'.</i>
8.7.3	Subject to condition, the proposal is considered to satisfy Policies BH2 and BH4 of PPS 6.
8.8	<u>Landscaping and Open Space</u>
8.8.1	The Council's Landscape Planning and Development team was consulted. It notes that the provision of open space is below the minimum 10%.
8.8.2	<i>It 'welcomes the inclusion of public realm proposals and private communal open space as an integral part of the proposals. We are encouraged that there is a small additional area set aside on Bruce Street, in front of the Creations building, with the potential to create new high quality public realm'.</i>
8.8.3	It notes that the application is in outline and recommends that at Reserved Matters stage that detailed landscape proposals including planting and schedules, paving, street furniture, lighting and boundary treatments are provided.
8.8.4	Public Realm improvements are proposed which include the corner of Bruce Street and Holmes Street. This will be secured via planning condition.
8.8.5	Policy OS2 of PPS 8: Open Space, Sport and Outdoor Recreation states that on sites with 25 units or more or on 1ha or more should provide 10% open space. There is provision for exceptions for city centre locations and schemes that provide good levels of private amenity space. The proposal does not provide any specific open space and this is to be expected given the nature of the development as a single block apartment scheme in a city centre location. The Council will be able to ensure appropriate levels of private amenity space at the reserved matters stage.
8.8.6	Given the public realm proposals, the city centre location and small footprint of the site, this is considered acceptable.
8.9	<u>Traffic, Movement and Parking</u>
8.9.1	DfI Roads were consulted on the current proposal and requested further information such as an amended Transport Assessment Form, Transport Assessment, Service Management Plan and provision of green travel measures. These were subsequently provided.

8.9.2	The applicant has proposed provision of the following Green Travel Measures to mitigate the lack of parking provided with the scheme: 1. Membership of a bike scheme such as Belfast Bikes for 3 no years 2. A 3-year Residential Travel Card scheme 3. 50% subsidy of Car Club membership 4. Residential Travel Plan
8.9.3	These measures will be secured via Section 76 agreement.
8.9.4	The site is located within an area of parking restraint and there is no parking proposed within the development. However, this is considered appropriate given the highly sustainable location of the site, proximity to the proposed transport hub and current transport links and the provision of the proposed green travel measures.
8.9.5	DfI Roads provided a final response of no objections subject to a number of conditions.
8.10	<u>Contaminated Land</u>
8.10.1	The application is supported by a Contaminated Land Risk Assessment which has been considered by Environmental Health. Environmental Health offers no objection and a condition is included to require submission of a Verification Report to demonstrate compliance with the remedial measures.
8.11	<u>Noise</u>
8.11.1	Environmental Health has reviewed the applicant's Noise Impact Assessment and advised that it meets the relevant requirements.
8.11.2	<i>They state that 'having reviewed the information, it is noted that a high specification of double glazing with a Ctra specification rating as well as alternative means of ventilation will be required to ensure suitable internal noise levels can be achieved in habitable rooms to prevent adverse noise impact for future users'.</i>
8.11.3	Conditions are duly included to ensure appropriate glazing, ventilation and glazing barriers for external balcony areas.
8.12	<u>Air Quality</u>
8.12.1	Environmental Health has reviewed the proposal and recommends a condition in the event that any centralised combustion sources are proposed.
8.13	<u>Site Drainage/Flood Assessment</u>
8.13.1	The application is supported by a Flood Risk Assessment and Drainage Assessment. The proposal has been considered against Policy FLD 3 of Revised PPS15. DFI Rivers advises that the Flood Risk Assessment is deemed to be robust with regards to managing flood risk.
8.13.2	DFI Rivers has no objection subject to condition to require a final drainage assessment.
8.14	<u>Wastewater Infrastructure and Water Supply</u>
8.14.1	DAERA NIEA Water Management Unit cited concern over the potential impact on sewage loading to Belfast wastewater treatment works (WWTW), however, their response states that subject to an acceptable response from NI Water, that they would have no objection
8.14.2	NI Water advises that the waste-water treatment capacity is not currently available to support the proposed development. However, it confirms that it has a programme for WWTW improvements which will increase capacity over the coming years. NI Water also states that there are network capacity issues. NI Water advises that they are content to

	support the application subject to two Grampian conditions which require the developer to provide full details of wastewater treatment and disposal and full details of disposal to the drainage network in advance of occupation.
8.15.2	Given NI Water's confirmation that capacity will be increased and that the proposed building is highly unlikely to be occupied until after June 2023 when some additional capacity will be in place, together with the existence of a considerable number of unimplemented residential and commercial planning permissions across the city which represents a fall-back for connection to the public drainage system, it would be unreasonable to impose the conditions suggested by NI Water. Furthermore, NI Water has not provided specific and robust evidence of detriment.
8.15	<u>Economic Considerations.</u>
8.15.1	The proposal would have an estimated construction cost of around £6 million. Approximately 400 construction jobs would be created. The operational phase would deliver approximately 4 FTE jobs.
8.15.2	The Council's Economic Development Team was consulted and recommends a clause requiring developer contributions towards employability and skills for the construction phase of the development which will be secured via Section 76 planning agreement.
8.16	<u>Pre-Community Consultation</u>
8.16.1	For applications that fall within the major category a prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on the applicant for planning permission to consult the community in advance of submitting an application.
8.16.2	Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2019/1459/PAN) was submitted to the Council on 20 June 2019 and was deemed acceptable on 03 July 2019.
8.16.3	Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report (PACC) to accompany the planning application. A PACC Report has been submitted in support of this application which details a public event, social media, leaflets and the public advertisement.
8.16.4	Of the feedback received, lack of parking, potential closure of Holmes St to traffic, impact on LIFE church, sewage capacity and infrastructure complaints, impact on existing fire exit and impact of construction on nearby buildings were raised.
8.16.5	The applicant deals with each of these issues in the PACC report and all material considerations are detailed above in the case officer consideration.
8.16.6	It is considered that the PACC Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.
10.0	Summary of Recommendation:
10.1	Having regard to the Development Plan, and other material considerations, the proposed development is considered acceptable. It is recommended that planning permission is granted subject to conditions.

10.2	Delegated authority is requested for the Director of Planning and Place to finalise the wording of conditions and completion of a Section 76 planning agreement to secure a developer contribution towards Employability and Skills during the construction phase of the development.
11.0	Proposed Conditions:
11.1	The development hereby permitted must be begun by the following, whichever is the later. • Five years from the date of this permission; or • The expiration of two years from the date of approval of the last of the reserved matters Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.
11.2	Application/s for approval of the reserved matters shall be made to the Council within three years from the date of this permission. Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.
11.3	The under-mentioned reserved matters shall be as may be approved, in writing, by the Council: - Siting; the two dimensional location of buildings within the site. Design; the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements. External appearance of the Buildings; the colour, texture and type of facing materials to be used for external walls and roofs. Means of Access; the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site. Landscaping; the use of the site not covered by building(s) and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features. Reason: To enable the Council to consider in detail the proposed development of the site.
11.4	The scale and height of the development shall not exceed that shown on the Height Parameters Plan No 15 uploaded on 21 July 2022. Reason: To ensure an appropriate form of development in the Conservation Area.
11.5	Notwithstanding the submitted details, the number, type and mix of residential units shall not be provided unless in accordance with details that shall have first been submitted to and approved in writing by the Council. Reason: To ensure the delivery of quality residential accommodation

11.6	A Private Streets Determination for the provision of a 2.0m wide footway across the Holmes Street frontage of the site, shall be submitted to and approved by the Council at reserved matters stage. The development shall not be carried out unless in accordance with the approved details. Reason: To ensure the provision of an adequate footway along the development frontage in the interests of road safety and the convenience of road users.
11.7	The development hereby permitted shall not be occupied until adequate provision has been made for covered and secure cycle parking the details of which will be determined at Reserved Matters stage. Reason: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.
11.8	Prior to occupation, a Final Service Management Plan shall be submitted to and approved in writing by the Council. This shall be based on the Service Management Plan published by the Council on EPIC on the 2nd February 2022. The development shall not be operated unless in accordance with the approved Final Service Management Plan.
11.8	Reason: To ensure adequate servicing arrangements for the development. Prior to the commencement of any of the approved development on site, a final drainage assessment, compliant with Annex D of PPS 15 and Sewers for Adoption Northern Ireland 1st Edition and containing a detailed drainage network design including a demonstration of how out of sewer flooding will be safely manage, shall be submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details. Reason: In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.
11.9	Prior to the occupation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the McCloy Consulting Ltd report entitled 'Contaminated Land Risk Assessment, Holmes Street, Belfast, M01822-03_DG01, October 2021', and clarified within the subsequent McCloy Consulting Ltd letters (dated 7th June 2022 and 18th July 2022) and email (dated 20th July 2022) have been implemented. The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (residential with homegrown produce). It must demonstrate that the identified human health contaminant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance. In particular, this Verification Report must demonstrate that: a) A minimum 800mm clean cover system has been emplaced in any private garden areas (including a 200mm capillary break layer formed from clean stone at the base), formed from material that is demonstrably suitable for use (residential with homegrown produce). b) A minimum 450mm clean cover system has been emplaced in any communal green spaces or soft landscaping areas (overlying a capillary break layer formed from clean stone at the base), formed from material that is demonstrably suitable for use (residential with homegrown produce). c) All clean cover systems are underlain by a geo-membrane.

	Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.
11.10	If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related works shall cease immediately, and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Council, prior to the development being occupied or operated. The Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.
	Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.
11.11	Prior to installation of any glazing and the required alternative means of ventilation, a report detailing the final glazing schedule and alternative means of ventilation shall be submitted to and approved in writing by the Council. This schedule must demonstrate that the glazing and alternative means of ventilation meet the minimum sound reduction values (C_{tra}) to all facades, as presented in Irwin Carr Consulting Noise Impact Assessment dated 12th October 2021, titled: Noise Impact Assessment Holmes Street, Belfast. Report No. RP004N 20191, 57 (Holmes Street) – Section 6.0 - Table 7: Recommended Glazing. Prior to occupation of the hereby permitted development: 1. The approved final glazing schedule and approved alternative means of ventilation shall be installed. 2. The developer shall submit to the Council for approval, verification that the glazing schedule and alternative means of ventilation, as approved, have been installed. This should be by way of a written declaration from the supplier and installation contractor confirming such installation. 3. A 1.2m high glazing barrier with no gaps shall be installed to the rear external balcony areas as detailed in Appendix E – Glazing Data Sheets of Irwin Carr Consulting Noise Impact Assessment. All glazing and barriers must be maintained and retained in accordance with the approved details.
	Reason: Protection of residential amenity.
11.12	In the event that any centralised combustion sources (boilers, CHP, biomass or generators) are proposed and there is a risk of impact at relevant receptor locations as per the criteria detailed within the Environmental Protection UK and Institute of Air Quality Management, Land-use Planning & Development Control: Planning For Air Quality (January 2017), an Air Quality Impact Assessment shall be submitted to and approved in writing by the Council prior to the installation of the plant. The assessment shall include details of the combustion plant to be installed, to include emission rates and flue termination heights of the proposed combustion systems and must demonstrate that there will be no exceedances of the Air Quality Strategy objectives at relevant human receptor locations, associated with operation of the proposed combustion plant and with the overall development. The development shall not be carried out unless in accordance with the approved details.

	Reason: In the interests of public health.
11.13	The termination points of flues or vents associated with any combustion plant installed at the development shall be so located as to safeguard recreational areas such as terraces/balconies and neighbouring receptors against exceedances of Air Quality Strategy objectives. The suitability of the proposed combustion plant, flue location and flue termination height shall be confirmed using the emission screening tools detailed within the Defra Local Air Quality Management Technical Guidance document LAQM.TG(16). Where the emission screening tools are not applicable to the proposed development, suitability must be demonstrated using atmospheric dispersion modelling software. The emission screening tools and atmospheric dispersion modelling must demonstrate that there will be no exceedances of the UK Air Quality Strategy objectives at relevant receptor locations. Reason: In the interests of public health and protection of residential amenity.
11.14	Notwithstanding the submitted details, no development shall commence on site unless full details of the public realm improvements to the footway bounding the site in the areas shown on Drawing 11 uploaded on 21 May 2022 have been submitted to and approved in writing by the Council. The details shall include: 1. Surface materials; and 2. The design and provision of underground ducting. The development shall not be occupied unless the public realm improvements have been carried out in accordance with the approved details. Reason: In the interests of the character and appearance and to enhance connectivity to and from the development.
11.15	No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council. The POW shall provide for: • The identification and evaluation of archaeological remains within the site; • Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ; • Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and • Preparation of the digital, documentary and material archive for deposition; All construction thereafter must be in accordance with the approved POW. Reason: To ensure that archaeological remains within the application site are properly identified, protected and appropriately recorded.
11.16	A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under 11.2. These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council. Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated, and the excavation archive is prepared to a suitable standard for deposition.
11.17	Development shall not commence until full details of wastewater treatment / disposal have been submitted to and agreed in writing by the Council in consultation with NI Water.

	Reason: To ensure appropriate wastewater treatment / disposal arrangements are in place.
12.0	Representations from Elected Representatives (if relevant) N/A
13.0	Referral to DfI (if relevant) N/A

ANNEX	
Date Valid	6th January 2022
Date First Advertised	21st January 2022
Date Last Advertised	N/A
Date of Neighbour Notification(s)	19th January 2022
Number of Neighbour Notifications	19 with 1 objection
Date of EIA Determination	N/A
ES Requested	N/A
Planning History Ref ID: LA04/2018/2170/F Proposal: Change of use from retail to office use on all 4 floors. Roller shutters replaced with double doors. Address: 17-21 Bruce Street, Belfast, BT2 7JD., Decision: Permission Granted Decision Date: 07.01.2019 Ref ID: LA04/2019/1459/PAN Proposal: Outline residential development Address: Lands at Holmes Street, to the rear of No.15-21 Bruce Street, Belfast., Decision: PAN Acceptable Decision Date: 03.07.2019 Ref ID: Z/2012/1315/F Proposal: Change of use from disused retail warehouse and showrooms (class A1) to place of worship (suis generis) with ancillary uses including coffee bar, youth conference facilities (no external changes) Address: 11 Bruce Street, Belfast, Decision: Permission Granted Decision Date: 17.04.2013 Ref ID: Z/2008/2205/F Proposal: Proposed office and retail development over 12 floors. Associated siteworks and roadworks. (Amended scheme reduced by two storeys) Address: 5, 6, 7 Little Victoria Street, BT2 7JH and 23-29 Bruce Street, BT2 7JD Decision: Permission Granted Decision Date: 13.10.2014 Ref ID: Z/2006/0162/O Proposal: Erection of 6-storey building comprising 20 No. apartments with associated car parking (renewal of permission Z/2002/0347/O). Address: 1-3 Holmes Street, Belfast, BT2 Decision: Permission Granted Decision Date: 04.04.2006	

Ref ID: Z/2002/0347/O

Proposal: Renewal of planning permission for the erection of 20 no. apartments with associated car parking (reference Z/98/2919)

Address: 1 Holmes Street,Belfast,BT2

Decision: Permission Granted

Decision Date: 20.08.2002

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Tuesday 16th August 2022	
Application ID: LA04/2022/0510/F	
Proposal: Construction of 90no. apartments (change of house type from that approved LA04/2019/0025/F) with associated car parking and landscaping.	Location: Parklands, Knocknagoney Dale, Knocknagoney, Belfast
Referral Route: Major Application	
Recommendation:	Approve subject to conditions and S76 Planning Agreement
Applicant Name and Address: HB Building Property Services Lesley House 605 Lisburn Road Belfast BT9 7GS	Agent Name and Address: Coogan & Co Architects 122 Upper Lisburn Road Finaghy Belfast BT10 0BD
Executive Summary: This application seeks approval for the construction of 90 apartments on an established residential site set within a mature landscape setting which is part of a wider Local Landscape Policy Area which includes the adjacent Knocknagoney Park. The site is located at the junction of Knocknagoney Road and Holywood Road. Planning permission was previously granted for 90 dwellings on this site (reference LA04/2019/0025/F) which was approved on 19 September 2019 subject to conditions and a Section 76 Planning Agreement. The current application seeks approval for a change of house type from that previously approved along with changes to finishes, minor external design changes and additional balconies. The proposed development is under construction and is substantially complete. The main issues to be considered in the assessment of this application are: • Principle of development • Scale, Height, Massing and Design • Traffic and Parking • Impact on Character of the Area/LLPA • Impact on Adjacent Land Uses No third party objections have been received to the proposed development. Consultees including the Urban Design Officer, Environmental Health, DFI Roads, DAERA, Rivers Agency and NI Water have no objection in principle to the proposal and subject to conditions. The residential use has been established through the previous apartments located on the site and previous planning approvals for residential developments (see planning history section).	

Recommendation

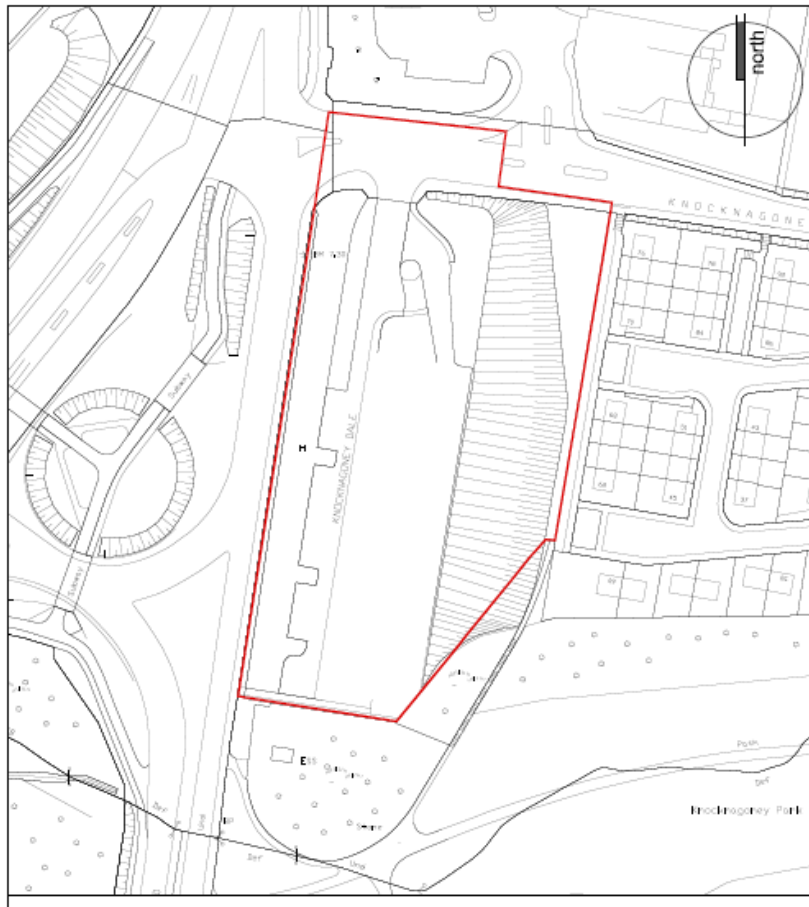
Having regard to the development plan, relevant policy context and other material considerations including the extant planning approval the proposed development is considered acceptable. It is recommended that planning permission is granted subject to conditions and a Section 76 Planning Agreement to secure the management and maintenance of communal open space areas.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 Planning Agreement subject to no substantive issues being raised.

