

Public Document Pack

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



**Belfast
City Council**

7th November, 2023

PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in hybrid format, both in the Lavery Room - City Hall and remotely, via Microsoft Teams, on Tuesday, 14th November, 2023 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

1. **Routine Matters**
 - (a) Apologies
 - (b) Minutes
 - (c) Declarations of Interest
 - (d) Schedule of Meetings (Pages 1 - 4)
2. **Committee Site Visit** (Report to follow)
3. **Notifications from Statutory Bodies, Abandonment and Extinguishment**
 - (a) Abandonment of 29 University Road (Pages 5 - 10)
4. **Provision/Removal of Accessible Parking Bays**
 - (a) Notification for provision 18 Heath Lodge Avenue (Pages 11 - 14)
 - (b) Notification for provision 60 Nevis Avenue (Pages 15 - 18)

- (c) Notification for provision 63 Mount Vernon Park (Pages 19 - 22)
- (d) Notification for provision Apt 2.3, 100 Cliftonville Road (Pages 23 - 26)
- 5. **Appeals** (Pages 27 - 28)
- 6. **Planning Decisions Issued** (Pages 29 - 62)
- 7. **Miscellaneous Reports**
 - (a) Local Development Plan Monitoring Report (Pages 63 - 102)
 - (b) NIPSO Report on Tree Protection (Pages 103 - 158)
 - (c) Planning Issues when considering Applications for 3G Pitches (Report to follow)
- 8. **Planning Applications previously considered**
 - (a) LA04/2020/1858/F - Proposed residential development of 18 no. social housing units, comprising two terraces. Development includes associated car parking, gardens, landscaping, site access and all other site works. (amended plans that revise the proposed access and road layout, including the introduction of a traffic island). Hillview Retail Park, Crumlin Road (Report to follow)
 - (b) LA04/2022/1861/F, LA04/2022/1867/DCA, LA04/2022/1860/A - LED signage Replacement facade to active facade to facilitate the display of internally illuminated moving images (Temporary Permission for 5 years), 1-3 Arthur Street (Pages 159 - 180)
 - (c) LA04/2022/1203/F - Relocation of 5 No. allotments approved under LA04/2020/0042/F. Introduction of an additional No. 8 allotments, a sensory garden and support hub building for day care of young adults (Amended application site boundary, proposal description and drawings), Glenriver Lands adjacent to 78 Cloona Park (Pages 181 - 198)
 - (d) LA04/2022/1831/F - Change of use from residential to short term holiday let accommodation, 258 Limestone Road (Report to follow)
- 9. **New Planning Applicaitons**
 - (a) LA04/2022/1219/F - Demolition of existing building and erection of 11 storey building (May Street/Victoria Street) and 4 storey building (Gloucester Street) comprising 77 apartments with communal areas, ground floor retail services (A2) unit, cycle and car parking, and vehicular access via Gloucester Street, 177-183 Victoria Street 66-72 May Street and 4-8 Gloucester Street Belfast (Report to follow)
 - (b) LA04/2023/2709F - Demolition of existing buildings and erection of social housing development comprising 30 no. apartments across 3 buildings with amenity space, landscaping, car parking and associated site works, Lands at Apartment Blocks 1-3, Clonaver Drive (Pages 199 - 214)