Case Officer Report

1.0 Drawings

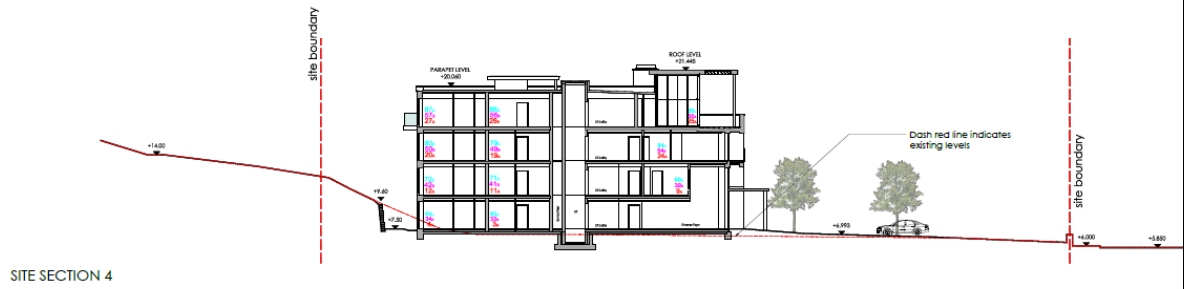
Site Location Plan



Site Layout



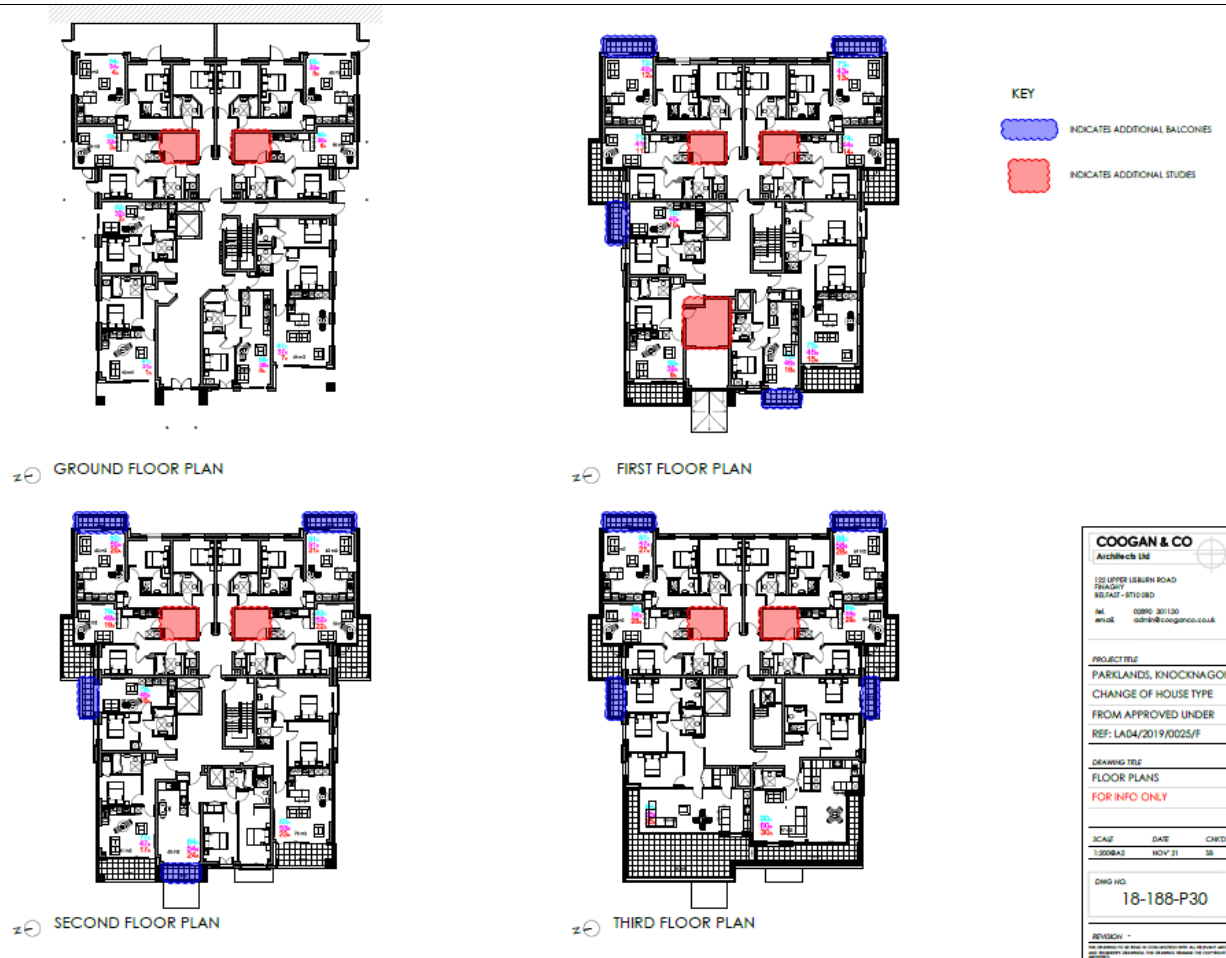
Site Sections



Proposed Elevations



Floor Plans



Landscaping Plan



CGIs





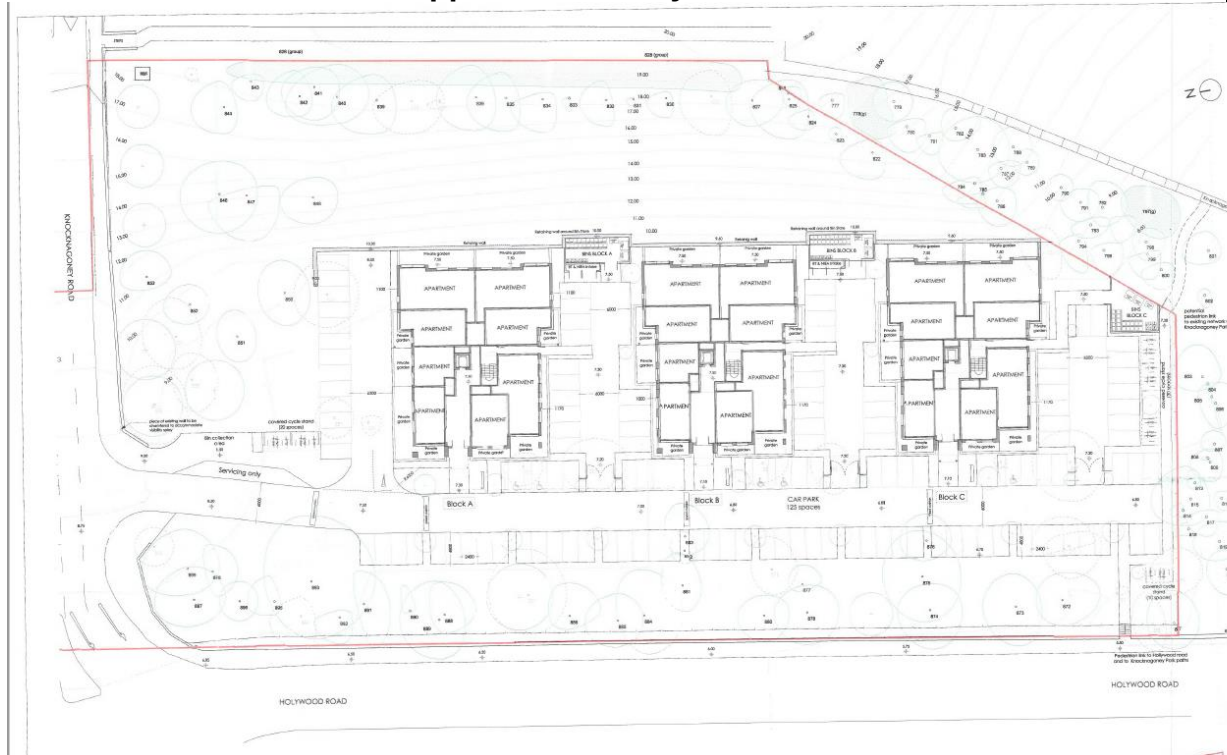
Recent Photos





Extant Approval LA04/2019/0025/F

Approved Site Layout Plan



Approved Elevations 	
2.0	Characteristics of the Site and Area
2.1	The site is located at the junction of Knocknagoney Road and Hollywood Road and to the immediate west of the A2 Belfast to Bangor road. There is an existing access to the site from the Knocknagoney Road, located opposite the access to Tesco Petrol Filling Station and Supermarket. The development is currently under construction and substantially complete.
2.2	The boundary along the Hollywood Road frontage and the southern boundary adjacent to Knocknagoney Park is defined by a stone wall which varies in height along its length (1-1.5m approximately) and mature planting with a palisade fence immediately behind. The boundary along Knocknagoney Road is defined by a brick wall with metal fencing between brick piers. The eastern boundary is defined by a palisade fence with mature trees behind and in front of the fence facing dwellings on Knocknagoney Park.
2.3	The western (lower) part of the site is relatively flat. The site rises steeply to the rear of the existing apartment block and adjacent dwellings in Knocknagoney Park to the immediate east of the site are at a much higher level than the existing and proposed apartment block.
2.4	There is a grassed embankment to the rear of the apartments. Mature planting exists around the perimeter of the site, providing a mature landscape setting for the existing apartment block.
2.5	The area is characterised by a mix of uses including commercial outlets to the north (Tesco Petrol Filling Station and Supermarket) and west (Hollywood Exchange), established residential dwellings to the east and Open space (Knocknagoney Park) to the immediate south. Belfast City Airport is also located in close proximity (to the west).
3.0	Description of Proposal
3.1	The proposal seeks the construction of 90no. apartments (change of house type from that approved LA04/2019/0025/F) with associated car parking and landscaping. The

	proposed development incorporates studies to 9 apartments and 12 additional balconies. Minor changes to external elevations and finishes are also proposed.
4.0	Planning Assessment of Policy and Other Material Considerations
4.1	Policy Context Regional Planning Policy • Regional Development Strategy 2035 (RDS) • Strategic Planning Policy Statement for Northern Ireland (SPPS) • Planning Policy Statement 3 (PPS 3) - Access, Parking and Movement • Planning Policy Statement 7 (PPS 7) – Quality Residential Environments • Planning Policy Statement 15 (PPS 15) - Flood Risk Local Planning Policy Context • Belfast Urban Area Plan (2001) BUAP • Draft Belfast Metropolitan Area Plan 2015(v2004) • Draft Belfast Metropolitan Area Plan 2015(v2014) • Belfast Local Development Plan Draft Plan Strategy 2035 Other Material Considerations • Creating Places • Developer Contribution Framework
4.2	Planning History LA04/2021/2030/F – Proposed construction of 8no. apartments with associated car parking and landscaping, Parklands, lands west of numbers 70 to 76 Knocknagoney Road, Knocknagoney, Belfast. Under Consideration. LA04/2021/2661/PAN - Proposed 90no. apartments (change of house type from that approved under LA04/2019/0025/F. Changes include the introduction of a study to 27no. apartments, change/addition of balconies to 36no. apartments & elevational changes) with associated car parking and landscaping. (Under construction), Former Parklands, lands west of numbers 60 to 76 Knocknagoney Road, Knocknagoney, Belfast. PAN acceptable 14.12.2021. LA04/2021/0908/F - Proposed construction of 4no. apartments with associated car parking and landscaping, Parklands on lands west of numbers 70 to 76 Knocknagoney Road, Knocknagoney, Belfast. Permission refused 04.07.22 LA04/2019/0025/F - Demolition of existing residential building and construction of 90No. apartments with associated car parking and landscaping, Parklands, Knocknagoney Dale, Knocknagoney, Belfast. Permission granted 19.09.19. LA04/2018/1985/PAN - Development of 90 No. apartments with associated car parking and landscaping, Parklands, Knocknagoney, Belfast, BT4 2PS. PAN acceptable 24.08.2018. LA04/2017/0043/F - Demolition of existing building and construction of residential development consisting of 104 apartments (18no 1 bed, 83no. 2 bed and 3no. 3 bed) with associated fitness suite, car parking and landscaping, Parklands, Knocknagoney Dale, Knocknagoney, Belfast. Permission granted 09.01.2018.

4.3 4.4 4.4.1 5.0 5.1 5.2 5.2.1 5.2.2	LA04/2016/0671/PAN – Development of 104 apartments including 18-1 bed apartments, 83-2 bed Apartments, 3-3 bed apartments. 1 Fitness suite to be located in block A, Parklands, Knocknagoney, Belfast, BT4 2PS. PAN acceptable 25.04.16. Z/2008/0728/F - Construction of 165 apartments, with covered parking and hard and soft landscaped amenity provision, Knocknagoney Dale, BT4. Permission granted 25.03.2015. Consultations Statutory Consultations Belfast City Airport – No objection. DFI Roads – No objection subject to conditions. DFI Rivers Agency – No objection. NI Water – No objection. NIEA – <i>Water Management Unit</i> – no objection. <i>Regulation Unit Land and Groundwater Team</i> - No objection and <i>Natural Environment Division</i> – No objection. Non-Statutory Consultations Environmental Health – No objection subject to conditions. Shared Environmental Services – No objections. The proposal would not be likely to have a significant effect on the features of any European site. BCC Urban Design Officer – No objection. BCC Landscape Planning and Development Team – No objection. Representations The application has been advertised and neighbours notified. No third party objections have been received. Planning Assessment Key Issues The key issues to be considered in the assessment of this application are: • Principle of development • Scale, Height, Massing and Design • Traffic and Parking • Impact on Character of the Area/LLPA • Impact on Adjacent Land Uses Development Plan Context Section 6(4) of the Planning Act (Northern Ireland) 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise. The adoption of the Belfast Metropolitan Area Plan (BMAP) in 2014 was declared unlawful as a result of a judgement in the court of appeal delivered on 18 May 2017. This means that the Belfast Urban Area Plan 2001 (BUAP) provides the statutory plan context for the area.

5.2.3	Draft BMAP 2015 (dBMAP 2014), in its most recent, post-examination form remains a significant material consideration when making planning decisions. It was at the most advanced stage possible prior to adoption. However, in assessing this application regard is also had to the provisions of draft BMAP which was published in 2004 (dBMAP 2004).
5.2.4	In dBMAP (v2004) the site is unzoned land within the development limit and falls within a wider Local Landscape Policy Area (Ref BT 132 – Knocknagoney LLPA). In dBMAP (v2014) the site is also unzoned land within the development limit and within a wider Local Landscape Policy Area (Ref BT 114 – Knocknagoney LLPA). Within the BUAP the site is unzoned land within the development limit.
5.2.5	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.
5.3	Principle of Development
5.3.1	The site is not zoned for any specific use in the BUAP or draft BMAP and lies within the development limit of Belfast. Planning permission was previously granted for a 10 storey apartment block accommodating 165 apartments (Z/2008/0728/F) in March 2015, 3 nine storey apartment blocks for 105 apartments (LA04/2017/0043/F) in January 2018 and most recently 3 four storey apartment blocks for 90 units (LA04/2019/0025/F) in September 2019. The most recent approval is extant and provides a lawful fall-back position for the applicant. The previous residential use on the site and the above approvals establishes the acceptability of the principle of residential development on the site. The site falls within a wider Local Landscape Policy Area (LLPA) however this does not preclude development within the LLPA and the impact of the proposal on the LLPA is further considered below. The proposed use does not conflict with the development plan or planning policy context and is considered acceptable in principle. Further assessment of the proposal is set out below. Details of the proposal are considered below.
5.4	Scale, Height, Massing, Design and Layout
5.4.1	Policy QD 1 (Quality in New Residential Development) of PPS 7 states that planning permission will only be granted where it is demonstrated that the proposal will create a quality and sustainable residential environment. The policy further states that in established residential areas housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. The policy sets out 9 criteria which all residential developments are expected to meet. The proposal is assessed against each of the criteria below.
5.4.2	The layout proposes three, 4 storey blocks laid out in a linear form with parking between, to the sides and front of the blocks. Each of the three blocks are the same design and are 14.6m at the highest point which includes roof plant. The front elevation of each block incorporates a setback at the top floor and side projections with a varied roof

	height. The external wall finishes include a mix of grey coloured render, buff clay brick panels and dark grey metal cladding. Window sizes vary across the elevations providing an appropriate solid to void ratio and are proposed to be finished in dark grey PPC aluminium. Balconies are proposed adding variety to the elevations and providing private amenity space to all of the apartments. The top floor is set back from the front elevation allowing generous terraces to be provided at the upper level. The architectural detailing of the blocks will create visual contrast within the development. A retaining wall is proposed to the rear of the development measuring between 2.1 and 2.5m.
5.4.3	The Urban Design officer considers the proposed internal and external changes minimal in nature and would not result in a notable change to the external appearance of the blocks and that the proposed scale, height and massing are contextually appropriate and are in keeping with that of surrounding buildings and sit comfortably within the heavily landscaped setting. The scale, height, massing, design and layout of the proposed development is comparable to that approved under planning approval LA04/2019/0025/F and is considered appropriate to the character of the area and respects the surrounding context and complies with criterion (a) of Policy QD 1, PPS 7.
5.4.4	The density of the proposed development is in keeping with the established residential development currently on the site. Each of the apartments has an outlook to the side or front of the proposed blocks which is acceptable providing for passive surveillance of the parking and open space areas. The apartments vary in size with 1bed/studios (37sqm), 1bedroom apartments (39-43sqm), 1 bed apartments with study (50-56 sqm), 2 bedroom apartments (64-97sqm) and 3 bedroom apartments (94sqm) and are in accordance with the recommended space standards as set out in PPS 7 and in the emerging draft LDP with an appropriate mix of unit sizes provided (9 studios, 12 - 1 bed apartments, 27 - 1 bed + study apartments, 39 - 2 bed apartments and 3 - 3 bed apartments).
5.4.5	All of the apartments have private amenity space in the form of a private garden at ground floor level or balconies/terraces at upper levels. The gardens/balconies range from 3.4 – 35.7 sqm and the average level of provision of private amenity provision is 9.1 sqm per unit. Cumulatively, with the communal space the average level of amenity provision per apartment is in accordance with recommended standards set out in Creating Places. The proposal is a betterment on the previous permissions with access to private amenity provision for each apartment. The proposal complies with criterion (c) of Policy QD 1, PPS 7 and Policy OS2 of PPS 8 (Public Open Space in New Residential developments).
5.4.6	Bin storage is provided at 3 locations to the rear of the development and is accessible to all the apartments.
5.4.7	Given the size of the development local neighbourhood facilities are not required to be provided and therefore criterion (d) of Policy QD 1 does not apply to the development. The development is well located to avail of existing neighbourhood facilities/amenities in the area such as recreational facilities (Knocknagoney Park), schools (Knocknagoney Primary & Nursey School, Ashfield Boys/Girls High School), community facilities (Knocknagoney Community Centre) and retail developments (Tesco and Holywood Exchange).
5.5	Traffic and Parking
5.5.1	The existing access point from Knocknagoney Road will be used to serve the proposed development. One hundred and twenty-five parking spaces are proposed on the site between the apartment blocks and to the side and front of the blocks. Four covered cycle stands each with 10 spaces providing space for parking 40 cycles are also proposed on site. The level of parking remains unchanged from the previous

	approval (LA04/20219/0025/F). A pedestrian access point is proposed onto the Hollywood Road which will provide improved connectivity to the immediately adjoining Knocknagoney Park. Planning permission was previously granted in 2015 for 165 units on the site and more recently in 2018 for 105 apartments. Given that the number of apartments proposed has reduced from previous permissions and is the same as the most recent permission (LA04/2019/0025/F) which also proposed similar access arrangements the proposed access arrangements are considered acceptable. DFI advises that they are aware of the extant approval (LA04/2019/0025/F) on the site and offer no objections subject to conditions. The proposal is considered to comply with criterion (e) of Policy QD 1, PPS 7.
5.6	Materials and Detailing
5.6.1	The external finishes include pewter grey coloured render, buff clay brick panels, pewter grey k-rend finish to masonry walls, dark grey metal cladding, dark grey PPC aluminium window and door frames and Juliette balconies, glass balustrades and dark grey sills/coping. The proposed finishes will be the same on each of the three blocks which will bring continuity throughout the development. The Urban Design officer considers that the palette of materials will provide a pleasant combination of materials which contrast with and complement the clean and contemporary look of the blocks as well as nodding towards the brick and light render of properties along the neighbouring Knocknagoney Park. The proposed range of surface materials, which includes silver sienna paving blocks, sandstone paving blocks, graphite setts, off white/buff/charcoal concrete paving slabs, asphalt and bitmac help to delineate pedestrian and vehicular routes while adding character to a series of intimate spaces and dwelling areas. The proposal is considered to comply with criterion (g) of Policy QD 1, PPS 7.
5.6.2	The parking and communal open space areas will be overlooked providing surveillance and providing a secure environment and promoting the safety of prospective occupiers and therefore complies with criterion (i) of Policy QD 1, PPS 7.
5.7	Impact on the Character of the Local Area/LLPA and on Adjacent Land Uses
5.7.1	There is an established residential development (Knocknagoney Park) located to the east of the proposed development which sits at a much higher level than the proposed development. There are mature trees at the top of the embankment within the site boundary and trees outside the site boundary between the existing dwellings and the proposed apartments which provide a substantial buffer between the developments. There is also adequate separate distance (approx. 39m) and a height differential of c.12.5m between the finished floor level of the proposed apartments and the ground level of properties in Knocknagoney Park which will ensure that there will be no adverse impact on the amenity of existing residents in Knocknagoney Park by way of noise, overlooking or overshadowing.
5.7.2	To the immediate south of the site is an area of existing open space (Knocknagoney Park) which will serve the development as a valuable open space and recreational asset. Tesco Petrol Filling Station and Supermarket are located to the north of the site. The proposed development will not create an adverse impact on the existing adjacent land uses and therefore complies with criterion (h) of Policy QD 1, PPS 7.
5.7.3	Features that contribute to the environmental quality, integrity and character of the LLPA surrounding the apartment block include the well planted steep embankment and groups of mature trees surrounding the existing apartment block. A Landscaping scheme and a tree survey has been submitted with the application. More recent changes to the proposed landscape plan include three additional heavy standard trees

	to the rear of the apartment blocks and to the entrance of Block B increasing the total number of new trees planted to 34. The Urban Design officer considers that the retention of existing trees around the edge of the site will help to soften and screen sections of the new build particularly in relation to views into the site from along the dual carriageway (Holywood Road). Additional tree, shrub and hedge planting will help to further integrate the development into the surrounding landscape.
5.7.4	The Tree Officer has no objections to the landscaping scheme subject to conditions. The Landscape and Planning Development Team (LPDT) note the landscape proposals and support the inclusion of the previously approved pedestrian path and gate linking the development site with Knocknagoney Park and advise that a new section of public pathway required to complete this connection, will be constructed by Belfast City Council using the Section 76 developer contribution associated with this development. LPDT advise that during construction, all existing trees to be retained are protected in accordance with BS 5837:2012. A condition is recommended to protect existing trees during construction.
5.7.5	Existing mature trees in good condition are proposed to be retained and provide a mature landscape setting for the proposed development. It is considered the proposed development will not compromise the integrity of the Knocknagoney LLPA at this location, landscape features will be integrated into the development and protected through appropriate measures during the construction phase and managed and maintained in perpetuity. The proposal is considered to comply with criterion (b) of Policy QD 1, PPS 7.
5.7.6	The design and layout of the proposed residential development on an established residential site is considered acceptable and will enhance the bringing a viable use with environmental improvements and enhanced links to the local area. The proposal respects the surrounding context and is considered acceptable.
5.8	Environmental Considerations
5.8.1	Drainage The application is supported by a Drainage Assessment. The proposal has been considered against policies FLD 1-5 of Revised PPS15. DFI Rivers have raised no objections under Policies FLD 1, 2, 3, 4 and 5.
5.8.2	NI Water has no objection to the proposed development and advises that there is available capacity at the Waste Water Treatment Works to serve the development; that there is a foul sewer, public surface water sewer and public water main within 20m of the proposed development boundary which can adequately service these proposals.
5.8.3	The drainage arrangements for the proposed development have already been established through the previous approval on the site and are considered acceptable.
5.8.4	Contamination The application is supported by a Land Contamination Assessment which has been considered by both DAERA, NIEA and Environmental Health. Neither have raised objections and both have provided conditions/informatives if permission is granted.
5.8.5	Noise The application is supported by a Noise Impact Assessment which has been considered by Environmental Health who has provided conditions should permission be granted.
5.8.6	Air Quality

	Environmental Health has reviewed the proposal and has advised that an Air Quality Impact Assessment or associated conditions are not required/recommended.
5.8.7	Waste Management Waste management arrangements are considered sufficient to service this development.
5.9	Developer Contributions
5.9.1	The previous Section 76 executed for planning approval LA04/2019/0025/F secured a financial contribution of £90,000 towards the provision and improvement of open space and recreational facilities including access to the adjoining Knocknagoney Park. These monies have been received and the BCC Landscape Planning and Development Team are liaising with the applicant's design/project team to provide a new access to the site from Knocknagoney Park and associated works. It is envisaged the works will commence within 12 months.
5.9.2	A revised draft S76 agreement has been received which restates clauses secured in the previous agreement which secured management and maintenance of the communal open areas. Delegated authority is sought to finalise the S76 Agreement.
5.10	Pre-Application Community Consultation
5.10.1	In accordance with the requirements of Section 27 of the Planning Act (NI) 2011, the applicant served a Proposal of Application Notice (PAN) on Belfast City Council on 24 th November 2021 (LA04/2021/2661/PAN). Belfast City Council responded confirming that the PAN and associated approach met the requirements of Section 27 of the Planning Act and was acceptable. An online consultation event via a dedicated website was proposed between Monday 17 th January 2022 and Monday 7 th February 2022.
5.10.2	A Pre-Application Community Consultation Report has been produced to comply with the statutory requirement laid out in Section 28 of the Planning Act (Northern Ireland) 2011. The purpose of a PACC report is to confirm that pre-application community consultation has taken place in line with statutory minimum requirements. The report has confirmed advertising for the public event and that the public event took place in accordance with section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015. The report also confirmed that a leaflet containing details of the consultation process and website address was distributed to all addresses within a 100m radius of the site and that the online digital consultation took place. The report states that feedback was limited to general queries and no issues arose.
5.10.3	The Pre-Community Consultation Report submitted satisfactorily demonstrates that the applicant has complied with the requirements of Sections 27 and 28 of the Planning Act (NI) 2011 and Section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015 and has adhered to Council recommendations during the PAN process. The PACC report is considered acceptable.
Neighbour Notification Checked Yes	
Summary of Recommendation:	
Having regard to the development plan, relevant policy context and other material considerations, including the extant planning approval, the proposed development is considered acceptable. It is recommended that planning permission is granted subject to conditions and a Section 76 Planning Agreement.	

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 Planning Agreement subject to no substantive issues being raised.

Draft Conditions:-

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

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

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

Reason: In the interests of visual amenity.

3. Tree protective measures, protective barriers (fencing) and ground protection shall be erected or installed as specified within the landscape plan and in accordance with the British Standard 5837: 2012 (section 6.2) on any trees to be retained within the site. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.

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

4. All soft landscaping works shall be carried out in accordance with the approved details on Drawing Number 10A, published by the Council on 04.05.22. The works shall be carried out prior to the completion of the development unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

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

5. If roots are accidentally damaged the Council must be notified and given the opportunity to inspect the damage before it is covered over. The roots must be wrapped in wet hessian wrap until the arrival of an arborist or Council tree officers.

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

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

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

7. The development hereby permitted shall not be occupied unless a Noise Verification Report has been submitted to and approved in writing by the Council. The Report must demonstrate that:

a) The noise mitigation measures as outlined in the RPS Noise Impact Assessment entitled "Parklands, Residential" document no: NI2382 dated January 2022 have been implemented;
b) That the entire window system (including frames, seals etc) and ventilator units to the residential units have been so installed so as to ensure that internal noise levels within any proposed residential unit shall:

- Not exceed 35 dB LAeq,16hrs at any time between 07:00hrs and 23:00hrs within any habitable room, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;
- Not exceed 30 dB LAeq,8hr at any time between the hours of 23:00hrs and 07:00hrs within any proposed bedrooms, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;
- Not exceed 45 dB LAmx for any single event on more than 10 occasions between 23:00hrs and 07:00hrs within any proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current building control requirements;

Reason: Protection of residential amenity

8. All demolition and construction activities shall be undertaken in line with best practice guidance. Demolition and construction activities shall pay due regard to the current standards; BS 5228-1:2009+A1:2014 and BS 5228- 2:2009+A1:2014 A2: Noise and Vibration Control on Construction and Open Sites.

Reason: To protect amenity and human health.

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

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

10. After completing the remediation works under Condition 1; and prior to occupation of the development, a verification report shall be submitted to and approved in writing by the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>
The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

11. In the event that piling is required, no development or piling work should commence on this site until a piling risk assessment, undertaken in full Regulation Unit accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", has been submitted to and approved in writing by the Council. The methodology is available at:

<http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>.

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

12. Tree no.845, as identified in the PEA (Ayre Environmental Consulting Ltd, January 2022), must be felled using soft-felling techniques, with any limbs or cuttings left in situ overnight before offsite disposal.

Reason: To minimise potential impacts on roosting bats.

13. The development hereby permitted shall not become operational until the vehicular access has been constructed and road layout and markings amended in accordance with the approved access Drawing No. 13 'Proposed Access Amendments' published by the Council on 04 August 2022. The area within the visibility splays shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter. The access shall be constructed and marked to the satisfaction of DfI Roads.

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

14. The development hereby permitted shall not become operational until hard surfaced areas have been constructed in accordance with the approved layout Drawing No. 03A 'Proposed Site Plan' bearing the Belfast City Council Planning Office date stamp 03 May 2022 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles.

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

15. A minimum of 40 No. covered and secure cycle parking spaces shall be provided and permanently retained within the development for use by residents.

Reason: to encourage the use of alternative modes of transport for development users.

16. The development hereby permitted shall operate in accordance with the Residential Travel Plan published on the Planning Portal on 28 March 2022. The Site Operator will provide access to the Translink iLink Initiative or equivalent measures agreed by DfI Roads.

Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

17. The development hereby permitted shall operate in accordance with the Service Management Plan published on the Planning Portal on 28 March 2022.

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

Notification to Department (if relevant)

Date of Notification to Department: **Not Required**

Response of Department:

Representations from Elected Members: None

ANNEX	
Date Valid	22nd March 2022
Date First Advertised	8th April 2022
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 60 Knocknagoney Park, Belfast, Down, BT4 2PU The Owner/Occupier, 62 Knocknagoney Park, Belfast, Down, BT4 2PU The Owner/Occupier, 64 Knocknagoney Park, Belfast, Down, BT4 2PU The Owner/Occupier, 66 Knocknagoney Park, Belfast, Down, BT4 2PU The Owner/Occupier, 68 Knocknagoney Park, Belfast, Down, BT4 2PU The Owner/Occupier, 70 Knocknagoney Park, Belfast, Down, BT4 2PU The Owner/Occupier, 72 Knocknagoney Park, Belfast, Down, BT4 2PU The Owner/Occupier, 74 Knocknagoney Park, Belfast, Down, BT4 2PU The Owner/Occupier, 76 Knocknagoney Park, Belfast, Down, BT4 2PU The Owner/Occupier, Tesco 24hr Store, Knocknagoney Road, Belfast, Down, BT4 2PW The Owner/Occupier, Tesco Filling Station, Knocknagoney Road, Belfast, Down, BT4 2PW	
Date of Last Neighbour Notification	31st March 2022
Date of EIA Determination	31st March 2022
ES Requested	No
Drawing Numbers and Title 01 – Site location Plan – Published 28.03.22 03A – Proposed Site Plan – Published 04.05.22 04 – Proposed Ground & First Floor Plans – Published 28.03.22 05 – Proposed Second & Third Floor Plans – Published 28.03.22 06 – Proposed Elevations – Published 28.03.22 07 – Roof Plan – Published 28.03.22 08 – Proposed Site Sections – Published 28.03.22 09 – Additional Site Sections & Retaining Wall & Gate – Published 28.03.22 10A – Proposed Landscape Plane Rev A - Published 04.05.22 11 – Drainage Layout - Published 28.03.22 12 – Tree Protection Plan 13 - Proposed Access Amendments	

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Tuesday 16 th August 2022	
Application ID: LA04/2022/0646/F	
Proposal: Application under Section 54 of the planning (Northern Ireland) Act 2011 to vary Condition 2 of planning permission LA04/2017/2753/F (relating to details of public realm improvements).	Location: 30-44 Bradbury Place Belfast BT7 1RT
Referral Route:	Major development
Recommendation:	Approval
Applicant Name and Address: Bradbury Student Properties Ltd	Agent Name and Address: Laura McCausland
Executive Summary: This Section 54 planning application seeks to vary condition 2 of planning permission LA04/2017/2753/F to amend the trigger point for the approval of details of public realm improvements to the footway along the frontage of the site. The applicant submitted details of proposed public realm improvements in order to discharge condition 2 under reference: LA04/2021/0917/DC. The Department for Communities (DfC) was consulted and raised a concern that the proposals at this location would need to align with the design specification for Streets Ahead Phase 5, but these details have not yet been agreed. To agree the public realm improvements in advance of that would likely result in the applicant/developer carrying out works that may need to be replaced. It was therefore not possible to agree the details and the condition was not discharged. Instead, it was agreed that a Section 54 application should be submitted to amend the trigger point for submission of details of the proposed public realm improvements until the specification of Streets Ahead 5 is agreed. DfI Roads and DfC, Belfast Regeneration Directorate were consulted. DfI Roads offers no objection to this Section 54 application. DfC has advised that concept designs for the Belfast Streets Ahead Phase 5 Project (BSA 5) will not be available until the end of 2022/early 2023. In relation to delivery of the scheme, there is not a confirmed date at present but expect construction to start in the 2025/26 year, subject to approval of a business case, planning approval and funding availability. Accordingly, officers recommend the following wording for the revised condition: <i>Prior to the end of June 2023 the applicant shall submit details of public realm improvements along the Bradbury Place frontage as highlighted in yellow on Drawing No.01A which shall be agreed in writing with the Council and shall be carried out as agreed prior to occupation of the hereby approved development.</i>	

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

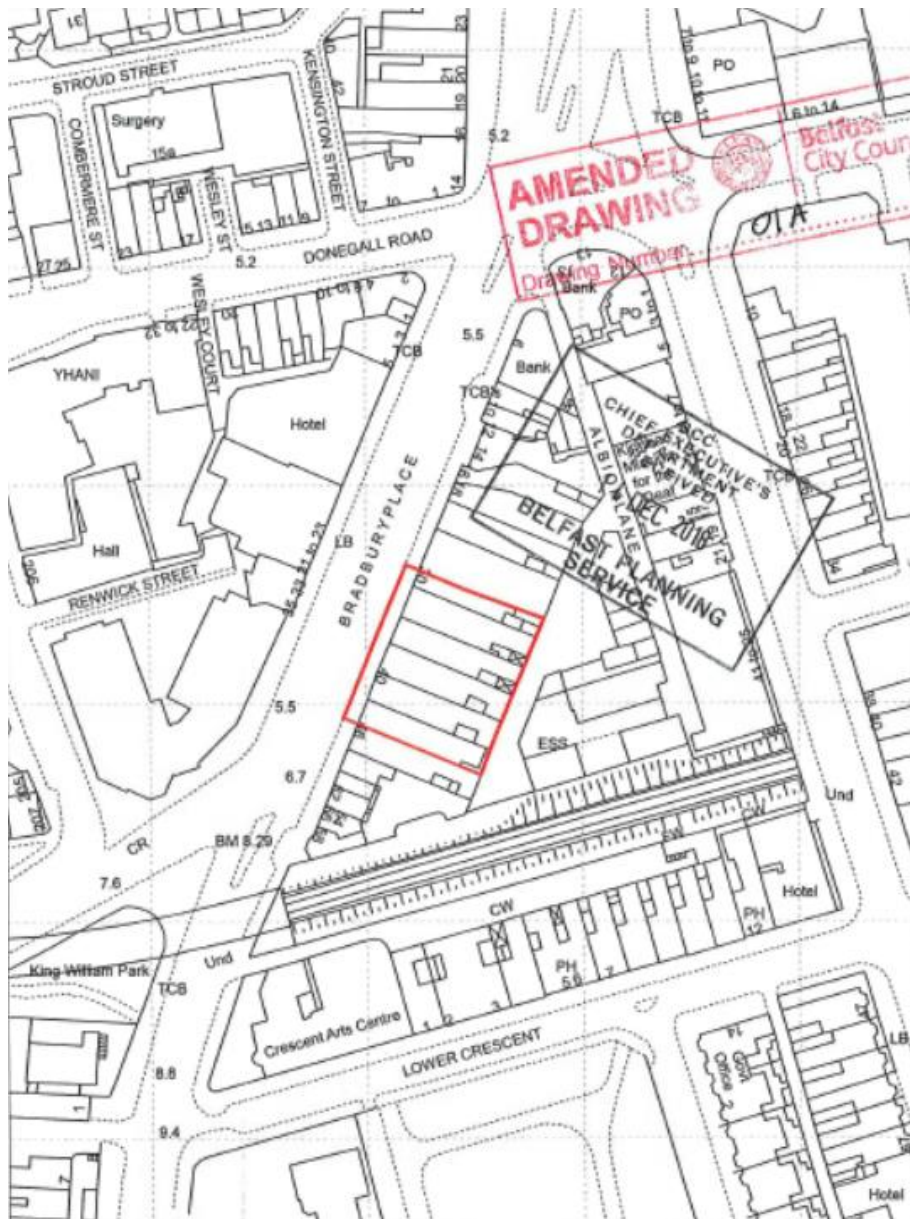
It should be noted that the granting of a Section 54 application to vary conditions creates a new standalone planning permission. Therefore, should permission be granted, the other original conditions should be repeated as appropriate. The original permission was also subject to a Section 76 Planning Agreement (S76) to secure the management of the student accommodation and accordingly this Section 54 permission will also require a S76.

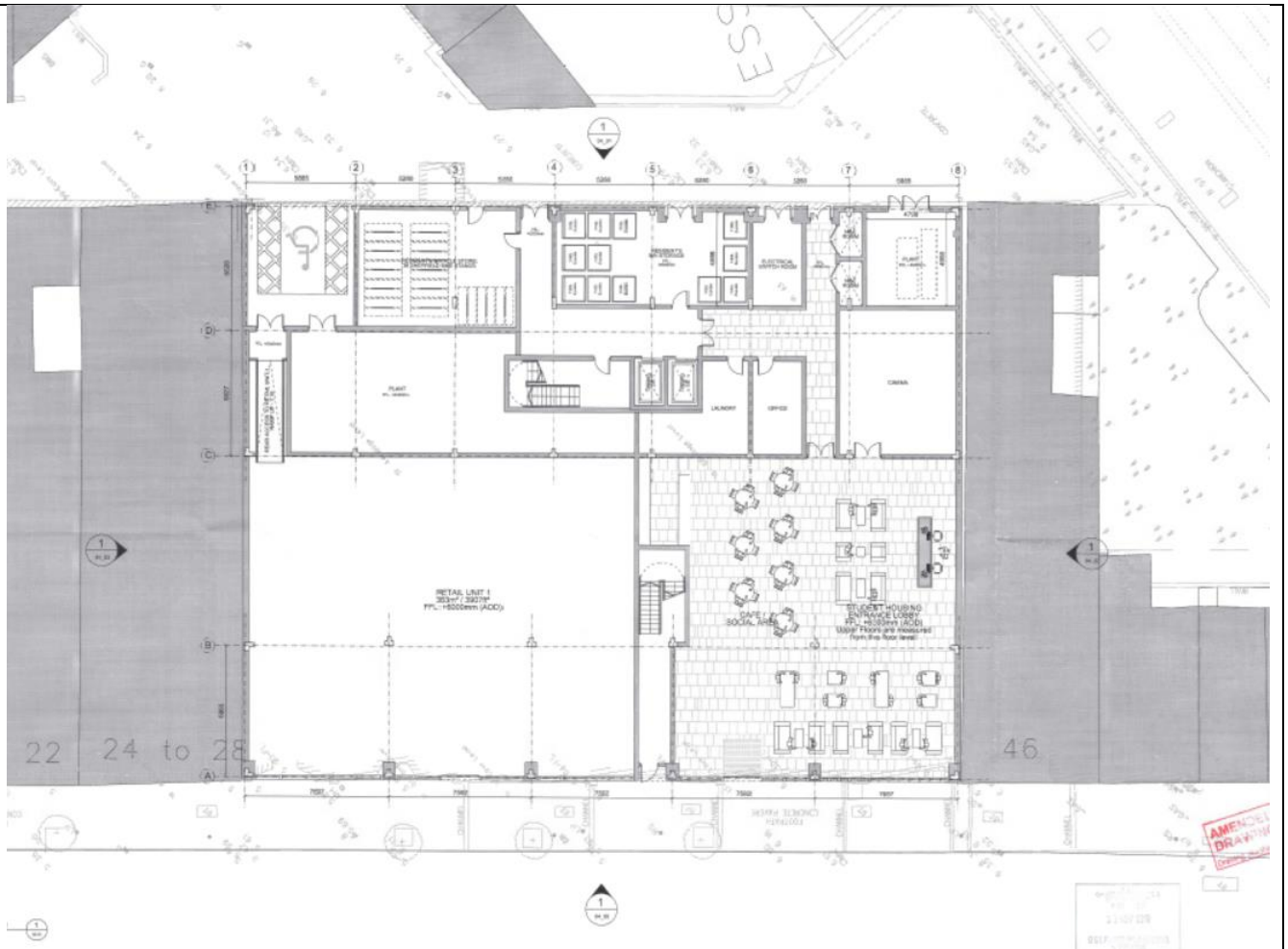
Having regard to the Development Plan, and relevant material considerations, including the responses from DfI Roads and DfC, Belfast Regeneration Directorate, the proposed amendment to condition 2 of the original planning permission is considered acceptable.

It is recommended that planning permission is granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and a Section 76 Planning Agreement.

Case Officer Report

Site Location Plan/Approved Site Layout





Ground Floor Plan



Front Elevation

Characteristics of the Site and Area	
1.0	<u>Description of Proposed Development</u>
1.1	On 1 st August 2019, full planning permission was granted under application LA04/2017/2753/F for Demolition of buildings and erection of a mixed-use development to include purpose built managed student accommodation with 100 en-suite cluster bedrooms and 56 studios (156 total) and ancillary facilities with ground floor retail unit. 5 storeys addressing Bradbury Place and 6 storeys addressing Albion Lane to rear at 30-44 Bradbury Place, Belfast.
1.2	On 4 th April 2022, the current application was submitted seeking to vary Condition 2 of planning approval LA04/2017/2753/F.
1.3	Condition 2 as approved states: <i>Prior to commencement of the development the applicant shall submit details of public realm improvements along the Bradbury Place frontage as highlighted in yellow on Drawing No.01A which shall be agreed in writing with the Council and shall be carried out as agreed prior to occupation of the hereby approved development.</i> <i>Reason: In the interests of the character and appearance of the area.</i>
1.4	The application to vary Condition 2 is seeking to amend the timing for submission of details of the public realm improvements. As approved, the condition requires this to be submitted prior to commencement of development and carried out prior to occupation. The change sought is to delay the submission of public realm details until such time as the specification for the Streets Ahead Project Phase 5 is agreed. The revised wording also allows the commencement of development in advance of agreeing the public realm improvements. And, taking into account the timeline for construction, it will still require the agreed public realm works to be carried out prior to occupation of the hereby approved development.
2.0	<u>Description of Site and Area</u>
2.1	The site comprises of a relatively flat, cleared site on the eastern frontage of Bradbury Place. To the north, west and south there are a mix of commercial and residential land uses, including apartments diagonally opposite on Bradbury Place and a new student accommodation building under construction over the railway line to the south-east of the site.
Planning Assessment of Policy and other Material Considerations	
3.0	<u>Planning History</u>
3.1	Full details of relevant historical applications are provided in the case officer report to the original planning application at Appendix 1.
4.0	<u>Policy Framework</u>
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)
4.2	Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPSS)

	Planning Policy Statement 2 (PPS 2) – Planning and Nature Conservation Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking Planning Policy Statement 4 (PPS 4) – Planning and Economic Development Planning Policy Statement 13 (PPS 13) – Transportation and Land Use Planning Policy Statement 15 (Revised) (PPS 15) – Planning and Flood Risk Developer Contribution Framework 2020
5.0	<u>Statutory Consultees</u> DfI Roads - No objections.
6.0	<u>Non-Statutory Consultees</u> DfC, Belfast Regeneration Directorate – no objection.
7.0	<u>Representations</u>
7.1	No representations were received.
8.0	<u>ASSESSMENT</u>
8.1	<u>Development Plan</u>
8.1.1	Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the said Act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material consideration indicate otherwise.
8.1.2	Following the Court of Appeal decision on Belfast Metropolitan Area Plan in May 2017, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which draft BMAP 2015 (v2014) had reached pre-adoption through a period of independent examination, the policies within it still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
8.1.3	Given the advanced stage that draft BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the main areas of contention were policies relating to Sprucefield Shopping Centre, dBMAP 2015 (v2014) is considered to hold significant weight. dBMAP 2015 (v2004) also carries weight.
8.1.4	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.
8.1.5	The principle of a proposed student accommodation building on this site was established under the existing extant consent and this application does not amend the design of the approved building.

8.2	<u>The acceptability of the proposed amendments to the conditions</u>
8.2.1	DfI Roads and DfC, Belfast Regeneration Directorate were consulted and that they had no objections to the proposed amendment to condition 2.
8.2.2	Officers consider that the proposed variation of condition 2 is acceptable and recommend that Condition 2 should read as follows: <i>Prior to the end of June 2023 the applicant shall submit details of public realm improvements along the Bradbury Place frontage as highlighted in yellow on Drawing No.01A which shall be agreed in writing with the Council and shall be carried out as agreed prior to occupation of the hereby approved development.</i> <i>Reason: In the interests of the character and appearance of the area.</i>
8.3	<u>Public Consultation</u>
8.3.1	The application was advertised on 12 th November 2021 and neighbour notifications were issued on 10 th November 2021. No representations have been received.
8.4	<u>Conclusion</u>
8.4.1	The proposal to vary condition 2 is considered reasonable and acceptable having had regard to the consultation responses from DfI Roads and DfC, Belfast Regeneration Directorate. Both have no technical objections to the application. Having regard to the planning policy context and relevant material considerations, the variation of the condition is considered acceptable.
9.0	Summary of Recommendation:
9.1	Having regard to the policy context and other relevant material considerations, the proposal is considered acceptable.
9.2	The variation of condition will create a new standalone planning permission and it will be necessary to repeat the conditions on the original permission as appropriate, subject to the variations granted by this decision. The original permission was also subject to a Section 76 Planning Agreement to secure the management of the student accommodation. A Section 76 will also be required for this new permission. It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 agreement.
10.0	Draft Conditions:
	*Please note that the other original conditions will need to be repeated as appropriate as approval of this Section 54 variation of condition application will create a new standalone planning permission. Some conditions of the original approval LA04/2017/2753/F have been discharged and final wording will make reference to this.
10.1	The development hereby permitted shall be begun before 15 th April 2024. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011,
10.2	Prior to the end of June 2023 the applicant shall submit details of public realm improvements along the Bradbury Place frontage as highlighted in yellow on Drawing No.01A which shall be agreed in writing with the Council and shall be carried out as agreed prior to occupation of the hereby approved development. Reason: In the interests of the character and appearance of the area.

11.0	Representations from Elected Representatives (if relevant) N/A
12.0	Referral to DfI (if relevant) N/A
ANNEX	
Date Valid	5th April 2022
Date First Advertised	15th April 2022
Date Last Advertised	6th May 2022
Details of Neighbour Notification (all addresses) The Owner/Occupier, 15 Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 17 Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 19 Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 19a ,Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 1st Floor,19 Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 21 Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 23 Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 23 Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 23-31 ,Bradbury Place,Belfast,Antrim,BT7 1RR The Owner/Occupier, 24-28 ,Bradbury Place,Belfast,Antrim,BT7 1RS The Owner/Occupier, 25-41 ,Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 27 Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 29 Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 33 Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 35 Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 35 Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 36 Bradbury Place,Belfast,Antrim,BT7 1RT The Owner/Occupier,	

37 Bradbury Place,Belfast,Antrim,BT7 1RR
 The Owner/Occupier,
 37-39 ,Botanic Avenue,Belfast,Antrim,BT7 1JG
 The Owner/Occupier,
 38 Bradbury Place,Belfast,Antrim,BT7 1RS
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 38 Bradbury Place,Belfast,Antrim,BT7 1RS
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 40-42 ,Bradbury Place,Belfast,Antrim,BT7 1RT
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 41 Bradbury Place,Belfast,Antrim,BT7 1RR
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 43 Botanic Avenue,Belfast,Antrim,BT7 1JG
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 53 Bradbury Place,Belfast,Antrim,BT7 1RR
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 9-11 ,Botanic Avenue,Belfast,Antrim,BT7 1JG
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 Flat 1,Tollgate House,Bradbury Place,Belfast,Antrim,BT7 1PH
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 Flat 10,Tollgate House,Bradbury Place,Belfast,Antrim,BT7 1PH
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Flat 8, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH
The Owner/Occupier,
Flat 9, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

Date of Last Neighbour Notification	8th June 2022
Date of EIA Determination	N/A

ES Requested	No
Notification to Department (if relevant) N/A Date of Notification to Department: Response of Department:	

Appendix 1: Development Management Officer Committee Report for LA04/2017/2753/F

Development Management Report Committee Application

Summary	
Committee Meeting Date: 15 th January 2019	
Application ID: LA04/2017/2753/F	
Proposal: Demolition of buildings and erection of a mixed-use development to include purpose built managed student accommodation with 100 en-suite cluster bedrooms and 56 studios (156 total) and ancillary facilities with ground floor retail unit. The proposed building has 5 storeys addressing Bradbury Place and 6 storeys addressing Albion Lane to the rear.	Location: 30-44 Bradbury Place Belfast BT7 1RT
Referral Route: Major Application	
Recommendation:	Approval subject to S76 agreement
Applicant Name and Address: Rojem Properties Belfast Limited The Farmhouse Balgone Barns North Berwick East Lothian EH39 5NY	Agent Name and Address: Laura McCausland 8 Edgar Avenue Carryduff BT8 8DG
Executive Summary: The application seeks planning permission for purpose built managed student accommodation (PBMSA) - 156 beds - in a building ranging in height from 5 storeys to 6 storeys. The key issues in the assessment of the proposed development include: • Demolition of existing buildings; • The principle of the development at this location; • HMO Subject Plan and PBMSA guidance document • Design and layout including the height, scale, massing • Impact on listed buildings and the setting of listed buildings • Impact on archaeological monuments • Impact on amenity Environmental Health • Traffic Movement and Parking; • Drainage and Flooding; • Other considerations The site is located within the development limits of Belfast as defined in the Belfast Urban Area Plan and the Draft Belfast Metropolitan Area Plan (BMAP) and version of BMAP purported to be adopted. It is not subject to any zoning in these plans and is therefore 'Whiteland'. The site falls within the Shaftesbury Square character area as designated in draft BMAP (CC016). This sets out a general criteria that proposals shall take account of the height of adjoining buildings and that <i>any development which fronts onto Dublin Road or Bradbury Place shall be a minimum building height of 5 storeys, or 17 metres to building shoulder height, and a maximum height of 7</i>	

storeys. The height of the proposal complies with these criteria and on balance the design, scale and massing is considered acceptable at this location.

Planning permission was refused (LA04/2016/9000/F) for a previous proposal for PBMSA) on the site. The proposal has significantly changed for the better when compared to the scale and massing of the building refused under LA04/2016/0900/F (previously proposed was a 7 and 11 storey building with 271 units). The current application has been revised from the original submission with the removal of a floor from the front and rear blocks and a reduction in unit numbers from 172 to 156. The amended scheme comprises a layout of two blocks – a front block of 4 storeys plus one set back in height, with a rear block of 6 storeys in height (ridge 18.6m). The building would occupy the entire site, with a retail unit, a reception area, student social area, 1 disabled car parking space to the rear, bin and cycle storage space at ground floor, with two outdoor amenity areas at second floor and a roof terrace. On balance the reduced scheme is considered acceptable.

The proposed development involves the demolition of existing buildings (30-44 Bradbury Place). The buildings are not listed and are not located within a Conservation Area or Area of Townscape Character. As the buildings are not protected, their demolition is considered acceptable in principle.

The principle of purpose built student accommodation is considered acceptable at this location. The site is located on unzoned (white) land close to the Queens University campus and is not located in or adjacent to a primarily residential area. The area is characterised by mixed commercial use with a number of shops, hot food bars, restaurant/cafes and public houses. Therefore, there are no restrictions on the land use providing it is a compatible land use and does not conflict with relevant policy and other material considerations.

There are a number of listed buildings within close proximity to the site including Bradbury Buildings 2-6, Bradbury Place, Crescent Arts Centre, Moravian Church, The Crescent Church and deconsecrated Methodist Church (which are of special architectural and historic importance and are protected by Section 80 of the Planning Act (NI) 2011. HED was consulted and has no objections.

4 representations have been received objecting on the basis of the loss of light to offices, access issues for neighbouring offices, impact on historic buildings and character of the area, traffic, impact on existing businesses who occupy the buildings which are proposed to be demolished.

308 letters of support have been received highlighting the positive impact the proposal would have in terms of economic benefits, the need for student housing in close proximity to Queens University, urban regeneration, reduce anti-social behaviour in the area.