- (c) LA04/2023/292/F - Redevelopment of existing surface car park for the erection of new purpose built, managed student accommodation scheme comprising of 354no. units with shared amenity spaces, ancillary accommodation, on street car parking and landscaping, site bounded by Glenalpin Street, Wellwood Street and Norwood Street. (Report to follow)
- (d) LA04/2020/2285/O - Two Storey detached dwelling with garden and associated parking, Land adjacent to 39 and 40 Stirling Road (Pages 215 - 226)
- (e) LA04/2023/3491/F - proposed Retail Warehouse Unit with Associated Car Parking and Site Works, 47 Boucher Road (Pages 227 - 238)
- (f) LA04/2022/2216/F - Change of use from offices to hotel (146 bedrooms) over five floors (2nd to 6th floor) including extension to 5th floor (17 bedrooms), goods hoist from ground to 2nd floor and elevational alterations to an existing building, Centre House, 69 -87 Chichester Street (Report to follow)
- (g) LA04/2023/3442/F- Erection of Hotel/Aparthotel comprising 135 hotel beds and 93 aparthotel beds, restaurant / cafe/bar uses, gym, landscaped public realm, car parking, cycle parking and associated site and road work, Lands directly south of Titanic Belfast and north-west of Hamilton Dock located off Queens Road (Pages 239 - 262)
- (h) LA04/2023/4101/F - Change of use of the ground floor from A1 Retail to mixed-use community recreational and cultural space for multi-disciplinary uses, including small scale retail and café. Also change of use of the first floor from office use to a mix of office, community, recreational and cultural space to facilitate multi-disciplinary uses, 2 Royal Avenue. (Pages 263 - 272)
- (i) LA04/2023/3889/LBC -Installation of a new wall hung water bottle refill station, 12-20 St Georges Market East Bridge Street (Pages 273 - 278)
- (j) LA04/2023/3842/LBC - Installation of a new water bottle refill station on the grounds of Belfast City Hall, 2 Donegal Square North (Pages 279 - 284)

This page is intentionally left blank



Subject:	Schedule of Meetings 2024
Date:	14th November, 2023
Reporting Officer:	Carolyn Donnelly, Democratic Services Officer
Contact Officer:	Carolyn Donnelly, Democratic Services Officer

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<p>Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.</p> <p>Insert number <input type="checkbox"/></p> <ol style="list-style-type: none"> 1. Information relating to any individual 2. Information likely to reveal the identity of an individual 3. Information relating to the financial or business affairs of any particular person (including the council holding that information) 4. Information in connection with any labour relations matter 5. Information in relation to which a claim to legal professional privilege could be maintained 6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction 7. Information on any action in relation to the prevention, investigation or prosecution of crime 	
<p>If Yes, when will the report become unrestricted?</p> <div style="display: flex; justify-content: space-between;"> <div> <p>After Committee Decision</p> <p>After Council Decision</p> <p>Sometime in the future</p> <p>Never</p> </div> <div style="text-align: center;"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div> </div>	

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

1.0	Purpose of Report or Summary of main Issues
	To advise the Committee of the dates and times of the meetings of the Planning Committee between January and December, 2024.

2.0	Recommendations
	The Committee is requested to approve the schedule of meetings as outlined.
3.0	Main report
	<u>Key Issues</u>
3.1	The monthly meeting of the Planning Committee is normally held at 5.00 p.m. on the 3rd Tuesday of each month.
3.2	However, due to holiday periods and the timing of the monthly Council meetings and, in order to assist with the decision-making process, it has been necessary on occasions to move some of the meetings.
3.3	<p>Accordingly, the following dates have been identified for meetings of the Planning Committee for the period from January to December, 2023:</p> <ul style="list-style-type: none"> • Tuesday, 16th January; • Thursday, 18th January (for Workshop); • Tuesday, 13th February; • Thursday, 15th February (for Workshop); • Tuesday, 19th March; • Tuesday, 21st March (for Workshop) • Tuesday, 16th April; • Thursday 18th April (for Workshop) • Tuesday 14th May • Thursday 16th May (for Workshop) • Tuesday, 18th June; • Thursday, 20th June (for Workshop); • No meetings in July (recess) • Tuesday, 13th August; • Thursday, 15th August (for Workshop); • Tuesday, 17th September; • Thursday, 19th September (for Workshop); • Tuesday, 15th October; • Thursday, 17th October (if required); • Tuesday, 12th November; • Thursday, 14th November (if required); • Tuesday, 10th December; and • Thursday, 12th December (if required). <p>All meetings to commence at 5.00 p.m.</p>

3.4	<u>Financial & Resource Implications</u> None associated with this report.
3.5	<u>Equality or Good Relations Implications/Rural Needs Assessment</u> None associated with this report.
4.0	Appendices – Documents Attached None associated with this report.

This page is intentionally left blank

Transport Policy Division



largeyn@belfastcity.gov.uk

Nora Largey
Belfast City Council
Legal Services
City Hall
Belfast
BT1 5GS

Room 309
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

Tel: (028) 90540496
Email: alex.ferguson@infrastructure-ni.gov.uk
Your reference:
Our reference: IN1-22-8978

5th October 2023

Dear Ms Largey

The University Road, Belfast (Footway) (Abandonment) Order (Northern Ireland) 2023 – S. R. 2023 No. 159.