All matters highlighted by representations have been fully considered within the report

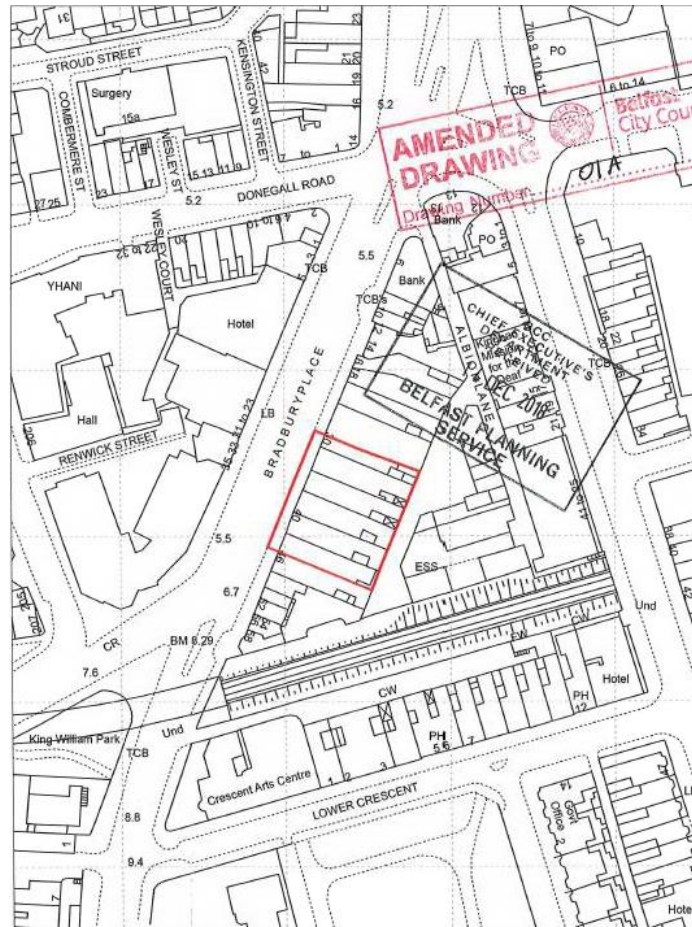
All consultees have offered no objections to the proposal, subject to conditions.

Recommendation

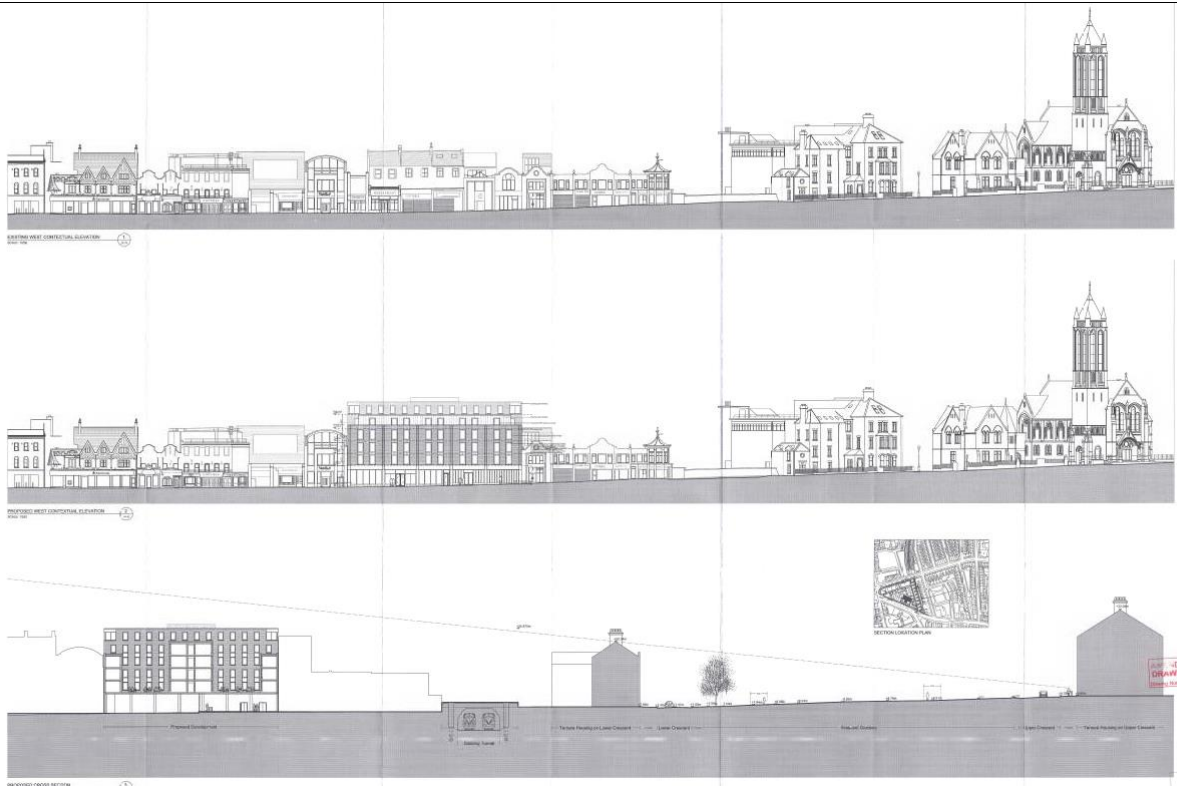
Having had regard to the development plan, relevant planning policies and other material considerations it is considered that the proposal complies with the development plan, regional planning policy and other material considerations. It is recommended that the proposal should be approved subject to conditions and completion of an agreement under Section 76 of the Planning Act (NI) 2011. The Committee is requested to delegate authority to the Director of Planning and Building Control to finalise the wording of conditions and to enter into the Section 76 and to finalise the wording of conditions to be agreed.

Case Officer Report

Site Location Plan





	
Representations:	
Letters of Support	308
Letters of Objection	4
Neighbour Notification Checked: Yes	

1.0	Description of Proposed Development The proposed development involves the demolition of buildings (30-44 Bradbury Place) and the erection of a mixed-use development to include purpose built managed student accommodation with 100 en-suite cluster bedrooms and 56 studios (156 total) and ancillary facilities with ground floor retail unit. The building will have 5 storeys addressing Bradbury Place and 6 storeys addressing Albion Lane to the rear.
2.0	Description of Site The site is located at 30-44 Bradbury Place and the site area is 0.116 hectares. The existing buildings on the site generally address onto Bradbury Place with a two storied frontage. A taller block addresses Albion Lane located to the rear. The site has a continuous frontage comprised of six separate buildings each with individual access to the front and rear. These buildings will be demolished as part of the proposal. The majority of units appear to be used as fast food take away units. The site is not subject to any zoning in BUAP or DBMAP and is identified as 'Whiteland'. The site falls within a character area – Shaftesbury Square under designation CC016.
Planning Assessment of Policy and other Material Considerations	
3.0	Planning History
3.1	LA04/2016/0900/F- 30-44 Bradbury Place, Belfast, BT7 1RT- Demolition of existing buildings and erection of 6 and 11 storey blocks in a mixed-use development to include purpose-built, managed student accommodation with 271 studios, shared communal areas and landscaped roof terraces. Ground floor includes reception, 2 retail units, car parking and cycle storage (amended scheme). Planning permission refused-21.11.2016 on the basis of the following refusal reasons.

3.2	<i>1: The proposal is contrary to the Strategic Planning Policy Statement for N. Ireland, Belfast Metropolitan Area Plan 2015, the Belfast HMO Subject Plan, and Policy QD1 of Planning Policy Statement 7 'Quality Residential Environments' in that it would, if permitted, cause unacceptable damage to the character of the area due to the uncharacteristic and inappropriate height, scale, massing and design and fails to provide an adequate living environment due to a poor outlook, inadequate amenity space arrangements due to overshadowing, dominance, and inadequate provision for prospective residents.</i> <i>2: The proposal fails to satisfy the policy requirements of BH11 (Development affecting the Setting of a Listed Building) and criteria (e) of BH12 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage, in that the proposal, if permitted would adversely impact the setting of listed buildings in the locality of the site and views into and out of the Queens Conservation Area due to inappropriate scale, height, massing and design.</i> <i>3: The proposal is contrary to policy BH11 of the Planning Policy Statement 6: Planning, Archaeology and the Built Heritage, in that insufficient detail have been provided to determine if the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the listed buildings in the locality.</i> LA04/2017/1393/PAN 30-44 Bradbury Place, Belfast, BT7 1RT Demolition of existing vacant and partially occupied buildings and construction of new build managed student accommodation for mix of cluster bedrooms and studios above new retail units. PAN considered acceptable-5th July 2017.
4.0	Policy Framework
	Belfast Urban Area Plan 2001 Draft Belfast Metropolitan Area Plan 2015 Strategic Planning Policy Statement (SPPS) House in Multiple Occupancy Subject Plan 2015 HMO 7- Large Scale Purpose Built Student Accommodation Planning Policy Statement 3 (PPS 3) - Access, Movement and Parking Planning Policy Statement 6 (PPS 6)- Planning, Archaeology and the Built Heritage Planning Policy Statement 7 (PPS 7) – Residential Development Planning Policy Statement 13 (PPS 13) – Transportation and Land Use Planning Policy Statement 15 (PPS 15) - Planning and Flood Risk
5.0	Statutory Consultee Responses
	DFI Roads- No objections subject to conditions NI Water- No objections; Historic Environment Division- No objections Rivers Agency- No objections
6.0	Non Statutory Consultee Responses
	Belfast City Council EHO- No Objections subject to conditions Belfast City Council Building Control – No objections- sufficient opportunity to comply with regulations re: fire safety and access. Belfast City Council Urban Design Officer-No objections

7.0	Representations The application has been neighbour notified and advertised in the local press. 4 letters of objection were received and 308 letters of support were received. No representations from elected representatives have been received.
8.0	Other Material Considerations
8.1	Belfast Agenda Planning and Place Advice Note: Purpose Built Managed Student Accommodation BELFAST: A LEARNING CITY A framework for student housing and purpose built student accommodation Living Places
9.0	Assessment
9.1	The key issues in the assessment of the proposed development include: • Demolition of existing buildings; • The principle of the development at this location; • HMO Subject Plan and PBMSA guidance document • Design and layout including the height, scale, massing • Impact on listed buildings and the setting of listed buildings • Impact on archaeological monuments • Impact on amenity Environmental Health • Traffic Movement and Parking; • Drainage and Flooding; • Other considerations
9.2	The SPPS sets out five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraphs 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported. The SPPS states the majority of PPS's remain applicable under 'transitional arrangements' including PPS3 and PPS7.
9.3	Article 6 (4) of the Planning (NI) Act 2011 states that in making any determination under the said act regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material considerations indicate otherwise.
9.4	Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
9.5	The proposal has also been assessed against QD 1 of PPS 7. The preamble to PPS7 advises that it applies to all residential applications with the exception of single houses in the countryside. Policy QD1 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality or residential amenity of these areas. PPS6 is also a significant consideration in this case as there are a number of listed buildings within close proximity to the site including Bradbury Buildings (HB26/30/074), 2-6 Bradbury Place, (HB26/30/075), Crescent Arts Centre (HB26/27/016), Moravian Church

	(HB26/28/004) the Crescent Church (HB26/27/010) and deconsecrated Methodist Church (HB26/28/006), which are of special architectural and historic importance and are protected by Section 80 of the Planning Act (NI) 2011. Due to the student housing nature of the proposal, the Belfast HMO subject plan, Planning and Place Advice Note: Purpose Built Managed Student Accommodation, BELFAST: A LEARNING CITY A framework for student housing and purpose built student accommodation are also material considerations.
9.6	<u>Demolition of existing buildings;</u> The existing buildings are not listed or located within a Conservation Area or Area of Townscape Character. They are also not of any architectural merit. The demolition of the buildings is therefore acceptable in principle subject to other material considerations.
9.7	<u>The principle of the development at this location;</u> The site is located on an unzoned land within the development limits of the Belfast Urban Area Plan (BUAP) and Draft Belfast Metropolitan Area Plan (dBMAP) 2015. The site is within walking distance to Queens University and Belfast City Centre and is not located or adjacent to a residential area. The presumption is therefore in favour of a purpose built managed student accommodation development subject to the planning considerations detailed below.
9.8	The proposal also includes a retail unit on the ground floor. The principal policy considerations are set in the SPSS, BUAP and dBMAP. The site, whilst within the city centre, is located outside of the primary retail core. Given the historic retail uses in this locality and city centre location, retail use is considered acceptable. The loss of the take away units is considered to be acceptable. There is a large amount of eateries in the nearby vicinity.
9.9	<u>HMO Subject Plan 2015</u> The site is located outside of any HMO Policy nodes or policy areas identified within the subject plan. However, the principle of HMO development must be assessed against the criteria set out in Policy HMO 7 Large Scale Purpose Built Student Accommodation of the HMO Subject Plan. This policy sets out 5 criteria which must be met in order to be acceptable. All the criteria are met except for the landscaping. However the proposal provides sufficient amenity space throughout the building for users. The scheme provides 156 units which is well in excess of the minimum standard of 50 units. All units are self-contained and the proposal is not located within a primarily residential area. Provision is made for the management of the building which will be served by a ground floor reception area.
9.10	<u>Assessment against Planning and Place on PBMSA</u> Planning and Place's advice note document titled 'Purpose Built Managed Student Accommodation in Belfast' January 2016 is Belfast City Council's first step as a planning authority to respond to the SPSS stated objective that the planning system should secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. Whilst guidance and not planning policy, it is still a material consideration. The policy sets out six criteria which all applications for PBMSA proposals should adhere to.
9.11	These include: Criterion (a) states that the development should be at a location which is easily accessible to University/College campuses by sustainable transport modes. In regards to the first criterion the development is approximately 800 metres from the Queens University. The site is within walking distance of Great Victoria Street transport hub, is close to numerous bus stops and Botanic train station. The immediate area is also

	served by a Belfast Bikes docking station located within 50 metres of the site. The proposal is considered to be suitably located and therefore complies with criterion (a).
9.12	Criteria (b) requires the need to assess the proposal in relation to policy designations specific to the City Centre. The proposal is located within the City Centre, and the Shaftesbury Square Character Area. The proposal, as detailed under paragraph 9.19, is considered to be designed in a manner that is sympathetic to the existing urban grain. The proposal is not located in a Conservation Area. The design has evolved considerably with the reduction in the number of proposed storeys. The proposal would not compromise the setting of listed buildings. The proposal complies with the criteria set out for the Shaftesbury Square Character Area. In regards to other policy designations in the city centre the site is not located within a wholly residential area given the surrounding land uses. The proposal complies with criterion (b).
9.13	In regards to criteria (c) PBMSA should have a layout, design and facilities provided within the development which are of high standards. It is considered that the layout, design and facilities provided within the development are of high standards and also comply with PPS 7 Policy QD 1 requirements. This view is supported by the Urban Design Officer. In relation to the internal layout, all units would have an outlook to either Bradbury Place, Albion Lane and/or to the internal courtyards. Separation distances between the front and higher rear block is 9.6 metres and will ensure that units will receive adequate daylight.
9.14	In terms of open space provision, Creating Places - Achieving Quality in New Residential Developments' advises that in the case of apartment or flat developments that private communal space would be acceptable in the form of landscaped areas, courtyards or roof gardens ranging from 10-30m ² with developments in inner urban locations tending towards the lower figure. At present two areas of shared terrace amenity space are proposed in the form of courtyards at Level 01 (204m ²) with a roof terrace of 89m ² provided at Level 05. This gives a total of 293m ² . The scheme also includes a large entrance lobby and café/social area with seating as well as a separate cinema room, all of which combined provides a further 302m ² of communal space, bringing the total to around 595m ² . The proposal is also within 10 minutes' walk from Botanic Gardens. The level of amenity space provision in this high density development along an arterial route on balance is considered to be adequate.
9.15	The accommodation proposed is in accordance / generally exceeds the standards set out in NI Housing Executive HMO standards. The smallest single rooms are approximately 12.3 m ² and increase to 23.3 m ² . NIHE standard is a minimum of 6.5 m ² and provision is therefore compliant with space standards. It is therefore considered that the proposal is compliant with criterion (c).
9.16	Criterion (d) states that development should be designed in a way that does not conflict with adjacent properties or the general amenity of the surrounding area. The development is not located within a predominately residential area. The proposal would not compromise the amenity of neighbouring properties given their non-residential use. The proposal would not compromise the visual amenity of the immediate locality and setting of listed building as the scale, massing, materials and detailing are sympathetic to the local streetscape. The guidance document refers to the cumulative impact and how an overconcentration of student housing relative to the wider community can lead to an imbalance, ultimately resulting in harm to residential amenity. It is not considered that the proposal will result in an unacceptable level of intensification in the locality in this case.
9.17	Criteria (e) requires that the development has appropriate management in place to create a positive and safe living environment or students whilst minimising any

	potential negative impact from occupants. The management plan sets out the procedures to be put in place. The management plan addresses main points raised under criterion (e). It could be secured by a Section 76 Agreement. The management plan includes the staffing and management of the development; allocation procedures; ingress and exit policy for students at commencement and end of tenancy period; student behaviour; fire strategy; maintenance and complaints strategy. With use of a Section 76 Agreement it is considered that the management plan could be sufficiently comprehensive to ensure that impacts to neighbouring land uses and prospective residents will be minimal.
9.18	Criteria (f) requires that planning applications should be accompanied by evidence supporting the need for the type and quantum of PBSMA proposed. Reference is made in the supporting planning statement to the <i>Belfast: a learning City framework</i>. The applicant has also referred to Knight Frank's Belfast Market Report on student accommodation. This highlights that University campuses in Belfast have nearly 29000 students but are only in a position to offer 3,384 students accommodation in halls of residence, representing just 11.7% of the total student population. A further 614 students are accommodated by the private sector, representing 2.1% of the student population. A combined total of 3,998 (13.8%) students are accommodated in purpose built accommodation, which leaves 24,889 (86.2%) students unable to access university or private sector accommodation and illustrates significant structural undersupply. Even if the 4,126 consented beds in the pipeline are built, then 20,763 (71.9%) of the students will still be unable to access university or private rental sector accommodation.
9.19	No formal correspondence highlighting the need for purpose built student accommodation has been provided by any of the Universities for this proposal. No University support appears to be provided or details of waiting lists for accommodation. The applicant provided information relating to wider regional (Programme for government) and local strategies (Belfast Regeneration and Investment Strategy) to emphasise the need for the proposal. Their overview of student numbers across Universities and student beds available in PBSMA does highlight a need for additional units in the city.
9.20	The proposal is in keeping with the Belfast Agenda seeking an increase in the new resident population within the city centre, It is also in line with the objective to grow the reputation of Belfast as a learning city, will provide greater choice of accommodation, and reduce pressure on HMO areas within South Belfast. On balance it is considered there is a need for PBSMA and determining weight in this regard is afforded to compliance with policies to increase city centre residential provision and that the PBSMA acknowledges an unmet need. It is also considered reasonable that the proposal could offset demand within HMO policy areas.
9.21	<u>Belfast City Centre Regeneration and Investment Strategy</u> The Belfast City Centre Regeneration and Investment Strategy (September 2015) sets out a strong vision for the future development of the City Centre to deliver the Council's aspirations for the continued growth and regeneration of the city core and its surrounding areas. In relation to the provision of PBSMA, the Strategy seeks to increase the residential population in the City Centre, including "appropriate student housing" in "suitable locations." It argues that "student housing should be carefully directed, located and managed" and outlines the Council's commitment to build on the criteria-based approach outlined within the Framework Document to develop a balanced approach to student housing in the city. The proposal contributes to the philosophy set out in this framework.
9.22	

	<u>Design including PPS7, height, scale, massing and impact on the character of the area</u>
9.23	PPS 7- Quality Residential Development Policy QD 1 The proposal has been assessed against QD 1 of PPS 7. The preamble to PPS7 advises that it applies to all residential applications with the exception of single houses in the countryside. Policy QD1 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment.
9.24	The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light or overshadowing. An objection from 9 Lower Crescent claimed that the proposal would have a negative impact by way of loss of light to their office. There is at least a 50m separation distance between the two buildings. Given this level of separation there should be no significant overbearing impact on the loss of light to the office at No. 9 Lower Crescent, Belfast.
9.25	Scale and massing The site falls within the Shaftesbury Square Character Area (CC016) as designated within draft BMAP, where the following relevant urban design criteria is applicable: • <i>General</i> Development proposals shall take account of the height of adjoining buildings; • <i>Street Frontages</i> That part of any development which fronts Dublin Road or Bradbury Place shall be a minimum building height of 5 storeys, or 17 metres to building shoulder height, and a maximum height of 7 storeys; Shopfronts shall be of high quality materials consistent with Conservation Area policy (where applicable).
9.26	The current application has been revised with regards to scale, height and massing following several positive collaborative workshops with the architect and agent. As a result the initial scheme which saw a 6 storey block (5+1 setback) along Bradbury Place and an interconnected 8 storey block to the rear, has now been reduced in height to a 5 storey block (4+1 setback) along Bradbury Place with an interconnected 6 storey block to the rear. These changes see a reduction in total units from 185 (112 en-suite cluster bedrooms and 73 studios) to 156 (100 en-suite cluster bedrooms and 56 studios).
9.27	It is noted that planning permission was refused on 21 November 2016 (LA04/2016/0900/F) for a scheme which included the demolition of the same six commercial properties and the construction of a 6 storey block along Bradbury Place and an 11 storey block to the rear as part of a mixed use development including purpose-built managed student accommodation (271 studios). Reasons cited in this refusal referred to the unacceptable damage to the character of the area by the proposal due to the uncharacteristic and inappropriate height, scale, massing and design and that insufficient information had been submitted to demonstrate that the proposal would not adversely affect the setting of a listed building. The planning history on the site is an important material consideration and highlights how the latest proposal marks a significant change in design approach for the development.
9.28	<i>Bradbury Place elevation</i> The site spans a total of six properties within an existing terrace along the eastern side of Bradbury Place. This terrace comprises around twenty units which are for the most

	part two storeys in height, with a few three storey properties within the northern section including the Tearooms, Lavery's Bar and the Santander Bank at the junction of Bradbury Place and Albion Lane. While there is a predominant height of two storeys to this terrace which is bookended by two listed buildings, it is also punctuated with a few three storey frontages. Four storey buildings are also present within a large extent of the terrace on the opposite side of Bradbury Place, between Lisburn Road and Donegall Road. This includes the student accommodation at the junction of Bradbury Place, Lisburn Road and Sandy Row, which includes a narrow five storey frontage to the main accommodation entrance. Due to the shorter floor to ceiling heights proposed, the revised four storey shoulder height of the proposed development equates approximately to the average datum height of those taller three storey properties within the terrace and is considered appropriate. Changes have also been made to raise the brickwork at 3F level by a few courses, which together with the 2.0m setback and 2.5m setbacks either side, reduces the visual impact of this floor giving it a subservient appearance. The view south from Shaftsbury Square along Bradbury Place is important in that the skyline is dominated by the three spires/towers of the Moravian Church, Deconsecrated Methodist Church and Crescent Church. It is considered that the changes made to the Bradbury Place elevation which sees the scheme being reduced by one storey and the incorporation of a deeper setback at 4F level (increased from 1.0m to 2.0m), will not result in a detrimental impact on this key view. <i>Albion Lane elevation</i> The development proposes a total of 6 storeys to the rear along Albion Lane (GF+5) which sees this element of the scheme being reduced by two storeys. While some additional massing is required above, to house plant/lift motor room, it is noted that this element is limited to a small central section of the building above the lift/stair lobby, lifts and staircase. This element will only rise a further 900mm above the upper height of this part of the building and will be setback 2.5m from its front edge so will only be visible from long distance views. The reduction in height of this rear element of the building will also ensure that the proposed development will not be visible when viewed from Upper Crescent along the southern side of Crescent Gardens Park (Queen's Conservation Area).
9.29	
9.30	Articulation of facades The building's Bradbury Place elevation incorporates five bays which picks up on visual cues that are cognisance of historic plot widths, scale and proportion within the terrace. This has also been accentuated by variations in the tone and bond of facing brick and the proportions of windows with spandrels between those windows on lower floors which picks up on the hierarchy of windows elsewhere along the street. The ground floor retail unit along Bradbury Place now takes cognisance of existing fascia depths along this terrace, similarly the unit now incorporates a modest stall riser which reflects those of adjacent units. While a uniform building line is proposed at GF a different treatment has been applied to the student housing component which helps to improve the legibility of the building and differentiates from the more traditional shopfront arrangement of the retail unit.
9.31	Materials While the predominant material in the area is red brick, the opportunity has been taken to use slight variations in brick tone, type and bond in order to help break up the wide elevation and add visual interest. The incorporation of standing seam cladding on the setback 4F level along Bradbury Place is welcomed as this will visually give the appearance of an attic extension, particularly given the deeper 2.0m setback and marginally raised brickwork at 3rd floor level. Likewise the use of sections of standing seam cladding at either end of the rear sixth floor, along with increased glazing at the