Please find enclosed a copy of the above mentioned statutory rule and related map for your information.

Yours sincerely

Alison Waite

PP Alex Ferguson
Transport Legislation Branch

ABANDONMENT – UNIVERSITY ROAD, BELFAST

The Department for Infrastructure has made a Statutory Rule entitled “The University Road, Belfast (Footway) (Abandonment) Order (Northern Ireland) 2023” (S.R. 2023 No.159) which comes into operation on 16th November 2023.

The effect of the rule is to abandon an area of 26.5 square metres of footway in front of No. 29 University Road, Belfast.

A copy of the Rule may be viewed at DfI offices during office hours (Monday to Friday 9.00 a.m. to 5.00 p.m.) by appointment only. Appointments can be arranged either by email to transportlegislationbranch@infrastructure-ni.gov.uk or by telephone on 0300 200 7899. The Rule may be viewed online at <http://www.legislation.gov.uk/nisr>



2023 No. 159

ROADS

**The University Road, Belfast (Footway) (Abandonment) Order
(Northern Ireland) 2023**

Made - - - -

4th October 2023

Coming into operation

16th November 2023

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

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

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

No objection has been received.

Citation and commencement

1. This Order may be cited as the University Road, Belfast (Footway) (Abandonment) Order (Northern Ireland) 2023 and shall come into operation on 16th November 2023.

Application

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

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

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

^(a) Formerly the Department for Regional Development; see section 1(6) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.))

^(b) S.I. 1993/3160 (N.I. 15)

^(c) S.R. 1999 No. 481 Article 6(d) and Schedule 4 Part IV

Sealed with the Official Seal of the Department for Infrastructure on 4th October 2023

(L.S.)

Mary Toner

A senior officer of the Department for Infrastructure

SCHEDULE

Article 2

AREA OF ROAD TO BE ABANDONED

An area of 26.5 square metres of footway in front of No. 29 University Road, Belfast, more particularly delineated and shown hatched and coloured red on map IN1/22/388586.

A copy of the map has been deposited at the Department's Headquarters, Room 309, Clarence Court, 10-18 Adelaide Street, Belfast and at DfI Roads Eastern Division, Annexe 7, Block 2, Castle Buildings, Stormont Estate, Upper Newtownards Road, Belfast.

EXPLANATORY NOTE

(This note is not part of the Order)

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

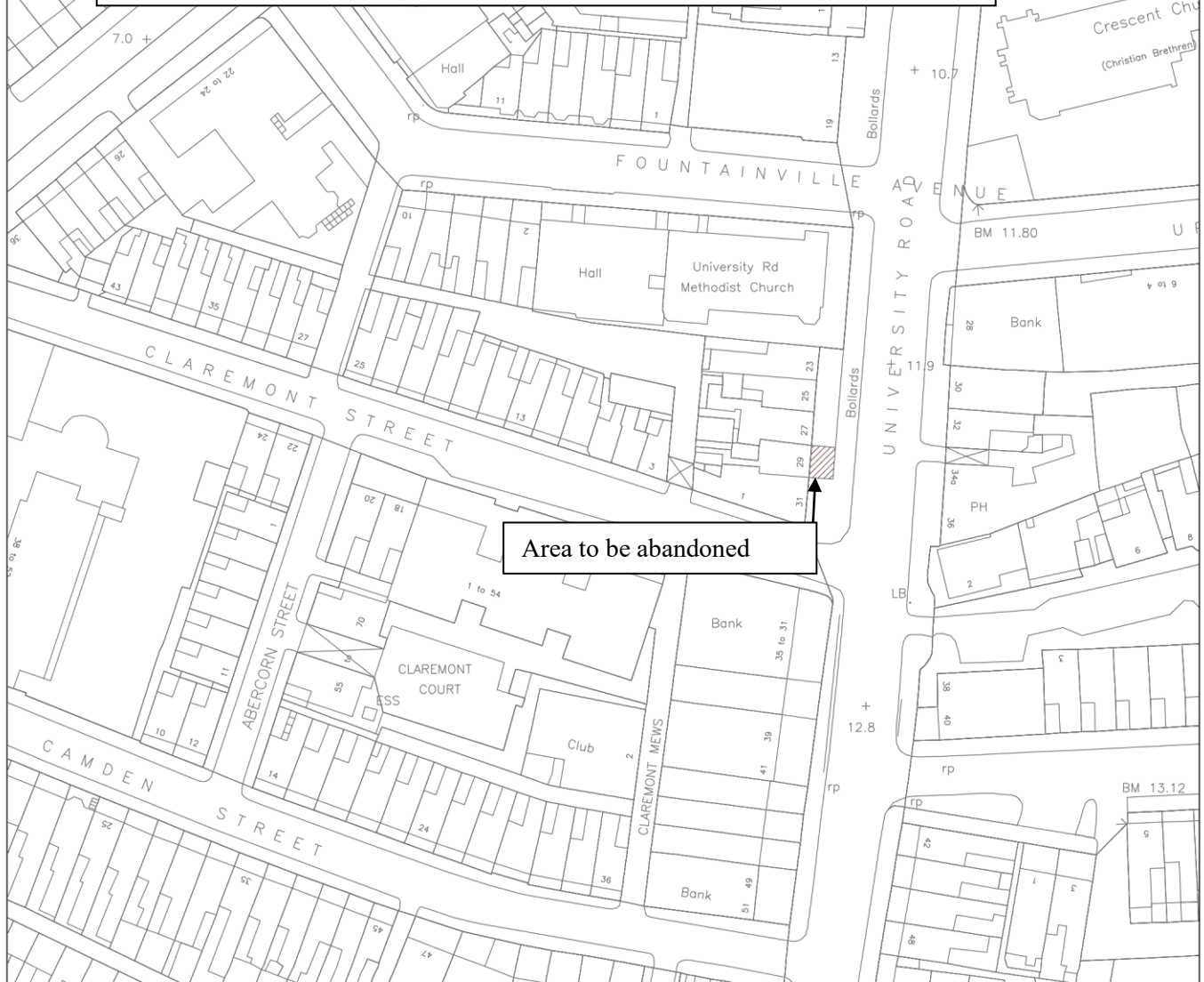
DEPARTMENT FOR INFRASTRUCTURE

Map No. IN1/22/388586 referred to in "The University Road, Belfast (Footway) (Abandonment) Order (Northern Ireland) 2023" made by the Department for Infrastructure on 4th October 2023 and coming into operation on 16th November 2023.

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

Crown copyright

SCALE 1:1250



REV	DESCRIPTION	DRAWN / CHECKED BY	DATE

COOKSTOWN
3a Killicolp Road
Cookstown, BT80 9AD
Northern Ireland
+44 (0)28 8676 5228
info@wearearcan.com

BELFAST
172 Tates Avenue
Belfast, BT12 6ND
Northern Ireland
+44 (0)28 9590 1400
info@wearearcan.com

JOB TITLE

25-29 UNIVERSITY ROAD

JOB

3708

DRAWING TITLE

PROPOSED ABANDONMENT PLAN

DRAWING

PL-100

SCALE

1:1250 @ A4

DRAWN BY

KT

CHECKED BY

JA

DATE

24/09/2020

© Copyright in the drawing remains property of ARCAN Ltd unless otherwise agreed. Dimensions to be checked and any discrepancies referred to ARCAN architect or engineer. Large scale drawings take precedence over small scale drawings.

ARCEN

This page is intentionally left blank



Department for
Infrastructure

An Roinn

Bonneagair

Department for

Infrastructure

www.infrastructure-ni.gov.uk

Network Traffic, Street Lighting and
Transportation

Eastern Division

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

Annex 7

Castle Buildings

Stormont Estate

Tel: 0300 200 7899

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

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

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:
Our reference: MT

Date: 17 October 2023

Dear Mr Walsh

PROVISION OF AN ACCESSIBLE/ BLUE BADGE PARKING BAY AT 18 HEATH LODGE AVENUE, BELFAST

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

We would welcome your comments on this proposal.