9.32	common room at these corner locations, will help to soften this component of the scheme particularly when viewed from the Lisburn Road. It's recommended that a condition should be attached relating to materials which stipulates that samples are made available for inspection (preferably on site) and are approved in writing by the Local Planning Authority. This would relate to samples of clay facing brick, windows, spandrel panels, ppc window surrounds and standing seam cladding on the upper floors and at ground floor information in relation to the proposed shop framing, fascia material, stall risers and louvres fronting the student housing entrance lobby.
9.32	Local Environmental Improvements Contributions to local environmental improvements could primarily take the form of public realm improvements to the streetscape to the front of the building along Bradbury Place in order to enhance the pedestrian environment which sits approximately halfway between Queens University and Belfast City centre. This will be secured through the use of planning conditions.
9.33	In summary, the scale, massing and proportions of the building are considered to be acceptable and in keeping with the existing character of the area. The proposed design is therefore compliant with criteria [g] of PPS7. Accordingly, it is considered that the proposal would not adversely affect the character of the area, which is a wide mix of building designs and finishes.
9.34	<u>Impact on listed buildings and the setting of listed buildings</u> The site is in proximity to a number of listed buildings including Bradbury Buildings (HB26/30/074), 2-6 Bradbury Place (HB26/30/075), Crescent Arts Centre (HB26/27/016), Moravian Church (HB26/28/004) the Crescent Church (HB26/27/010) and deconsecrated Methodist Church (HB26/28/006), which are of special architectural and historic importance and are protected by Section 80 of the Planning Act (NI) 2011. HED Historic Buildings (HED: HB) has considered the effects of the proposal on the setting of listed buildings and on the basis of the information provided give the following advice: HED : HB is content the proposal satisfies the policy requirements of SPPS 6.12 and BH11 PPS6, without conditions. Following comments from HED and the Council, the applicants positively engaged with BCC Planning Service and revised their proposal. The applicants removed a storey from the building thus reducing the height, scale and overall massing of the building. They provided a set back to the upper floors of the front element of the building, reduced the height of the attic floor and incorporated a suitable palate of materials as well as reorganising the shop front. The detailed design respects the nearby listed buildings in terms of scale, height, massing. The works proposed make use of sympathetic building materials and techniques which respect those found in the wider area thus respecting the character of the setting of the buildings in the area. Following the submission of revised visuals and consultation with HED, BCC Planning Service consider that the proposal is compliant with Policy BH 11 of PPS 6.
9.35	<u>Impact on monuments</u> Munday's Well is a scheduled monument under HED's database and is approx. 230 metres south west of the site. There are no visible remains of this well which has probably been built over and destroyed. HED Historic Monuments has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. <u>Noise / Public Health</u> BCC Environmental Health requested a noise impact assessment and following assessment of these details Environmental Health offered no objections to the proposal

9.36	subject to conditions. The proposal is also considered acceptable in terms of air quality, odour, and related matters.
9.37	<u>Land Contamination</u> A preliminary risk assessment has been submitted in support of the application. Consultees have no objections to the proposed development subject to conditions. <u>Traffic and Parking</u> The proposal has been assessed against Policy AMP 7 of PPS 3: Access, Movement and parking and associated policy. DFI Roads has accepted that the proposal will not prejudice road safety or inconvenience the flow of traffic and there is adequate sustainable transport modes within the vicinity and offered no objections. The absence of car parking in the city centre is considered to be a positive feature of this high density scheme as it will encourage users to walk, cycle and use public transport. A single disabled car parking space is located to the rear of the development. Cycle parking provision has been provided internally on the ground floor. DFI Roads did not highlight any issues with access arrangements for neighbouring properties. <u>Drainage and Flooding</u> A drainage assessment was submitted as per PPS 15 Policy FLD 3 (Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains) requirement for proposals exceeding 10 or more residential units. DFI Rivers have reviewed the content of the drainage assessment and have concluded that the applicant has provided adequate drainage calculations to support their proposal and offer no objections. Furthermore, the applicant has received consent from NI Water to discharge 1.2l/s of storm water runoff from the proposal site to an existing combined sewer located within Bradbury Place. <u>Fire Safety, Waste Management and Access for disabled people</u> Building Control confirm that there appears to be sufficient development opportunity within the footprint of the proposed building to comply with the Building Regulations (NI) 2012 in respect to Fire Safety, solid waste in buildings and access and facilities for disabled people. The bin storage is defined within an area within the lower ground floor layout and is considered to be an acceptable arrangement. The applicant also provided an adequate waste management strategy which indicates that waste will be managed and collected by a private operator. <u>Representations:</u> 4 representations have been received objecting on the basis of the loss of light to offices, access issues for neighbouring offices, impact on historic buildings and character of the area, traffic, impact on existing businesses who occupy the buildings which are proposed to be demolished. 308 letters of support have been received highlighted the positive impact the proposal would have in terms of economic benefits, the need for student housing in close proximity to Queens University, urban regeneration, reduce anti-social behaviour in the area. These issues have all been considered in the above assessment. <u>Developer Contributions</u> It is considered appropriate that any planning approval should be subject to the developer entering a Section 76 legal agreement with Belfast City Council to provide certainty around the management of the accommodation. Pre-Application Community Consultation
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9.43	For applications that fall within the major category a prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on the applicant for planning permission to consult the community in advance of submitting an application. Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2017/1393/PAN) was submitted to the Council on 22nd June 2017. Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report to accompany the planning application. A Pre Community Consultation Report has been submitted in support of this application. It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.
10.0	Recommendation
10.1	Having regard to the policy context and other material considerations above, the proposal is considered acceptable and approval of planning permission is recommended subject to conditions and completion of a legal agreement under Section 76 of the Planning Act (NI) 2011.

Draft Conditions (Delegation of final conditions to Director of Planning & Building Control Requested):

1. As required by Section 61 of the Planning Act (N. Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time limit

2. Prior to commencement of the development the applicant shall submit details of public realm improvements along the Bradbury Place frontage as highlighted in yellow on Drawing No. xx which shall be agreed in writing with the Council and shall be carried out as agreed prior to occupation of the hereby approved development.

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

3. The development hereby permitted shall not become operational until hard surfaced area have been constructed in accordance with the approved layout Drawing No. 04B 'Proposed Ground Floor Level' bearing the Belfast City Council Planning Office date stamp 30th November 2018 to provide adequate facilities for servicing and parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for parking, cycle storage and servicing.

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

4. A minimum of 36 no. cycle parking spaces shall be provided and permanently retained in accordance with approved plan drawing No.04B date stamped 30th November 2018. The access shall be available at all times for residents, staff and visitors to the development.

Reason: To encourage the use of alternative modes of transport for development users.

5. The development hereby permitted shall operate in accordance with the approved Travel Plan bearing the Belfast City Council Planning Office date stamp 07 December 2017. This includes provision of the Translink Corporate Commuter Initiative, the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by DfI Roads. No variation to the approved Travel Plans shall be implemented without the prior consent of the Local Planning Authority. Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

6. The development hereby permitted shall operate in accordance with the Servicing and Waste Management Plan bearing the Belfast City Council Planning Office date stamp 28 August 2018.

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

7. Prior to the commencement of construction of the proposal we would request that details are provided to Belfast Planning Authority for review and to be approved in writing by Belfast Planning Authority on the specification including the acoustic attenuation of the proposed glazing and ventilation system(s) to all the habitable rooms on the facades of the proposal. The information submitted must demonstrate that the proposed glazing and ventilation units will provide suitable internal noise targets and that the relevant recommendations outlined in the KRM Acoustic's Noise Impact Assessment dated 27th November 2018 and KRM report dated 12/2/18 have been incorporated.

Reason: In the interests of residential amenity

8. Prior to the occupation of the proposed development, the applicant must submit to the Local Planning Authority for approval a Noise Verification Report which demonstrates that the mitigation/design measures outlined in the KRM Acoustics report titled "Noise Assessment Proposed Mixed use commercial and residential Accommodation, 30-44 Bradbury Place, Belfast dated 27th November 2018 and the additional KRM acoustics information dated 12th February 2018 PL Ref: LA04/2017/2753/F" have been implemented and it must demonstrate that the glazing and ventilation units approved by the Local Planning Authority have been installed. The verification report must be carried out by a competent acoustic consultant and demonstrate that suitable internal noise targets are not exceeded within the habitable rooms within the proposal with the windows closed and the alternative means of ventilation provided in accordance with current building regulation requirements.

Reason: In the interests of residential amenity

9. Prior to and during the operation of the proposal the Rating Level (dB LAr) of sound from all combined building services plant associated with the development shall not exceed the background sound level (for both day time and night time) at the nearest sound sensitive premises when measured in accordance with the assessment methodology outlined in BS4142:2014 - Methods for rating sound and assessing industrial and commercial sound. A Rating Level (dB LAr) indicative of 'no adverse impact' shall be maintained thereafter.

- The noise level shall not exceed 82dBL_{aeq}, 15 minute, within the internal plant rooms.

Reason: In the interests of residential amenity

10. The external courtyard areas must not be used as a communal space by students between the hours of 23.00hrs and 07.00hrs.

Reason: In order to protect future occupants of the proposed development against noise disturbance.

11. No deliveries to or collections from the retail unit shall take place between the following hours 23.00hrs and 07.00hrs.

Reason: In the interests of amenity

12. Prior to commencement of any part of the development, a construction dust, noise and vibration management plan shall be submitted to and agreed with by the Local Planning Authority. This plan shall outline the methods to be employed to minimise any dust, noise and vibration impact of construction operations demonstrating 'best practicable means'. The plan shall be in accordance with BS5228:2009 Noise and Vibration Control on Construction and open sites and IAQM Guidance on the Assessment of dust from demolition and construction 2014. Demolition and construction works should be carried out in line with the approved plan. No variation implemented without consent of the Local Planning Authority.

Reason: Protection of amenity

Informative

Under Section 76 of the Planning Act (Northern Ireland) 2011 the applicant has agreed that prior to commencement of operation of the development, the applicant must submit a Final Management Plan to be agreed and approved by the Council in writing. Evidence must be submitted that the Management Plan will be delivered by a competent PBSA operator with a proven track record in managing this type of accommodation. The Final Management Plan must demonstrate compliance with a government approved accreditation scheme for purpose built student accommodation such as ANUK/UNIPOL National Code of Standards or the Universities UK/HE Guild Management code and provide detailed arrangements to address the following matters:

Noise Control and tenant behaviour;

Measures for controlling hours of use and potential noise disturbance from the use of the proposed external amenity space;

Proposed Liaison arrangements with the relevant education institutes, the Council and the PSNI in relation to tenant behaviour;

Travel Plan for staff and students;

General management operations;

Servicing; security features; CCTV; Lighting; Intercoms; Soundproofing.

Under Section 76 of the Planning Act (Northern Ireland) 2011 the applicant has agreed that within the first year of commencement of operation of the development the Applicant must submit to Belfast City Council evidence to demonstrate that the development has obtained accreditation under a government approved accreditation scheme for purpose built student accommodation such as the ANUK/UNIPOL National Code of standards or the Universities UK/HE Guild Management Code. Continued operation of the development thereafter will be subject to accreditation under a government approved accreditation scheme being maintained.

ANNEX	
Date Valid	8 th December 2017
Date First Advertised	29 th December 2017
Date Last Advertised	14 th December 2018
Date of Last Neighbour Notification	6 th December 2018
Date of EIA Determination	
ES Requested	No
Planning History LA04/2016/0900/F- 30-44 Bradbury Place, Belfast, BT7 1RT- Demolition of existing buildings and erection of 6 and 11 storey blocks in a mixed-use development to include purpose-built, managed student accommodation with 271 studios, shared communal areas and landscaped roof terraces. Ground floor includes reception, 2 retail units, car parking and cycle storage (amended scheme). Planning permission refused: 21.11.2016	
Notification to Department (if relevant): N/A Date of Notification to Department: Response of Department:	

Committee Report

Summary	
Application ID: LA04/2022/1256/F	Date of Committee: 16th August 2022
Proposal: Conversion of existing residential property into a house of multiple occupation, with a minor single storey extension to the rear of the property.	Location: 14 Belmont Avenue Belfast BT4 3DD.
Referral Route: Request for referral to the Planning Committee under Section 3.8.1 of the Scheme of Delegation. Requested by Ald. George Dorrian by reason of unsuitable location for HMO use.	
Recommendation:	Approval
Applicant Name and Address: Innov8 Living 29 Ardpatrick Gardens Belfast BT6 9GF	Agent Name and Address: 6030 Survey & Design 29 Ardpatrick Gardens Belfast BT6 9GF
Executive Summary: The application seeks full planning permission for a change of use from a single dwelling to a House in Multiple Occupation (HMO) with a minor single storey extension to the rear of the property. The main issues to be considered in this case are: • The principle of an HMO at this location • Impact on Amenity • Impact of Proposed Extension / draft ATC Three representations have been received in relation to the application, raising issues including: unsuitable use of houses with noise impact, traffic congestion and parking, devaluing of properties, timing of NN letters and considerable development in the immediate vicinity. These have been fully considered in the assessment of the application. Consultees: DFI Roads and the Councils internal Development Plan team – No objection In respect of the principle of the proposal at this location, the application site, No. 14 Belmont Avenue is not located within an HMO Policy Area or Development Node as designated in the HMO Subject Plan for Belfast City Council Area 2015. Policy HMO 5 of the Subject Plan will apply in assessing the number of HMOs in this area. HMO 5 states that planning permission will only be granted for further HMO development where as a result the number of HMOs does not exceed 10% of the dwelling units on that road or street. The proposed change of use would result in 2 HMO properties along Belmont Avenue which is below the allowance of 8 HMOs, therefore the 10% threshold would not be exceeded. The proposal complies in full with the HMO Subject Plan 2015. The site is within the proposed Belmont Area of Townscape Character in Draft BMAP. It is unzoned whiteland in the BUAP. The proposed rear extension will have limited impact on neighbouring amenity and is considered to be sympathetic to the host dwelling, the proposed Belmont ATC and surrounding area in accordance with Policy EXT1 of PPS7 Addendum and the SPPS.	

The proposal is considered acceptable in respect of all other matters.

Having regard to the development plan, policy context and third party objections, the proposal is considered, to be acceptable and planning permission is recommended for approval.

Recommendation- Approval subject to conditions

It is recommended that full permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions.

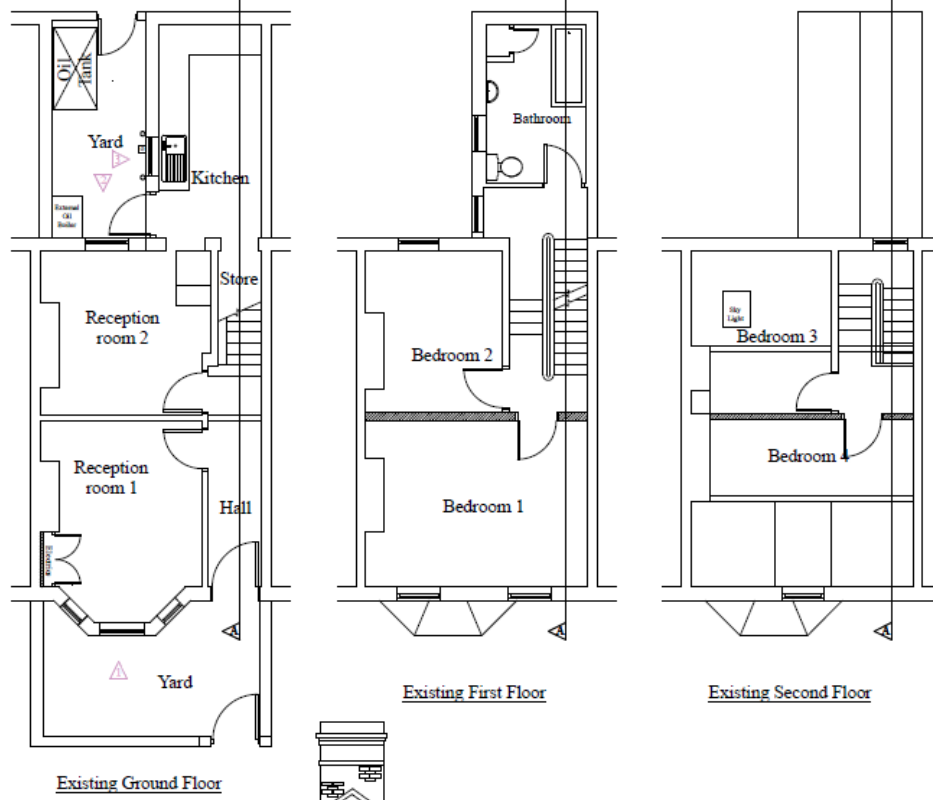
Case Officer Report

Site Location Plan:

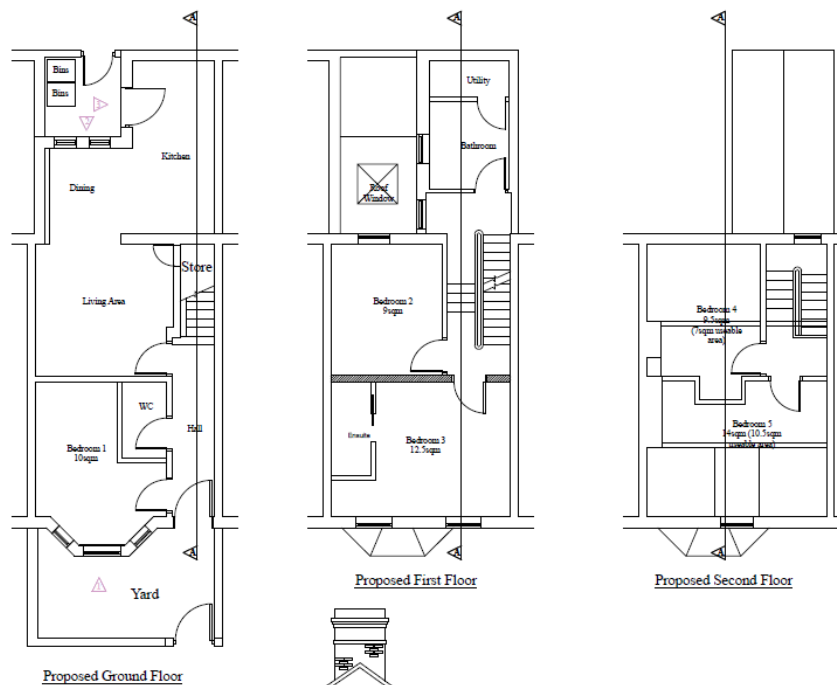


Site Visit: 28th July 2022

Existing Floor Plans



Proposed floor plans



Proposed Elevations



Characteristics of the Site and Area	
1.0	Description of Proposed Development The proposal is for full planning permission for Conversion of existing residential property into a house of multiple occupation, with a minor single storey extension to the rear of the property.
2.0	Description of Site The application site is located at 14 Belmont Avenue in East Belfast and consists of a two-storey mid-terrace dwelling. The building is finished in render with a feature bay window and roof dormer to the front elevation and a two storey return to the rear. The surrounding area is predominately residential with semi-detached and terraced properties finished in a mix of materials.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	Z/1985/2248 - 14 BELMONT AVENUE - EXTENSION TO DWELLING - PERMISSION GRANTED
3.2	Surrounding Site History LA04/2019/2395/F - 22 Belmont Avenue Belfast BT4 3DD - Change of use to House in Multiple Occupancy (retrospective) – PERMISSION GRANTED
4.0	Policy Framework

4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015 (both v2004 and v2015) The extant Development Plan is the BUAP. Both versions of Draft BMAP carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. Given the stage at which the Draft BMAP has reached pre-adoption through a period of independent examination, the policies within Draft BMAP 2015 (v2014) are considered to hold significant weight, save for policies relating to Sprucefield, Lisburn which remain contentious.
4.3	Belfast Local Development Plan Draft Plan Strategy 2035 The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.
4.4	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.5	The Houses in Multiple Occupation (HMOS) Subject Plan for Belfast City Council Area 2015
4.6	Addendum to Planning Policy Statement 7: Residential Extensions and Alterations
5.0	Statutory Consultees Responses DFI Roads - No objection
6.0	Non-Statutory Consultees Responses Internal Development Plan Team – No objection
7.0	Representations The application has been neighbour notified and advertised in the local press. Three representations have been received from the surrounding properties. Their concerns are as follows, with case officer's response provided below. - Devalue the adjacent properties and potentially making them unsalable. <i>This is not a planning consideration.</i> - Dwellings in Belmont Avenue not suitable for HMO use due to their construction and transmission of noise / location of rooms in close proximity to neighbours' rooms. <i>The construction of the dwellings is not a planning consideration but rather Building Control. Whilst It is not anticipated that any intensification caused by additional people living at the premises would lead to significant impacts upon residential amenity, Under the NI Houses in Multiple Occupation Act, landlords or agents must have good management policies and procedures in place to make sure physical standards are maintained, occupiers' rights are respected, and any problems which arise during the period of the license are effectively addressed. They must also be able to manage issues which may concern neighbours effectively (such as building maintenance, cleaning, noise or disturbance and suitability of the applicant or agent).</i> - Traffic congestion and parking / hinder emergency services / pressures on the infrastructure i.e., bin collections aborted. <i>DFI roads were consulted with regards to parking and traffic concerns and offered no objections to the proposal.</i>

	- Considerable development in the immediate vicinity / comments regarding other development and their permissions. If approved, instruction on how to request a full review to be undertaken of all planning applications and approvals granted within Belmont, Ballyhackamore, Hollywood Road and the surrounding area. <i>The processing and assessment of any previous approvals are not under review in this application. The application has been assessed and complies with the HMO Subject Plan 2015.</i> - Timing of NN letters at the start of the holiday period – not all residents are available. <i>The Council cannot control when applications are submitted and this planning application has been processed in line with planning legislation.</i>
8.0	Other Material Considerations None
9.0	Assessment
9.1	<u>SPPS</u> Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.
9.2	It is considered the proposal is in compliance with the SPPS in that the proposed development will not cause demonstrable harm to interests of acknowledged importance which are considered below.
9.3	<u>Principle of Development</u> No. 14 Belmont Avenue is not located within an HMO Policy Area or Development Node as designated in the HMO Subject Plan for Belfast City Council Area 2015 (the "HMO Subject Plan"). Policy HMO 5 of the Subject Plan will apply in assessing the number of HMOs in this area. Belmont Avenue is less than 600 metres in length, so is considered in its entirety for the purposes of applying Policy HMO 5. HMO 5 states that planning permission will only be granted for further HMO development where as a result the number of HMOs does not exceed 10% of the dwelling units on that road or street.
9.4	The HMO Subject Plan states the level of multiple occupation within an area, whether designated or not, will be measured by: - the number of HMOs recorded by the NIHE in November 2004, plus - the number of HMO development units subsequently approved by the Department, plus - the number of extant permissions for HMO development units
9.5	According to the LPS Pointer Address database there are 89 domestic properties on Belmont Avenue. This would allow for 8 HMO properties on Belmont Avenue before the 10% threshold (under Policy HMO 5) would be exceeded. According to our records there is currently 1 HMO property on Belmont Avenue. This is No. 22 Belmont Avenue, which is subject to planning approval (LA04/2019/2395/F) for a retrospective change of use of an existing residential property into an HMO.
9.6	Given the above, the proposal will not exceed the 10% threshold and as such is compliant with Policy HMO 5. The proposal also complies with HMO 6 in that the HMO is not wholly to the rear and has direct access to the public street.
	<u>Impact on Amenity</u>