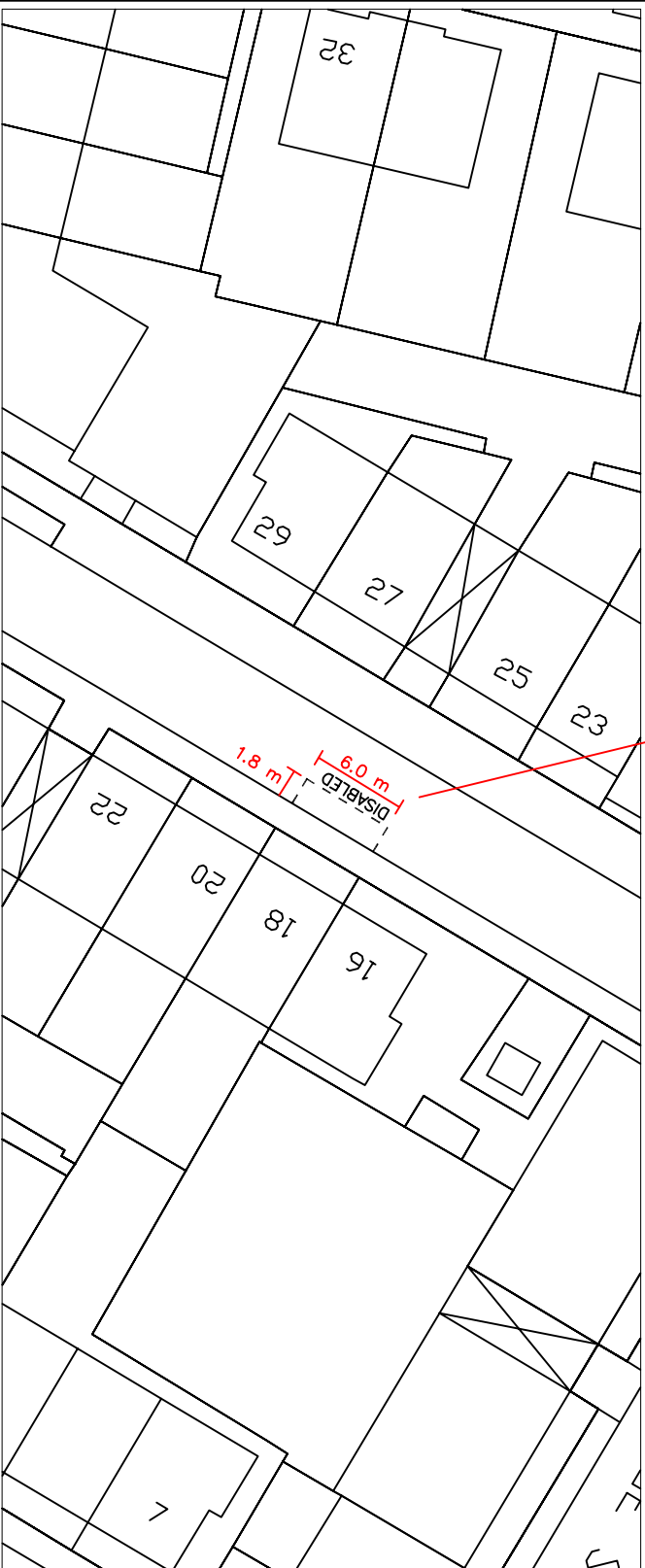
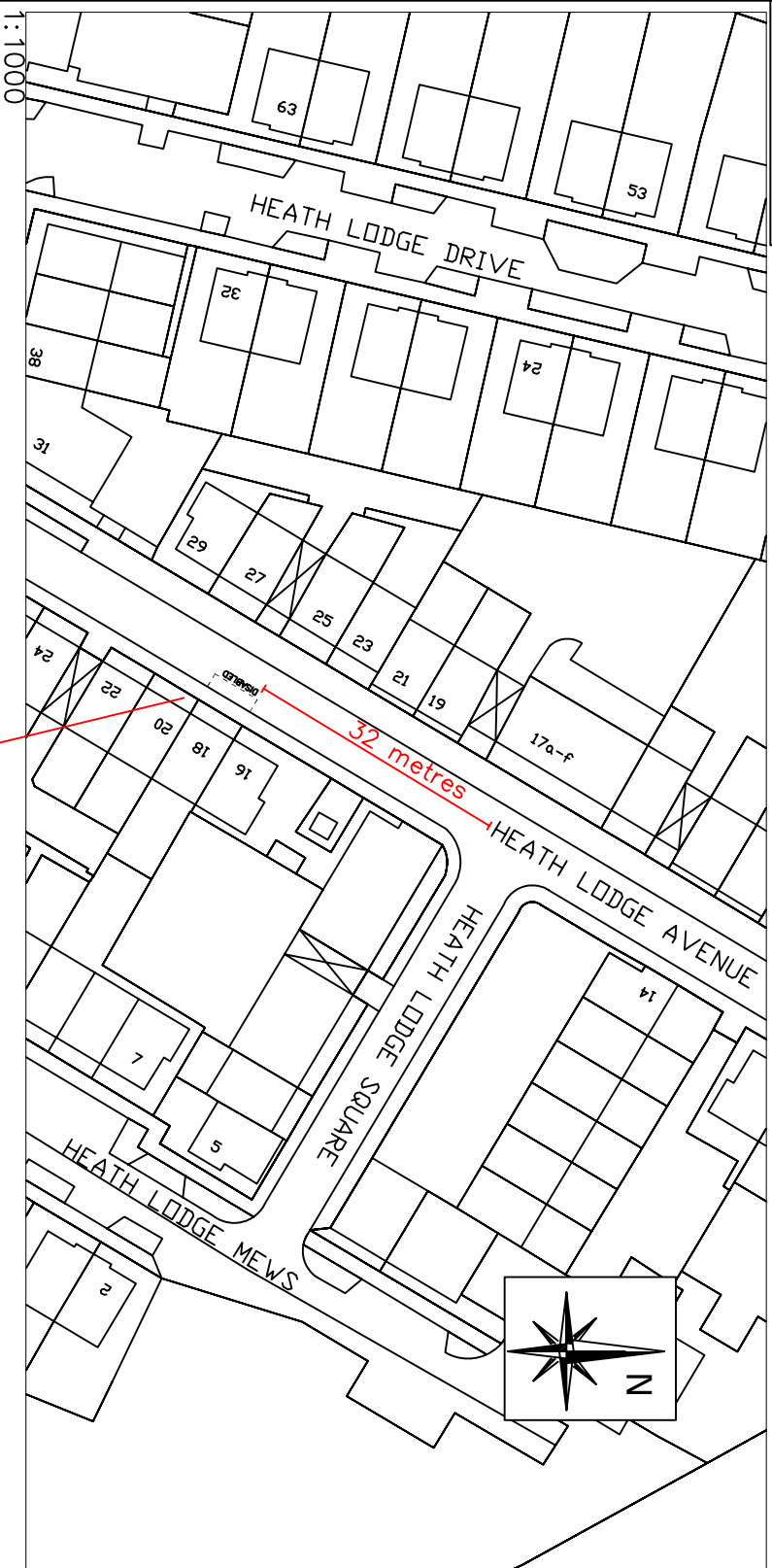
Yours sincerely

PP Ling Gillespie
Graham Campbell
Traffic Manager

ENC

This page is intentionally left blank

Heath Lodge Avenue, Belfast (south-east side)—for a distance of 32 metres south-west of its junction with Heath Lodge Square, for a distance of 6 metres in a south-westerly direction.



NO.

REVISION

DATE

Based upon the Ordnance Survey of Northern Ireland 1:1000 Scale Map with the Permission of the Director and Chief Executive
© Crown Copyright
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

Project
18 HEATH LODGE AVENUE
BELFAST

Title
PROPOSED ACCESSIBLE/
DISABLED PARKING BAY

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

Dwg. No.
TM2/BEL/OCT/23/56/A

Scale
AS SHOWN

Eastern Division
Annex 7
Castle Buildings
Stormont Estate
Belfast
BT4 3SQ
Telephone: 0300 200 7893
Textphone: 028 90540022

This page is intentionally left blank



Department for
Infrastructure

An Roinn

Bonneagair

Department for

Infrastructure

www.infrastructure-ni.gov.uk

Network Traffic, Street Lighting and
Transportation

Eastern Division

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

Annex 7

Castle Buildings

Stormont Estate

Tel: 0300 200 7899

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

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

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:
Our reference: MT

Date: 16 October 2023

Dear Mr Walsh

PROVISION OF AN ACCESSIBLE/ BLUE BADGE PARKING BAY AT 60 NEVIS AVENUE, BELFAST

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

We would welcome your comments on this proposal.