9.7	The SPPS is relevant given the perceived impact of HMO development on amenity and parking within the locality. This is concerned with impact on amenity such as noise, nuisance and disturbance and impact on road safety and traffic circulation.
9.8	DFI Roads had no objections to the proposal. The proposal is not considered to prejudice road safety or significantly inconvenience the flow of traffic.
9.9	In terms of noise and disturbance, it is not anticipated that any intensification caused by additional people living at the premises would lead to significant impacts upon residential amenity. The HMO Subject Plan 2015 seeks to protect the residential amenity of areas whilst also accommodating the need and demand for multiple occupation. The threshold level set out in Policy HMO 5 is designed to protect amenity. The proposed change of use does not exceed this threshold level and complies in full with the HMO Subject Plan, therefore the amenity of this residential area is not considered to be adversely impacted.
9.10	<u>Impact of Proposed Extension</u> The proposal includes a minor ground floor extension to the rear. It will extend approx. 2.5m to the rear. It is located solely to the rear with no public views. There is small yard remaining to accommodate bin storage.
9.11	It will have limited impact on neighbouring amenity and is considered to be sympathetic to the host dwelling, draft Belmont ATC and surrounding area in accordance with Policy EXT1 of PPS7 Addendum and the SPPS.
9.12	Having regard to the development plan, policy context and third party objections, the proposal is considered, to be acceptable and planning permission is recommended for approval.
10.0	Summary of Recommendation: Approval
11.0	<u>Conditions</u> 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. Informatives 1. 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. 2. 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. 3. The drawing references referred to above correspond with those drawings submitted to the Authority in respect of this application and published to the Planning Portal NI on: 30/06/22 Drawing No's 01, 03

ANNEX	
Valid	23.06.2022
Date First Advertised	08.07.2022
Date Last Advertised	08.07.2022
Details of Neighbour Notification (all addresses) 12 Belmont Avenue,Belfast,Down,BT4 3DD 134 Earlswood Road,Belfast,Down,BT4 3EB 14 Belmont Avenue,Belfast,Down,BT4 3DD 16 Belmont Avenue,Belfast,Down,BT4 3DD 1 Belmont Avenue,Belfast,Down,BT4 3DD 3 Belmont Avenue,Belfast,Down,BT4 3DD 5 Belmont Avenue,Belfast,Down,BT4 3DD	
Date of Last Neighbour Notification	04.07.2022
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title 01-Site Location Plan 02-Existing Floor Plans, Elevations & Sections 03-Proposed Floor Plans, Elevations & Sections	
Notification to Department (if relevant) – N/A Date of Notification to Department: n/a Response of Department: n/a	
Elected Representatives: Ald. George Dorrian	

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Committee Report

Summary	
Application ID: LA04/2021/2114/F & LA04/2021/2113/DCA	Date of Committee: 16 th August 2022
Proposal: Demolition of existing dwelling and car port, construction of a new replacement one and a half storey detached dwelling and associated site works.	Location: 27 Cleaver Avenue, Belfast, BT9 5JA
Referral Route: Full demolition of main building in a Conservation Area	
Recommendation:	Approval
Applicant Name and Address: Breige O'Kane 9 Malone Park Belfast BT9 6NH	Agent Name and Address: Des Ewing Residential Architects The Studio 13 Bangor Road Hollywood BT18 ONU
Executive Summary: This application (ref:LA04/2021/2114/F) seeks full planning permission for the demolition of existing dwelling and car port, construction of a new replacement one and a half storey detached dwelling and associated site works. An accompanying application (ref:LA04/2021/2113/DCA) for demolition of the dwelling and carport has been submitted which is also being considered. The site is located at 27 Cleaver Avenue. The site consists of a detached bungalow finished in white render with a hipped roof and attached carport to side. The site is well defined with mature planting to the front and established hedging defining the side and rear boundaries. There is a driveway to the front leading to parking and a large garden to the rear. The surrounding area is residential comprised predominantly of two storey detached properties within large plots. The site is within the Malone Conservation Area- Sub Area K-Beechlands/Cleaver. In the BUAP, Draft BMAP v2004 and v2014, the site is un-zoned "white land" within the development limits of Belfast. The key issues to be considered are: • The principle of development • Impact on Malone Conservation Area • Impact on Amenity • Impact on Trees • Access and Parking Layout It is not considered that the dwelling to be demolished makes a material contribution to the Malone Conservation Area and therefore the demolition is acceptable subject to a suitable replacement scheme. The proposed one and a half storey detached replacement dwelling is deemed to be of	

an acceptable scale and massing and in keeping with the character and appearance of the surrounding area. Overall, the proposal is considered to preserve the Malone Conservation Area.

The Conservation Officer has offered no objection to the proposal further to amendments received to the design, removal of integral garage and replacement with a smaller storage area to facilitate a setback and ensure it is subservient to the main dwelling, as is commonly the case throughout the conservation area.

The proposal complies with Policy BH12 and BH14 of PPS 6, paragraph 6.18 of the SPPS, Policy BH2 of the Belfast LDP Draft Plan Strategy and Section 104(11) of the Act. The proposal is considered acceptable in all other respects.

Having regard to the Development Plan and other material considerations, the proposal is considered acceptable. Approval is recommended for the reasons set out in detail in the main report.

Recommendation

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

Case Officer Report

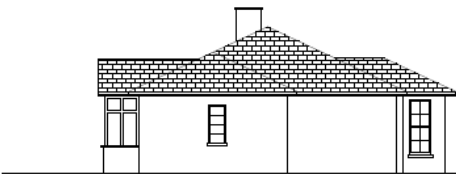
Site Location Plan



Existing dwelling to be demolished



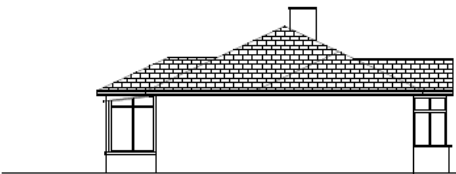
NORTH ELEVATION



WEST ELEVATION

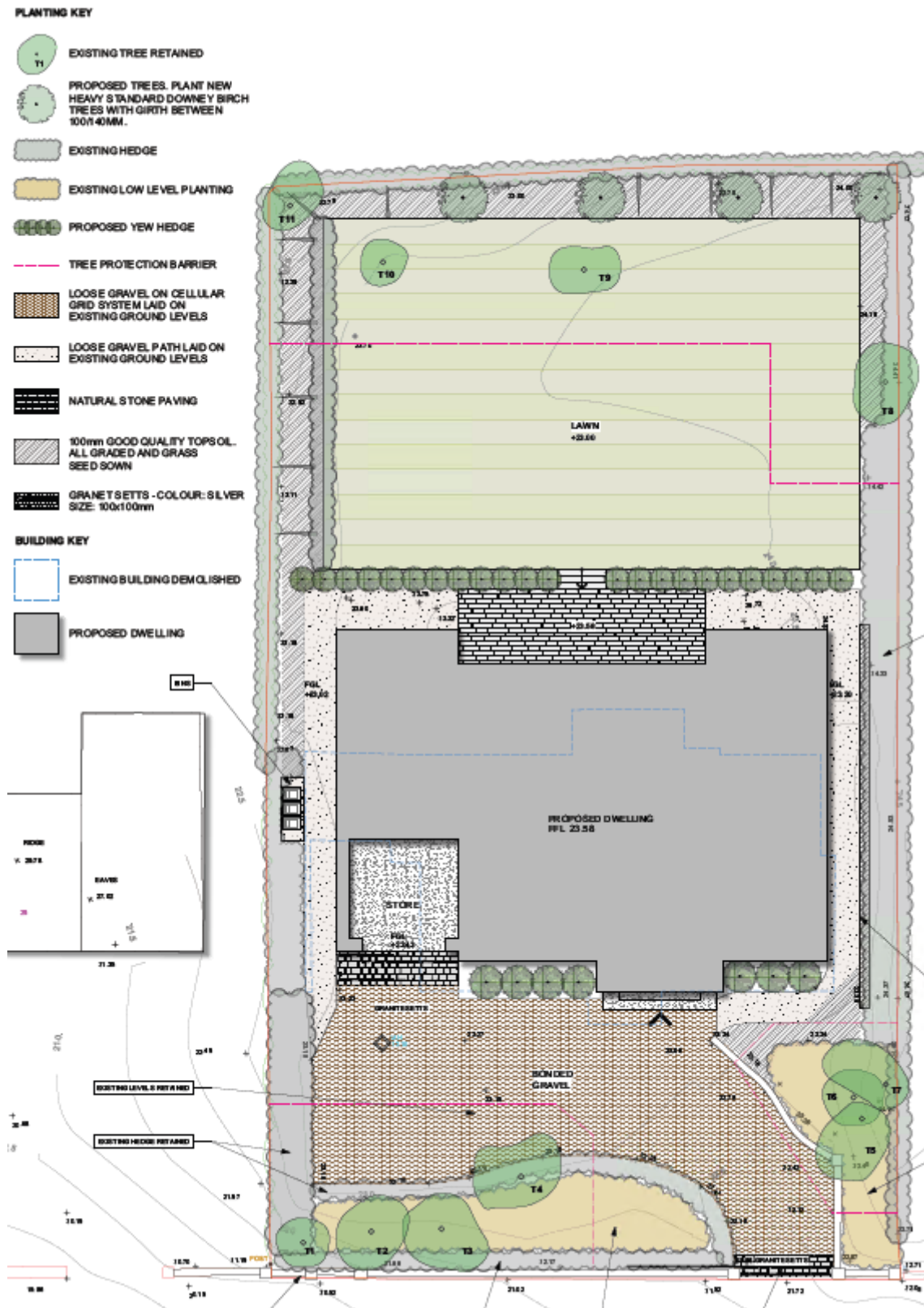


SOUTH ELEVATION



EAST ELEVATION

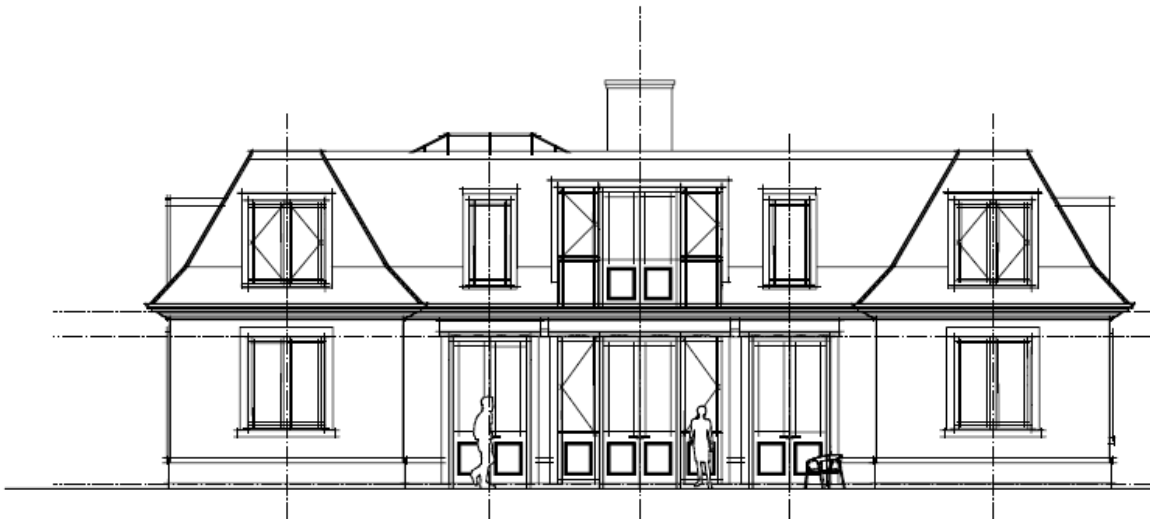
Proposed Site Plan



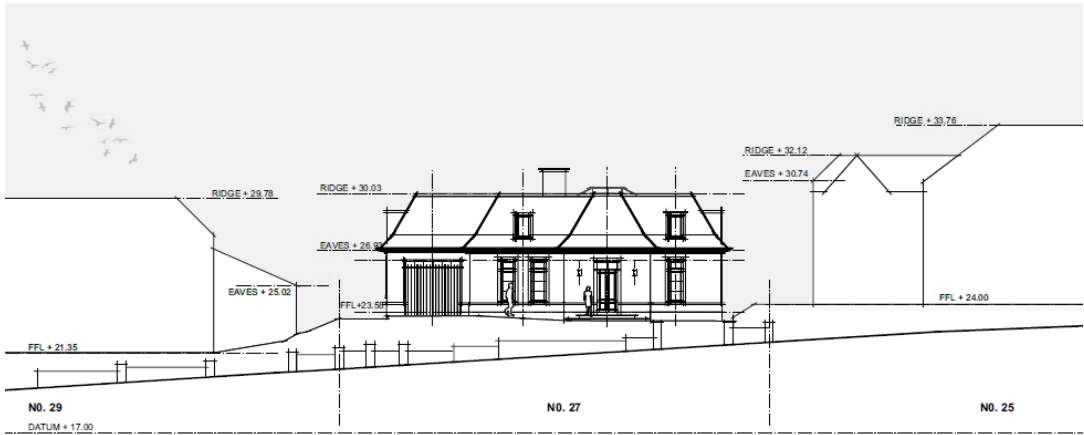
Proposed replacement dwelling



1 NORTH ELEVATION
Scale: 1:100



2 SOUTH ELEVATION
Scale: 1:100



6 CONTEXTUAL ELEVATION
Scale: 1:200

Characteristics of the Site and Area	
1.0	Description of Proposed Development Full planning permission and conservation area consent is sought for the demolition of existing dwelling and car port, construction of a new replacement one and a half storey detached dwelling and associated site works. The proposed dwelling is located centrally on the site in a similar location to the existing dwelling, albeit with a slightly deeper footprint. The dwelling has a ridge height of approximately 6.5m and an eaves height of approximately 3.4m.
2.0	Description of Site The site is located at 27 Cleaver Avenue. The site consists of a detached bungalow finished in white render with a hipped roof and attached carport to side. The site is well defined with mature planting to the front and established hedging defining the side and rear boundaries. There is a driveway to the front leading to parking and a large garden to the rear. The surrounding area is residential comprising predominantly of two storey detached properties within large well defined plots. The site is within the Malone Conservation Area-Sub Area K- Beechlands/Cleaver.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History None
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	Draft Belfast Metropolitan Area Plan (BMAP) 2015 (both v2004 and v2015) The extant Development Plan is the BUAP. Both versions of Draft BMAP carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. Given the stage at which the Draft BMAP has reached pre-adoption through a period of independent examination, the policies within Draft BMAP 2015 (v2014) are considered to hold significant weight, save for policies relating to Sprucefield, Lisburn which remain contentious. .
4.3	Belfast Local Development Plan Draft Plan Strategy 2035 The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSS.
4.4	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.5	Planning Policy Statement 2: Natural Heritage
4.6	Planning Policy Statement 3: Access, Movement and Parking
4.7	Planning Policy Statement 6: Planning, Archaeology and The Built Heritage
4.8	Planning Policy Statement 7: Quality Residential Environments

4.9	Planning Policy Statement 7: Addendum: Safeguarding the Character of Established Residential Areas
4.10	Planning Policy Statement 12: Housing in Settlements
5.0	Statutory Consultees Responses NIEA- No Objection NI Water-No objection subject to conditions <i>Officer Response: As the proposal is for a replacement dwelling which is already connected to the existing network, the proposal is not considered an intensification – as such the recommended conditions are not considered necessary or relevant.</i>
6.0	Non Statutory Consultees Responses Conservation Officer- No Objection Tree Officer- No objection with Conditions DFI Roads- No objection with Conditions
7.0	Representations The application has been neighbour notified and advertised in the local press. No representations have been received.
8.0	Other Material Considerations
8.1	Malone Conservation Area Design Guide Creating Places Living Places DCAN 15 Vehicular Access Standards Parking Standards Development Management Practice Note Historic Environment
9.0	Assessment
9.1	The proposal is considered to be in compliance with BUAP and both versions of draft BMAP.
9.2	Assessment
9.21	With regards to development in Conservation Areas, there is a statutory requirement under Section 104(11) that states special regard must be had to the desirability of; (a)preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; (b)enhancing the character or appearance of that area in cases where an opportunity to do so does arise
9.22	Paragraph 6.18 of the Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) contains a policy direction reflecting Section 104 of the 2011 Act. It states that there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest. A similar approach is taken under Policies BH12 and BH14 of PPS6.
9.23	Par. 6.19 of the SPPS sets out the criteria which should be applied when determining such development.
9.24	Principle of Development The site is located within the development limits as designated in the BUAP, Draft BMAP 2015 (both v2004 and v2014). Residential use is established on the site, therefore the

	principle of a dwelling on the site is considered acceptable subject to the material considerations as set out below. Impact on Malone Conservation Area <i>Demolition</i> 9.25 The proposal has been assessed against Policy BH14 of PPS6. The Sub Area K-Beechlands/Cleaver of the Malone Conservation Area mainly comprise of 1920s – 1930s Arts & Crafts properties along with later development of post WW2 architecture, with the Cleaver development reflecting the later. The Conservation Officer has acknowledged that whilst the existing dwelling reflects some of this general design continuum, the existing building is considered to be of limited architectural or historical interest. The Conservation Officer has advised that they have no objection to the proposed demolition. On this basis, the existing dwelling is not considered to make a material contribution to the character and appearance of the Malone Conservation Area and as such it could be removed, subject to an adequate replacement. The proposed redevelopment scheme shall be assessed below. <i>Design and impact of the replacement scheme on the character and appearance of the Malone Park Conservation Area</i> 9.26 The scale and massing of the proposed dwelling is similar to that of the existing dwelling, with the one and a half storey reflecting the form of the existing dwelling and the proposed footprint in keeping with an established building line. The ridge height, although now storey and a half, is only 1.5m higher than the existing dwelling and actually more in keeping with the scale of the adjoining two storey properties. 9.27 The design, with dormers set back from the eaves within a hipped roof, is slightly different to the single storey dwelling in the site at present, however the overall proportions are maintained, despite the introduction of first floor accommodation. And although slightly narrower, the proposal echoes the character and overall appearance of the existing dwelling and conservation area in terms of hipped roof, rendered walls, strong verticality to openings with horizontal glazing bars to windows. Mature vegetation and low level boundary walls are to be retained with the relationship of building to plot ratio and building setting respected. The proposal would conform with the guidance set out in the Malone Design Guide. The Conservation Officer is content with the replacement scheme. 9.28 Overall, the existing dwelling is not considered to make a material contribution. It is considered that the proposed replacement dwelling is well designed and sympathetic, therefore an adequate replacement can be secured. The character and appearance of the Malone Conservation Area would be preserved. The proposal is considered to comply with Policy BH12 and BH14 of PPS 6, paragraph 6.18 of the SPPS, Policy QD1 of PPS7, Policy BH2 of the draft Plan Strategy and Section 104(11) of the Act. Impact on amenity 9.29 The proposal has been assessed against Policy QD1 of PPS7. With the introduction of first floor windows, where there were not previously in the existing bungalow, there is the potential to further impact on the amenity of adjoining dwellings. 9.30 There are two bedroom windows and a set of patio doors and two windows from a study at first floor level on the rear elevation. There are landing windows in either gable and two small dormer windows on the front elevation. 9.31 The windows to the rear and side are the main consideration here, given their proximity to the private amenity areas to the rear of adjoining properties. To the rear, the separation

9.32 9.33 9.34 9.35 9.36	distance to the dwelling behind is in excess of 35m and as such any view will be distant and not uncommon in a suburban area such as this. In terms of the first floor gable windows, these are located towards the front of the house, and as such would not result in any direct overlooking over the private rear gardens either side. Given the building lines and scale of the proposal dwelling, it would not unduly impact neighbouring properties in terms of loss of light, overshadowing and dominance. Overall, the proposal would comply with Policy QD1 of PPS7 and Creating Places in this regard. Impact on Trees / Landscaping None of the mature planting along the boundaries of the site will be impacted by the proposal. The existing planting is to be enhanced through additional heavy standard birch trees and yew hedge. In this respect the proposal complies with the relevant criteria set out in Policy BH12 of PPS 6, Policy QD1 of PPS7 and paragraph 6.19 of the SPPS. Access and Parking Layout The access location remains the same. No intensification of use is proposed with a detached dwelling replacing a detached dwelling. An in-curtilage parking/ turning area is proposed to the front of the dwelling, providing the required 2 parking spaces. DFI Roads has offered no objection to the proposal subject to conditions relating to retention of existing access and construction of hard standing in accordance with proposed drawings. Accordingly, the proposal is considered to accord with PPS3 and PPS7 in this regard.
10.0	Summary of Recommendation: Approve Having regard to the development plan, relevant policy context and other material considerations, the proposal is considered acceptable.
11.0	Draft Conditions for LA04/2021/2114/F - 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. - All landscaping works shall be carried out in accordance with the approved details on drawing no 3B published to the Planning Portal 15/06/2022. The works shall be carried out prior to the completion of the development unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. Reason: In the interests of the character and appearance of the area. - All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any trees or planting indicated on the approved drawings which, within a period of five years from the date of planting,

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

Reason: In the interests of visual amenity.

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

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

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

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

6. The existing vehicular access to be retained including proposed driveway hardstanding shall be constructed in accordance with proposed site layout Drawing No.03 received by Belfast Planning Service on 14th October 2021, prior to the occupation of any other works or other development hereby permitted.

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

7. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance proposed Site layout Drawing No.03, received by Belfast Planning Service on 14th October 2021, to provide for parking and manoeuvring of cars within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

8. The access gradient shall not exceed 8% (1 in 12.5) over the first 5.0m outside the road boundary. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

9. No development shall commence until samples of the materials and detailed schedule of materials to be used in the construction of the external surfaces (including roof, walls, windows/ doors, rainwater goods) of the dwelling and sliding gate of the development hereby permitted have been submitted to and approved in writing by the Council. Development shall be carried out in accordance with the approved details

	Reason: In the interests of Malone Conservation Area. Draft Conditions for LA04/2021/2113/DCA 1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted. Reason: As required by Section 105 of the Planning Act (Northern Ireland) 2011. 2. In accordance with Section 105 of the Planning Act (NI) 2011, the building shall not be demolished until a contract for the redevelopment of the site in accordance with the detailed proposals under application reference LA04/2021/2114/F has been agreed, and evidence of that contract submitted to and approved in writing by the Council. Reason: To ensure the implementation of a satisfactory replacement scheme in the interests of Malone Park Conservation Area.

ANNEX	
Date Valid	13th October 2021
Date First Advertised	22nd October 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) 18 Cleaver Avenue, Belfast, Antrim, BT9 5JA 20 Cleaver Avenue, Belfast, Antrim, BT9 5JA 22 Cleaver Avenue, Belfast, Antrim, BT9 5JA 24 Cleaver Avenue, Belfast, Antrim, BT9 5JA 25 Cleaver Avenue, Belfast, Antrim, BT9 5JA 28 Cleaver Park, Belfast, Antrim, BT9 5HY 29 Cleaver Avenue, Belfast, Antrim, BT9 5JA 30 Cleaver Park, Belfast, Antrim, BT9 5HY 32 Cleaver Park, Belfast, Antrim, BT9 5HY	
Date of Last Neighbour Notification	17th November 2021
Notification to Department (if relevant) – Yes, referral of DCA application	
Elected Representatives: None	

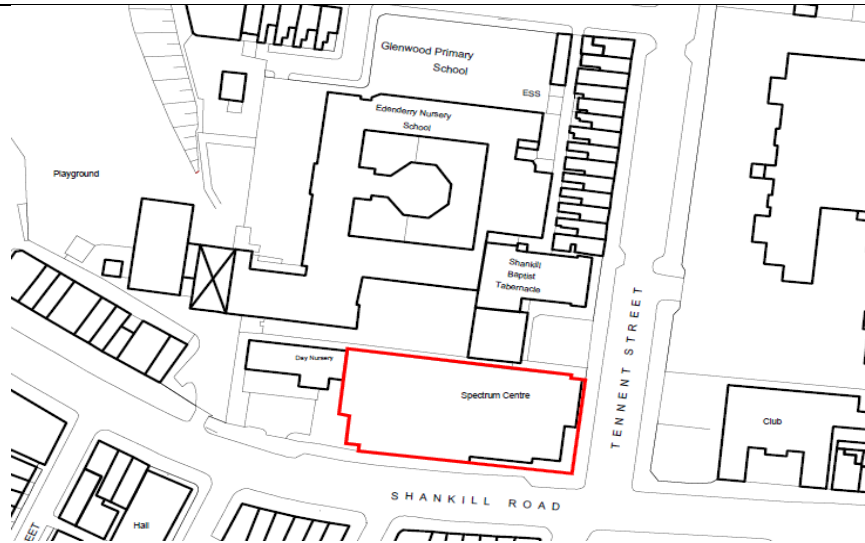
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Development Management Officer Report Committee Application

Summary	
Committee Date: 16 th August 2022	Item Number:
Application ID: LA04/2022/0683/F	Target Date:
Proposal: Awning installed to front of existing building.	Location: Spectrum Centre, 331 Shankill Road, Belfast, BT13 3AB
Referral Route: The proposal is funded by Belfast City Council	
Recommendation:	APPROVAL
Applicant Name and Address: Spectrum Centre 331 Shankill Road Belfast BT13 3AB	Agent Name and Address: OGU Architects Flax Art Studios Havelock House Belfast BT17 1EB
Executive Summary: Planning permission is sought for an awning installed to front of existing building. The site is located within the development limits for Belfast and is un-zoned white land within the adopted BUAP 2001. In draft BMAP 2015 – 2004 version the site is located within the proposed Area of Townscape Character BT 069 and BT 052 in the 2015 version. The key issues to be considered are: • Principle of development and use; • Impact on the listed building and proposed area of townscape character; • Impact on amenity; The application was neighbour notified and advertised in the local press. No third-party representations have been received. DFI Roads and Historic Environment Division have all been consulted and have no objection to the proposal. Recommendation: Having regard to the policy context and other material considerations, it is recommended that the application is approved.	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Hydebank	Content
Statutory	Historic Environment Division (HED)	Content

Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The proposal is for full planning permission for an 'awning installed to front of existing building'. The proposed awning is located on the Tennent Street elevation, and measures 8.75 m in length with a depth of 2.0 when fully extended. The proposed awning can be retracted into a box under the existing fascia when it is not in use. This is located approximately 3.5 m off the ground.
2.0	Description of Site
2.1	The site is the front elevation of the Spectrum Building located at the junction of Shankill Road and Tennent Street. The site is an arts and cultural and multi-purpose venue.
2.2	The surrounding area is defined by mixed use, with a mix of commercial units and residential dwellings off surrounding side streets.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	Z/2009/0475/F - External roller shutters to ground floor windows – Granted
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015 (2004 Version)
4.3	Draft Belfast Metropolitan Area Plan 2015
4.4	4.4.1 Strategic Planning Policy Statement for Northern Ireland (SPPS) 4.4.2 Planning Policy Statement 3: Access, Movement and Parking 4.4.3 Planning Policy Statement 6: Planning, Archaeology and the Built Environment
5.0	Statutory Consultees Responses
5.1	Historic Environments Division – No objection.
5.2	DFI Roads – No objection.
6.0	Non-Statutory Consultees Responses
6.1	N/A
7.0	Representations
7.1	The application has been neighbour notified and advertised in the local press. No representations have been received.
8.0	Other Material Considerations

8.1	The adopted Belfast Urban Area Plan 2001 shows the site as white un-zoned land.
8.2	Draft Belfast Metropolitan Area Plan (BMAP) 2004 version: The site is located within the city centre boundary and the Scotch and Cathedral quarter character area.
8.3	Draft Belfast Metropolitan Area Plan (BMAP) 2015 version (previously adopted and now subsequently quashed): The site is located within the city centre boundary and the Scotch and Cathedral quarter character area.
8.5	Development Control Advice Notice (DCAN) 15: Vehicular Access Standards
9.0	Assessment
9.1	The Key issues in the assessment of the proposed development include: • Principle of development and use; • Impact on the listed building; • Impact on amenity;
9.2	<u>Development Plan Context / SPPS</u> The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area.
9.3	Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
9.4	As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted, however, the version of draft BMAP which was purported to be adopted remains a material consideration.
9.5	Under the adopted BUAP 2001 the site is un-zoned white land. The site is located within the city centre limit and the Scotch and Cathedral quarters for Belfast as designated by both iterations of Draft Belfast Metropolitan Area Plan 2015 the 2004 and 2015 versions.
9.6	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.
9.7	Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the

	development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance
9.8	<u>Principle of development and use</u> The proposal, by reason of its form, scale, layout, design and materials, is considered in keeping with the existing building and surrounding area, and would not harm the amenity of the area. The proposed addition of an awning is considered minor.
9.9	The proposal is acceptable having regard to the Belfast Urban Area Plan 2001, draft Belfast Metropolitan Area Plan 2004 and 2015, Strategic Planning Policy Statement for Northern Ireland (SPPS) and all other relevant material considerations, including BH11 of Planning Policy Statement 6 Planning, Archaeology and the Built Heritage.
9.10	<u>Impact on the Listed Building and Proposed Area of Townscape Character</u> The application site is located in close proximity to Shankill Baptist Church, a Grade B2 listed building. HED were consulted and advise that there is sufficient separation distance between the proposal site and the listed building, ensuring the proposal will not detrimentally impact on the setting of the listed building. Consequently, the proposal complies with policy BH11 of PPS 6 and paragraph 6.12 of the SPPS. In terms of the proposed Area of Townscape Character the proposal complies with paragraphs 4.26 and 6.21 of the SPPS (NI).
9.11	<u>Impact on Amenity</u> In terms of amenity the proposal will not detract from the visual amenity of the area, nor will it impact on the amenity of neighbours.
9.12	<u>Other issues</u> DFI Roads were consulted on the proposed development and offered no objections.
10.0	Summary of Recommendation: Having regard to the policy context and other material considerations noted above, the proposed development is considered acceptable and planning permission is recommended. It is requested that final wording of conditions is delegated to the Director of Planning and Building Control.
11.0	Conditions - 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. <u>Informatives</u> - The drawing refs referred to above correspond with those drawings submitted to the Authority in respect of this application and published to the Planning Portal NI, 01 published on the Planning Portal NI on the 6th May 2022 and 02B published on the Planning Portal NI on the 14th July 2022.
Notification to Department (if relevant) N/A	
Representations from Elected members:	

None

ANNEX

Date Valid	4th May 2022
Date First Advertised	13th May 2022
Date Last Advertised	13th May 2022

Details of Neighbour Notification (all addresses)

The Owner/Occupier,
 1a ,Lawnbrook Avenue,Belfast,Antrim,BT13 2QB
 The Owner/Occupier,
 1st & 2nd Floor,320 Shankill Road,Belfast,Antrim,BT13 3AB
 The Owner/Occupier,
 1st & 2nd Floor,330 Shankill Road,Belfast,Antrim,BT13 3AB
 The Owner/Occupier,
 2 Upper Riga Street,Belfast,Antrim,BT13 3GW
 The Owner/Occupier,
 252 Shankill Road,Belfast,Antrim,BT13 2BL
 The Owner/Occupier,
 314 Shankill Road,Belfast,Antrim,BT13 3AB
 The Owner/Occupier,
 314a ,Shankill Road,Belfast,Antrim,BT13 3AB
 The Owner/Occupier,
 316 Shankill Road,Belfast,Antrim,BT13 3AB
 The Owner/Occupier,
 318 Shankill Road,Belfast,Antrim,BT13 3AB
 The Owner/Occupier,
 322 Shankill Road,Belfast,Antrim,BT13 3AB
 The Owner/Occupier,
 324 Shankill Road,Belfast,Antrim,BT13 3AB
 The Owner/Occupier,
 326-328 ,Shankill Road,Belfast,Antrim,BT13 3AB
 The Owner/Occupier,
 331-333 ,Shankill Road,Belfast,Antrim,BT13 3AA
 The Owner/Occupier,
 4-22 Glenwood Primary School,Upper Riga Street,Belfast,Antrim,BT13 3GW
 The Owner/Occupier,
 Day Nursery,333 Shankill Road,Belfast,Antrim,BT13 3AF
 The Owner/Occupier,
 Ground Floor,320 Shankill Road,Belfast,Antrim,BT13 3AB
 The Owner/Occupier,
 Ground Floor,330 Shankill Road,Belfast,Antrim,BT13 3AB
 The Owner/Occupier,
 Restaurant,331-333 ,Shankill Road,Belfast,Antrim,BT13 3AA
 The Owner/Occupier,

Shankill Baptist Tabernacle, Tennent Street, Belfast, Antrim, BT13 3GB
 The Owner/Occupier,
 Spectrum Centre, 331-333 , Shankill Road, Belfast, Antrim, BT13 3AA
 The Owner/Occupier,
 The Spectrum Centre, 333 Shankill Road, Belfast, Antrim, BT13 3AA
 The Owner/Occupier,
 The Spectrum Centre, 333 Shankill Road, Belfast, Antrim, BT13 3AA
 The Owner/Occupier,
 Unit 1 Gf, 331-333 , Shankill Road, Belfast, Antrim, BT13 3AA
 The Owner/Occupier,
 Unit 1-3 Ff, 331-333 , Shankill Road, Belfast, Antrim, BT13 3AA
 The Owner/Occupier,
 Unit 2 Gf, 331-333 , Shankill Road, Belfast, Antrim, BT13 3AA
 The Owner/Occupier,
 Unit 2 Sf, 331-333 , Shankill Road, Belfast, Antrim, BT13 3AA
 The Owner/Occupier,
 Unit 3 Gf, 331-333 , Shankill Road, Belfast, Antrim, BT13 3AA
 The Owner/Occupier,
 Unit 3-4 Sf, 331-333 , Shankill Road, Belfast, Antrim, BT13 3AA
 The Owner/Occupier,
 Unit 4 Ff, 331-333 , Shankill Road, Belfast, Antrim, BT13 3AA
 The Owner/Occupier,
 Unit 4 Gf, 331-333 , Shankill Road, Belfast, Antrim, BT13 3AA
 The Owner/Occupier,
 Unit 5 Ff, 331-333 , Shankill Road, Belfast, Antrim, BT13 3AA
 The Owner/Occupier,
 Unit 5 Gf, 331-333 , Shankill Road, Belfast, Antrim, BT13 3AA
 The Owner/Occupier,
 Unit 6 Gf & Unit 6-7 Ff, 331-333 , Shankill Road, Belfast, Antrim, BT13 3AA
 The Owner/Occupier,
 Unit 6 Gf, 331-333 , Shankill Road, Belfast, Antrim, BT13 3AA
 The Owner/Occupier,
 Unit 6-7 Ff, 331-333 , Shankill Road, Belfast, Antrim, BT13 3AA

Date of Last Neighbour Notification	25th May 2022
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title	
01 Site Location and Existing Plans	
02B Proposed Site Layout and Elevations	

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Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	16 th August 2022
Application ID:	LA04/2022/0155/F
Proposal: Extension of time for temporary change of use of and alterations of former printing hall to event space for a period of 3 years.	Location: Ground floor print hall, 122-144 Royal Avenue, Belfast, BT1 1DN
Referral Route: Belfast City Council has an interest in the land.	
Recommendation:	Approval – 18 months
Applicant Name and Address: The Limelight Belfast Ltd 17 Clarendon Road Belfast BT1 3BG	Agent Name and Address: Clyde Shanks Ltd 2nd Floor 7 Exchange Place Belfast BT1 2NA
Executive Summary: Temporary Planning permission is sought for the extension of time for temporary change of use and alterations of former printing hall event space for a period of 3 years. The site is located within the development limits for Belfast. The site does not have any particular zoning within draft BMAP and also falls within the City Centre limit, the Scotch/Cathedral character area and city centre area of parking constraint under draft BMAP. The site adjoins a listed building which was the Belfast Telegraph Building. The key issues to be considered are: • Principle of development and use; • Impact on amenity; • Impact on the listed building; • Provision of parking and access. The application was neighbour notified and advertised in the local press. No third-party representations have been received. DFI Roads, Environmental Health, and Historic Environment Division have all been consulted. Historic Environment Division and DFI Roads both had no objection to the proposal. Environmental Health were of the opinion that an extension of 1 year was more suitable. On balance considering the temporary planning permissions granted to date, the extant permission for the redevelopment of the site due to expire in February 2023 and Environmental Health's response, it is recommended that a temporary permission of no more than 18 months is granted to ensure the Council can consider the development in the light of circumstances then prevailing and to ensure future development is not hindered by extended temporary use as event space.	

Recommendation:

Having regard to the policy context and other material considerations, it is recommended that the application is approved for a temporary period of 18 months, subject to conditions.

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Hydebank	Content
Statutory	Historic Environment Division (HED)	Content
Non Statutory	Env Health Belfast City Council	Consultation reminder letter
Non Statutory	Env Health Belfast City Council	Content
Non Statutory	Env Health Belfast City Council	Content

Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The proposal is for full planning permission for an extension of time for a temporary change of use of and alterations of former printing hall to event space for a period of 3 years.
2.0	Description of Site
2.1	The site comprises part of the ground floor of the Belfast Telegraph Building at 122-144 Royal Avenue, Belfast. The building is four storeys in height and is finished in a mixture of red brick, render and cladding. The ground floor of the property was previously a printing hall for Belfast Telegraph and is currently in use as an event space.
2.2	The surrounding area is defined by mixed use, with a large student accommodation block currently under construction adjacent to the site. Belfast Central Library and a number of commercial units including a hair salon are located in the surrounding area.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	LA04/2021/2825/A - Retention of mesh banner signage (19.1m by 9.84m) for a temporary period of 24months – Refused 15 th April 2022.
3.2	LA04/2021/1586/A - Proposed mesh banner signage (19.1m x 9.84m) for a temporary basis of 24months – Refused 11 th November 2021.
3.3	LA04/2020/0662/A - Mesh banner signage (19.1m X 9.84m) (temporary for 1 year) – Granted for 1 year – 27 th August 2020 for 1 year only.
3.4	LA04/2019/0878/F - Extension of time for temporary change of use of and alterations of former printing hall to event space for a period of 3 years – Granted on 16 th October 2019 for 2 years – Expired 16 th October 2021.
3.5	LA04/2018/1991/F - Former Belfast Telegraph complex at, 124-144 Royal Avenue and, 1-29 Little Donegall Street, Belfast, BT1 1DN - Demolition of existing non listed buildings and redevelopment of site to accommodate office led mixed use development comprising Class B1 (a) office, ancillary Class B2 industrial floorspace, active ground floor uses retail (A1), restaurants, cafes and bars (sui generis); basement parking and associated access and circulation. Proposals include the retention and restoration of the listed Seaver building comprising façade restoration, new roof and reintroduction of dormers, replacement windows and reinstatement of original entrance to southern façade [amended scheme] – Granted – 19 th February 2019 – Expires 21 st February 2024.
3.6	LA04/2018/1968/LBC - Former Belfast Telegraph complex at, 124-144 Royal Avenue and, 1-29 Little Donegall Street, Belfast, BT1 1DN., Demolition of attached structures, retention and restoration of the listed Seaver building comprising internal reconfiguration works, façade restoration of dormers, replacement windows and reinstatement of original entrance to southern façade – Consent Granted – 19 th February 2019 – Expires 20 th February 2024.

3.7	LA04/2017/2209/F - Temporary change of use of former printing hall to event space for a period of 2 years including internal alterations and creation of two emergency exits onto Donegall Street - Granted on 29 th November 2017 for a period of 1 year – Expired 28 th November 2018.
3.8	Z/2004/0303/F 124-144 Royal Avenue, Belfast Adjustments to existing roof to facilitate the installation of a new printing press – Granted.
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015 (2004 Version)
4.3	Draft Belfast Metropolitan Area Plan 2015
4.4	4.4.1 Strategic Planning Policy Statement for Northern Ireland (SPPS) 4.4.2 Planning Policy Statement 3: Access, Movement and Parking 4.4.3 Planning Policy Statement 4: Planning and Economic Development 4.4.4 Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
5.0	Statutory Consultees Responses
5.1	Historic Environments Division – No objection subject to conditions.
5.2	DFI Roads – No objection subject to conditions.
6.0	Non-Statutory Consultees Responses
6.1	BCC Environmental Health – No objection to the principle of the development, however recommended a time period of 1 year of the extension to the temporary change of use.
7.0	Representations
7.1	The application has been neighbour notified and advertised in the local press. No representations have been received.
8.0	Other Material Considerations
8.1	The adopted Belfast Urban Area Plan 2001 shows the site as white un-zoned land.
8.2	Draft Belfast Metropolitan Area Plan (BMAP) 2004 version: The site is located within the city centre boundary and the Scotch and Cathedral quarter character area.
8.3	Draft Belfast Metropolitan Area Plan (BMAP) 2015 version (previously adopted and subsequently quashed): The site is located within the city centre boundary and the Scotch and Cathedral quarter character area.
8.5	Development Control Advice Notice (DCAN) 15: Vehicular Access Standards

9.0	Assessment
9.1	The key issues in the assessment of the proposed development include; • Principle of development and use; • Impact on amenity; • Impact on the listed building; • Provision of parking and access.
9.2	<u>Development Plan context / SPPS:</u> The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area.
9.3	Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
9.4	As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted, however, the version of draft BMAP which was purported to be adopted remains a material consideration.
9.5	Under the adopted BUAP 2001 the site is un-zoned white land. The site is located within the city centre limit and the Scotch and Cathedral quarters for Belfast as designated by both iterations of Draft Belfast Metropolitan Area Plan 2015, the 2004 and 2015 versions.
9.6	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.
9.7	Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance
9.8	<u>Principle of development and use</u> The previous temporary planning permission expired on the 16th October 2021. Whilst the applicant was unable to make full use of the time frame due to Covid, nevertheless the applicant has continued to operate unlawfully. The current application was received on the 16th December 2021, two months after the previous permission had expired. Since the 16th December 2021 to date there will have been 30 events at the site, without the benefit of planning permission. Events are planned up until 30th March 2023. Dates of past and upcoming events are listed below.
9.9	<u>Events posts expiry of planning permission</u>

9.10	1. 16th October 2021 – Bingo Loco XXL 2. 31st October 2021 – Joel Corry 3. 5th November 2021 – Taboo Pride Party 4. 6th November 2021 – Kneecap 5. 12th November 2021 – Bicep 6. 13th November 2021 – Bicep 7. 20th November 2021 – Kettama presents G Town 8. 26th November 2021 – Shine 9. 27th November 2021 – Sulta Selects: Denis Sulta 10. 3rd December 2021 – Kearnage Belfast 11. 10th December 2021 – Lane 8 – Brightest Lights – POSTPONED 12. 11th December 2021 – Shine 13. 17th December 2021 – Fat Boy Slim 14. 26th December 2021 – Shine 15. 26th February 2022– Nina Kraviz 16. 14th March 2022 – slowthai 17. 17th March 2022 – Shine – St Patricks Day 18. 18th March 2022 – Shine – St Patricks Part 2 19. 1st April 2022 – Shine 20. 9th April 2022 – Clubland 21. 16th April 2022 – Shine Easter Saturday 22. 18th March 2022 – Shine Easter Monday 23. 13th May 2022 – Bad Boy Chiller Crew 24. 14th May 2022 – Bad Boy Chiller Crew 25. 25th May 2022 – alt-J 26. 27th May 2022 – General Banter 27. 3rd June 2022 – BTN Presents 28. 18th June 2022 – Belsonic and Calvin Harris after party 29. 25th June 2022 – Belsonic and Scooter after party – Big Bill 30. 30th July 2022 – Taboo's Pride Party
9.11	<u>Upcoming Events - 2022</u>
9.12	31. 21st August 2022 – The Wombats 32. 24th August 2022 – The Gaslight Anthem 33. 1st September 2022 – Wolf Alice 34. 17th September 2022 – Hannah Wants 35. 23rd September 2022 – Above and Beyond 36. 20th October 2022 – Kasabian 37. 10th November 2022 – Belle and Sebastian 38. 12th November 2022 – Festival of the Dead 39. 16th November 2022 – Jamie Webster 40. 5th December 2022 - Blossoms
9.13	<u>Upcoming Events – 2023</u>
9.14	41. 13th January 2023 – Dropkick Murphys 42. 29th March 2023 – Blackberry Smoke 43. 30th March 2023 – EELS – Lockdown Hurricane 2022
9.15	The principle of the proposed temporary use has been established under temporary planning permissions LA04/2017/2209/F and LA04/2019/0878/F. The agent has at question 9 on the P1 form ticked yes for a temporary permission and requested that this be for a period of 3 years. The cover letter states that the redevelopment of the site will be in conjunction with Belfast City Council Regeneration Team. The agent has advised that the application to

	extend the temporary planning permission is to keep this in line with the Council's licence in the interim. It has not been stated whether this is for an entertainment licence or liquor licence but as entertainment licences are required to be renewed annually it is assumed that this refers to the liquor licence. Environmental Health's most recent response confirmed that the venue benefits from a 7 day annual entertainment licence which will expire on the 31 st October 2022. Whilst the agent has stated that the permission time extension is to tie in with BCC Regeneration plans and the time frame of the licence, no evidence of this has been provided to support this statement.
9.16	However as per Section 132 of the Planning Act (NI) 2011 after a period of 5 years no enforcement may be taken after a period of 5 years beginning with the date of the breach and therefore would be immune from enforcement action. Therefore, any temporary permission would be required to be less than 5 years.
9.17	Previous planning permissions LA04/2017/2209/F and LA04/2019/0878/F granted the event space facility with a combined temporary permission for 3 years. Albeit, it is acknowledged that this time frame was impacted upon due to Covid and benefit from the permission was not utilised. However as noted above events have been continuing on site without the benefit of planning permission. Extant planning permission under LA04/2018/1991/F for a mixed-use redevelopment on the site was granted in 2019 and expires on the 21 st February 2024.
9.18	Considering the temporary permissions already granted totalling 3 years and that 18 months remains on the extant planning permission until February 2024, it is considered that a temporary permission of a maximum of 18 months is granted, to ensure that the extant mixed-use redevelopment proposal is not hindered by the granting of a temporary permission exceeding the time frame required for the commencement of development of LA04/2018/1991/F.
9.19	<u>Impact on Amenity</u> In respect of noise, nuisance and disturbance from the proposed use, Environmental Health have been consulted and offer no objection to the proposed use. However, they are of the view that a temporary period of 1 year was more acceptable rather the proposed 3 years. An extension of a 1 year period was recommended due to the impact on potential future development, specifically at the nearby site, 2-14 Little Donegal Street. These comments were based on an historic approval for a mixed use development including 18 apartments under reference Z/2007/2120/F at 2-14 Little Donegal Street. It is however noted that this permission expired on 8 th September 2016. An application to renew under ref. LA04/2016/1915/F was refused on 12 th December 2018. There has been no further planning history on 2-14 Little Donegal Street therefore it is not considered likely that residential units will be developed on this site in the near future (i.e. during the time period of the proposed use).
9.20	Environmental Health advised that as per their previous responses dated 16 th August 2019, in relation to the earlier planning application LA04/2019/0878/F (and a response issued in 2017 for a previous planning application LA04/2017/2209/F), the submitted noise assessment had not contained all of the appropriate information required to determine potential impact, most notably a lack of representative background noise measurements at sensitive later times at night reflective of the time the proposed events would operate to.
9.21	Environmental Health also noted that their records showed no receipt of noise complaints, although it was acknowledged that due to Covid, no events were held for an extended period of time. As per para 9.10, events have taken place post Lockdown and no noise complaints have been received.
9.22	Environmental Health confirmed that the venue benefits from a 7 day annual entertainment licence which will expire on the 31 st October 2022. Under the licence, condition 6 states 'The

	<i>Licensee is required to submit an appropriate Noise Management Plan for each and every event, no later than one month in advance of the event'</i> and various other conditions are placed on the current entertainment licence with respect to noise management at the venue. This is outside the remit of planning legislation and is managed under the entertainment licencing legislation.
9.23	In summary, Environmental Health have no objection to the proposal in principle, subject to informative.
9.24	<u>Impact on the Listed Building</u> HED were consulted and considered the effects of the proposal on the adjacent listed building known as Frames Snooker Hall, 2-14 Little Donegall Street (Grade B1) (Ref. HB26/50/280). HED offered no objection to the minor alterations, advising that the proposal complies with policy BH11 of PPS 6 and paragraph 6.12 of the SPPS.
9.25	<u>Parking Provision and Access</u> The application site is in a sustainable location due to its city centre location, provision of cycle parking, access to public transport and convenient walking distance to other parts of the city centre. Consideration of the nature of the proposal as an events and music venue and a tourist attraction, it is acknowledged that visitors to the city and the proposal will most likely not have a vehicle requiring parking.
9.26	DFI Roads were consulted and have no objection to the proposal subject to conditions.
9.27	<u>Proposed Temporary Permission Time Period</u> The 18 month time period is considered appropriate in light of Environmental Health's response to ensure that any future nearby sensitive development would not be subject to late night noise disturbance and to ensure that potential development is not precluded as a result of the temporary event space.
9.28	It is recommended that a maximum time period of 18 months temporary permission be granted to enable the planning of works for the future re-development of the site in accordance with previous approvals. Furthermore, the 18 month time period will enable the Council to consider the development in light of circumstances then prevailing.
10.0	Summary of Recommendation: Approval
10.1	Having regard to the policy context and other material considerations above, the proposal is considered acceptable and a temporary period of 18 months planning permission is recommended. Delegated authority is sought for the final wording of conditions from the Director of Planning and Building Control.
11.0	Conditions
11.1	The permission hereby granted shall be for a limited period of 18 months only and shall expire on (TBC). Reason: To enable The Council to consider the development in the light of circumstances then prevailing.
11.2	The development hereby permitted shall not become operational until hard surfaced areas have been constructed in accordance with the approved plan to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles.

11.3	Reason: To ensure that adequate provision has been made for access.
	A minimum of 12 No. cycle parking spaces and stands shall be provided and permanently retained within the development for use by staff and visitors to the development.
11.4	Reason: to encourage the use of alternative modes of transport for development users. The development hereby permitted shall operate in accordance with the approved Event Management Plan.
	Reason: in the interests of road safety and the convenience of road users.
11.5	The development hereby permitted shall operate in accordance with the approved Travel Plan, including the Service Management Plan. The Site Operator will offer access to the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by DfI Roads.
	Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.
	<u>Informatives</u>
11.6	The developer should consider all consultees comments prior to commencing this proposal. All comments can be viewed on the planning portal quoting the application reference number.
Notification to Department (if relevant)	
N/A	
Representations from Elected members:	
None	

ANNEX	
Date Valid	16th December 2021
Date First Advertised	11th February 2022
Date Last Advertised	11th February 2022
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1-21 ,Little Donegall Street,Belfast,Antrim,BT1 2JD The Owner/Occupier, 103-111 Charles House,Donegall Street,Belfast,Antrim,BT1 2FJ The Owner/Occupier, 103-111 Charles House,Donegall Street,Belfast,Antrim,BT1 2FJ The Owner/Occupier, 124-144 ,Royal Avenue,Belfast,Antrim,BT1 1DN The Owner/Occupier, 129 Royal Avenue,Belfast,Antrim,BT1 1DN The Owner/Occupier, 1st & 2nd Floor,103-111 Charles House,Donegall Street,Belfast,Antrim,BT1 2FJ The Owner/Occupier, 1stfloor,98-102 ,Donegall Street,Belfast,Antrim,BT1 2GW The Owner/Occupier, 2-10 Metropol House,York Street,Belfast,Antrim,BT15 1AQ The Owner/Occupier, 23-29 ,Little Donegall Street,Belfast,Antrim,BT1 2GU The Owner/Occupier, 2nd Floor,98-102 ,Donegall Street,Belfast,Antrim,BT1 2GW The Owner/Occupier, 31a ,Little Donegall Street,Belfast,Antrim,BT1 2JD The Owner/Occupier, 33 Little Donegall Street,Belfast,Antrim,BT1 2JD The Owner/Occupier, 76-78 ,Donegall Street,Belfast,Antrim,BT1 2GU The Owner/Occupier, 95-97 ,Donegall Street,Belfast,Antrim,BT1 2AH The Owner/Occupier, 95-97 ,Donegall Street,Belfast,Antrim,BT1 2FJ The Owner/Occupier, 96 Donegall Street,Belfast,Antrim,BT1 2GW The Owner/Occupier, 96 Donegall Street,Belfast,Antrim,BT1 2GW The Owner/Occupier, 98-102 ,Donegall Street,Belfast,Antrim,BT1 2GW The Owner/Occupier, Belfast Central Library,Kent Street,Belfast,Antrim,BT1 2JA The Owner/Occupier,	

Central Library,Royal Avenue,Belfast,Antrim,BT1 1EA
 The Owner/Occupier,
 Donegall Street Congregational Church,Donegall Street,Belfast,Antrim,BT1 2FJ
 The Owner/Occupier,
 Donegall Street Congregational Church,Donegall Street,Belfast,Antrim,BT1 2FJ
 The Owner/Occupier,
 Donegall Street,Belfast,Antrim,
 The Owner/Occupier,
 Ground & 1st Floors,95-97 ,Donegall Street,Belfast,Antrim,BT1 2AH
 The Owner/Occupier,
 Ground Floor & Third Floor,103-111 Charles House,Donegall Street,Belfast,Antrim,BT1 2FJ
 The Owner/Occupier,
 Offices 1st And Part 2nd Floor,2-14 ,Little Donegall Street,Belfast,Antrim,BT1 2JD

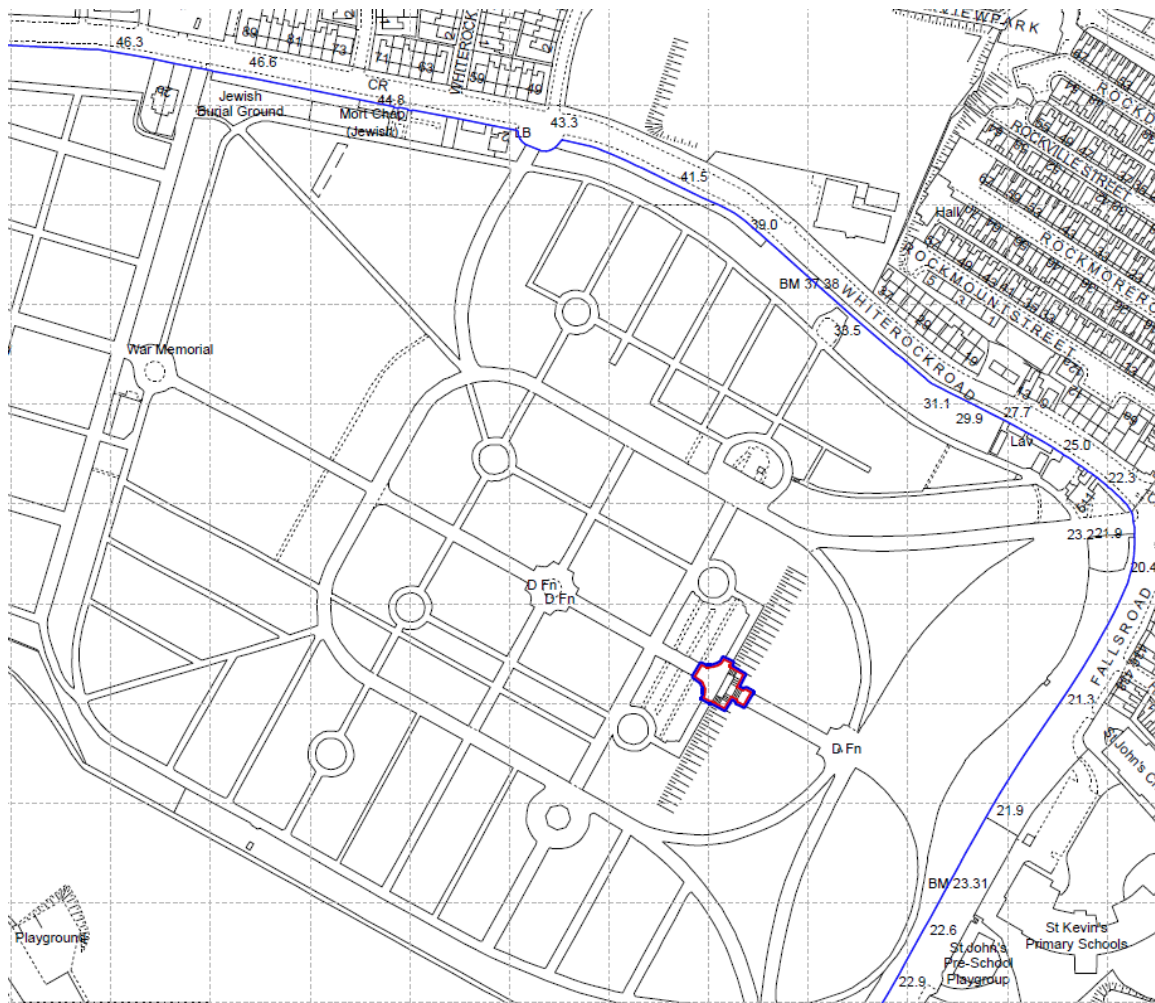
Date of Last Neighbour Notification	22nd April 2022
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title	
01, 02, 03, 04 and 05 all published on the planning portal on the 21 st January 2022.	

Committee Report

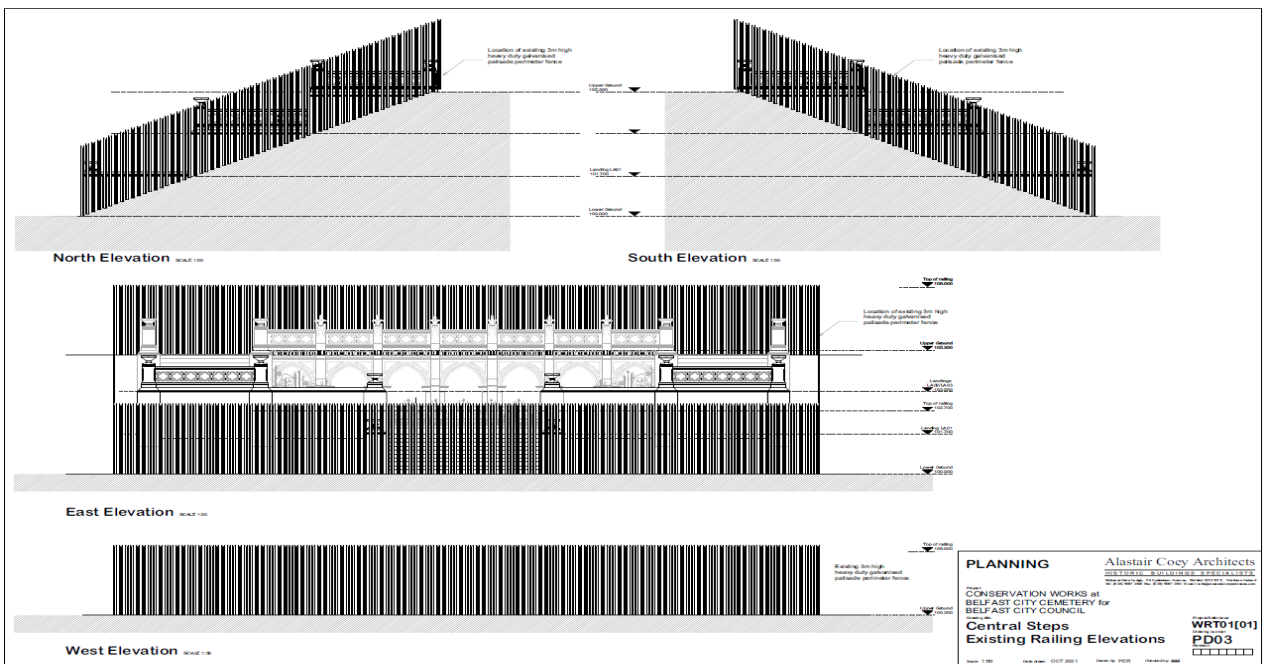
Development Management Report	
Application ID: LA04/2021/2602/F & LA04/2021/2611/LBC	Date of Committee: Tuesday 16 th August 2022
Proposal: Removal of Existing 3m High Palisade Perimeter Fence. New Metal Railings and Gates with associated Lighting.	Location: Central Steps Belfast City Cemetery Falls Road Belfast BT12 6DE
Referral Route: Referral to the Planning Committee under Section 3.8.5 (c) of the Scheme of Delegation	
Recommendation: Approval	
Applicant Name and Address: Belfast City Council 9 Adelaide Street Belfast BT2 8PB	Agent Name and Address: Alastair Coey Architects 96 Sydenham Avenue Belfast BT4 2DT
Executive Summary: Full application and associated Listed Building Consent for the removal of an existing 3m high palisade perimeter fence. The proposal seeks to erect new metal railings and gates with associated Lighting. The Central Steps and Vault at Belfast City Cemetery on the Falls Road (HB26/25/001D) are Grade B1 listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011. The proposal is to install a new perimeter railing based on traditional detailing along with new lighting. The new boundary railing will replace the existing palisade fence. The railings will be 2.7m reduced to 2.3m high at the gates which will be located at the top and bottom of the steps to enable access to the steps during cemetery opening hours. The key issues to be considered are: • Design • Impact on the Listed Building The proposal is deemed to comply with the SPPS and PPS 6. The proposed development is considered acceptable with no adverse impacts on the Listed Building. HED were consulted and were content without conditions. No third-party objections have been received from consultees and members of the public. Having had regard to the development plan, relevant planning policies, and other material considerations, it is determined that the proposals should be approved. Recommendation It is recommended that full permission and listed building consent is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions.	

Case Officer Report

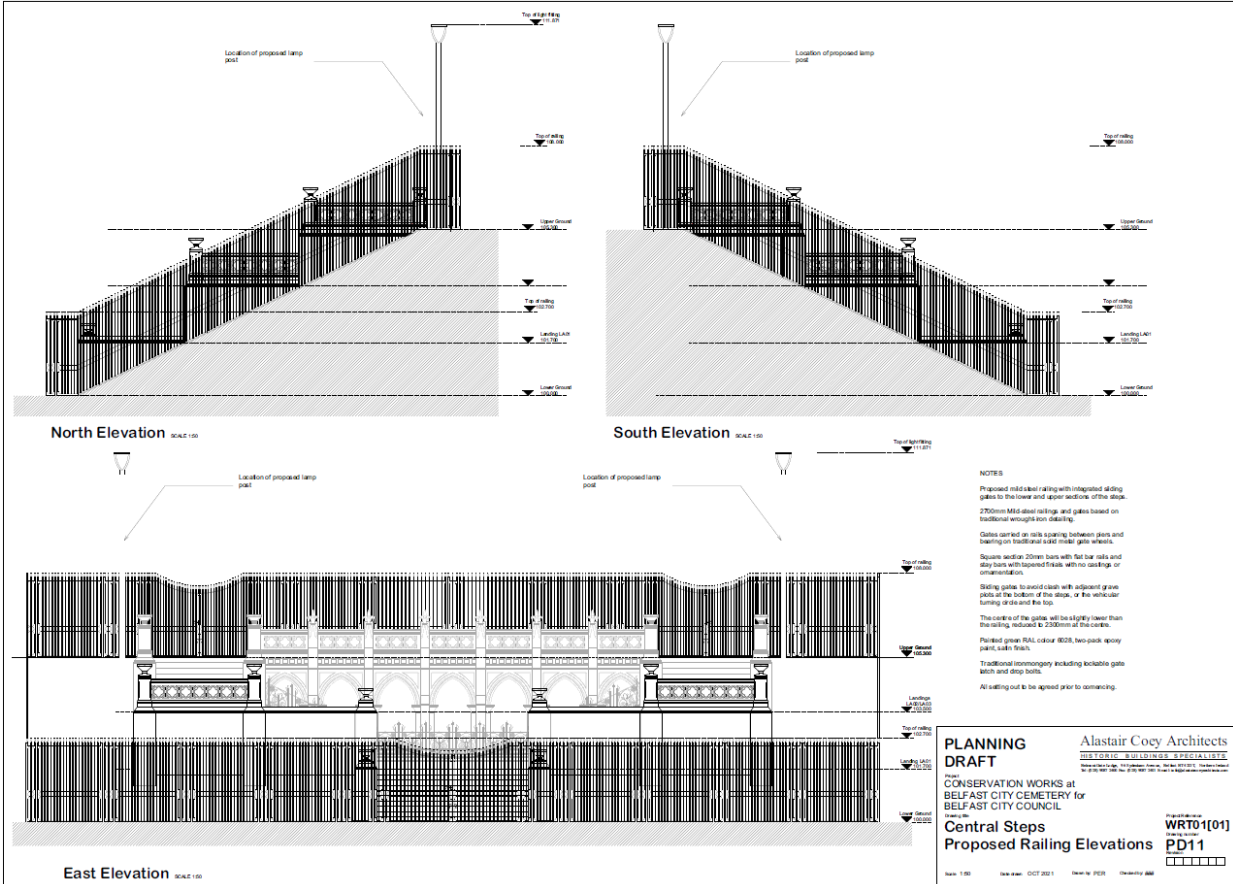
Site Location Plan



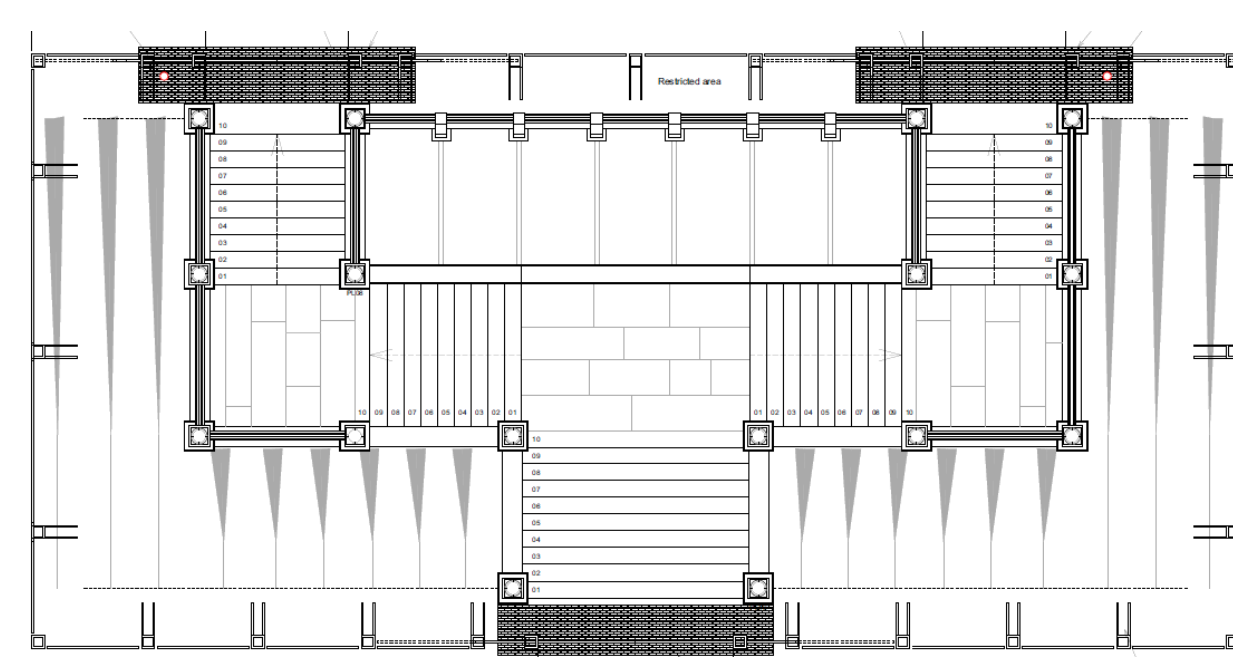
Existing Elevations



Proposed Elevations



Proposed Site Plan



Characteristics of the Site and Area	
1.0	Description of Proposed Development Full application and associated Listed Building Consent for the removal of existing 3m high palisade perimeter fence. The proposed erection of new metal railings and gates with associated lighting.
2.0	Description of Site The Central Steps are located on a NW/SE axis through the centre of the City Cemetery. The site is surrounded by cemetery park land comprising access roads and headstones, grave markers, and other associated structures. The Central Steps and Vaults are Grade B1 Listed and designated as a Mausoleum. They were listed on 04 February 1988 (reference HB26/25/001D).
Planning Assessment of Policy and other Material Considerations	
3.0	Site History LA04/2019/1929/F, Temporary re-location of existing Belfast City Council's City Cemetery Service Yard consisting of a new reinforced concrete slab, 5No. new steel storage containers, modular welfare facility, 3m perimeter fence and lighting and CCTV columns. Gates to vehicular and pedestrian access points. Lands adjacent to the Whiterock Road and located at the City Cemetery exit point. Site boundary adjacent to an existing derelict stone building. Permission Granted. LA04/2018/1651/F, Creation of a new visitor centre for the Belfast City Cemetery. Belfast City Cemetery 511 Falls Road Belfast BT12 6DE. Permission Granted. LA04/2020/0170/LBC - Central Steps, Belfast City Cemetery, Falls Road, Belfast, BT12 6DE - Reinstatement of historic railing – Permission Granted – 20.05/2020. LA04/2020/1180/LBC - Central Steps, Belfast City Cemetery, Falls Road, Belfast, BT12 6DE - Repair, restoration, and cleaning of central steps – Permission Granted – 18.12.2020
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015 The extant development plan is the BUAP. However, given the stage at which the Draft BMAP has reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPS's.
4.3	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	Planning Policy Statement 2: Natural Heritage
4.4	Planning Policy Statement 6: Planning, Archaeology and The Built Heritage
4.4.1	Policy BH 8: Extension or Alteration of a Listed Building

5.0	Statutory Consultees Responses DFI Roads: no objections NIEA: no objections
6.0	Non-Statutory Consultees Responses HED: no objections Environmental Health: no objections
7.0	Representations As this site is within an enclosed parcel of land located a considerable distance from any occupied properties there are no neighbouring buildings to notify under the legislation. The application was advertised in local press on the 3 rd December 2021 and no comments have been received.
8.0	Other Material Considerations None
8.1	Any other supplementary guidance None
9.0	Assessment
9.1	The City Cemetery is located within an Urban Landscape Wedge (BT099 Milltown dBMAP); the proposal is considered to be in compliance with the development plan.
9.2	Assessment The key issues to be considered are: • Design • Impact on Listed Building • Natural Heritage Assets It is considered that the proposal is in compliance with SPPS in that the proposed development will not cause demonstrable harm to interest of acknowledged importance which are considered below. Design The proposal is to install a new perimeter railing based on traditional detailing along with new lighting. The new boundary railing will replace the existing palisade fence. The railings will be 2.7m reduced to 2.3m high at the gates which will be located at the top and bottom of the steps to enable access to the steps during cemetery opening hours. The proposed material is mild steel, although the detail design will be based on traditional wrought iron detailing. The gates will be sliding and will be carried on rails spanning between piers with solid metal traditional gate wheels that run on metal tracks. They will be painted green RAL colour 6028, two-pack epoxy paint, satin finish. The railings would project 5m beyond the width of the steps to minimise visual impact on the steps. New granite cobble setts will be located at ground level to the threshold of the gates, with integrated traditional metal wheel track. The light fittings are to be positioned on top of existing 6m high CCTV posts. The light fitting is 496mm in diameter and 571mm high. The lighting is for security purposes. It is proposed that it will illuminate the structure outside of cemetery opening hours and will remain on during night-time. The design is considered to comply with paragraph 6.13 of the SPPS.

	Impact on the Listed Building Section 91 requires that in considering whether to grant planning permission for development which affects a listed building or its setting a council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Historic Environment Division have been consulted on both the full application and the associated Listed Building Consent and have no objection. HED have advised that the proposed fencing replaces an existing, more hostile, arrangement. The latter detracts from the character of the listed asset but is also accepted as a necessary measure at present to prevent further vandalism and, is helping to preserve the structure, which has recently undergone significant conservation-led repairs. The proposal as presented in the application is lower in height, set back further from the listed structure and incorporates gates, which will be opened during the day to allow access to the vaults and steps. As such, the proposal will further enable the public to understand, experience and enjoy the significance of the heritage asset. The lighting is considered unobtrusive, respectful, and reversible; as such it is also considered appropriate under policy considerations, given the requirement to deter vandalism. The proposal will retain the character of the listed building and complies with policy BH 8 of PPS 6. Natural Heritage Assets Given lighting proposals and proximity to trees Natural Environment Division requested a Preliminary Ecological Assessment and Lux map. A Protected Species Survey and Assessment was submitted and NED, having reviewed the information is content that the proposal will have no impact on bats or badgers. The proposal complies with PPS 2.
9.3	Having regard for the policy context and the considerations above, the proposal is deemed acceptable.
10.0	Summary of Recommendation: Grant Full Planning Permission and Listed Building Consent
11.0	Conditions (Full Permission) 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. Informatives 1. This application is linked to a Listed Building Consent under the reference LA04/2021/2611/LBC Conditions (Listed Building Consent) 1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted. Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011

Notification to Department (if relevant)
Representations from Elected members:

ANNEX	
Date Valid	15 th November 2021
Date First Advertised	3 rd December 2021
Details of Neighbour Notification N/A	
Date of Last Neighbour Notification	N/A
Notification to Department: N/A	

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

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