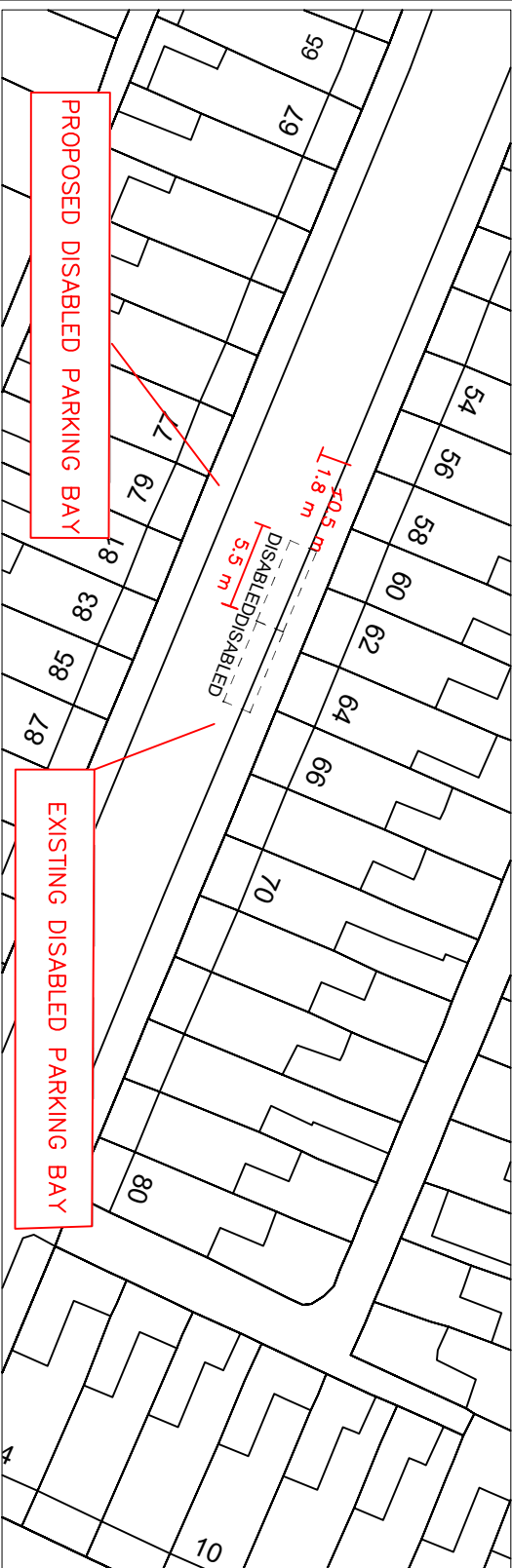
Yours sincerely

PP Ling Gillespie
Graham Campbell
Traffic Manager

ENC

This page is intentionally left blank

Nevis Avenue, Belfast (north-east side)—from a point 60.5 metres north-west of its junction with Irwin Avenue, for a distance of 5.5 metres in a north-westerly direction.



NO.	REVISION	DATE
-----	----------	------

Based upon the Ordnance Survey of Northern Ireland 1:1000 Scale Map with the Permission of the Director and Chief Executive
© Crown Copyright
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

Project 60 NEVIS AVENUE BELFAST 17

Title PROPOSED ACCESSIBLE DISABLED PARKING BAY

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

TM2/BEL/OCT/23/55/A

Scales AS SHOWN

Eastern Division
Annex 7
Castle Buildings
Stormont Estate
Belfast
BT4 3SQ
Telephone: 0300 200 7893
Textphone: 028 90540022

This page is intentionally left blank



Department for
Infrastructure

An Roinn

Bonneagair

Department for

Infrastructure

www.infrastructure-ni.gov.uk

Network Traffic, Street Lighting and
Transportation

Eastern Division

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

Annex 7

Castle Buildings

Stormont Estate

Tel: 0300 200 7899

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

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

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:
Our reference: MT

Date: 31 October 2023

Dear Mr Walsh

PROVISION OF AN ACCESSIBLE/ BLUE BADGE PARKING BAY AT 63 MOUNT VERNON PARK, BELFAST

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

We would welcome your comments on this proposal.

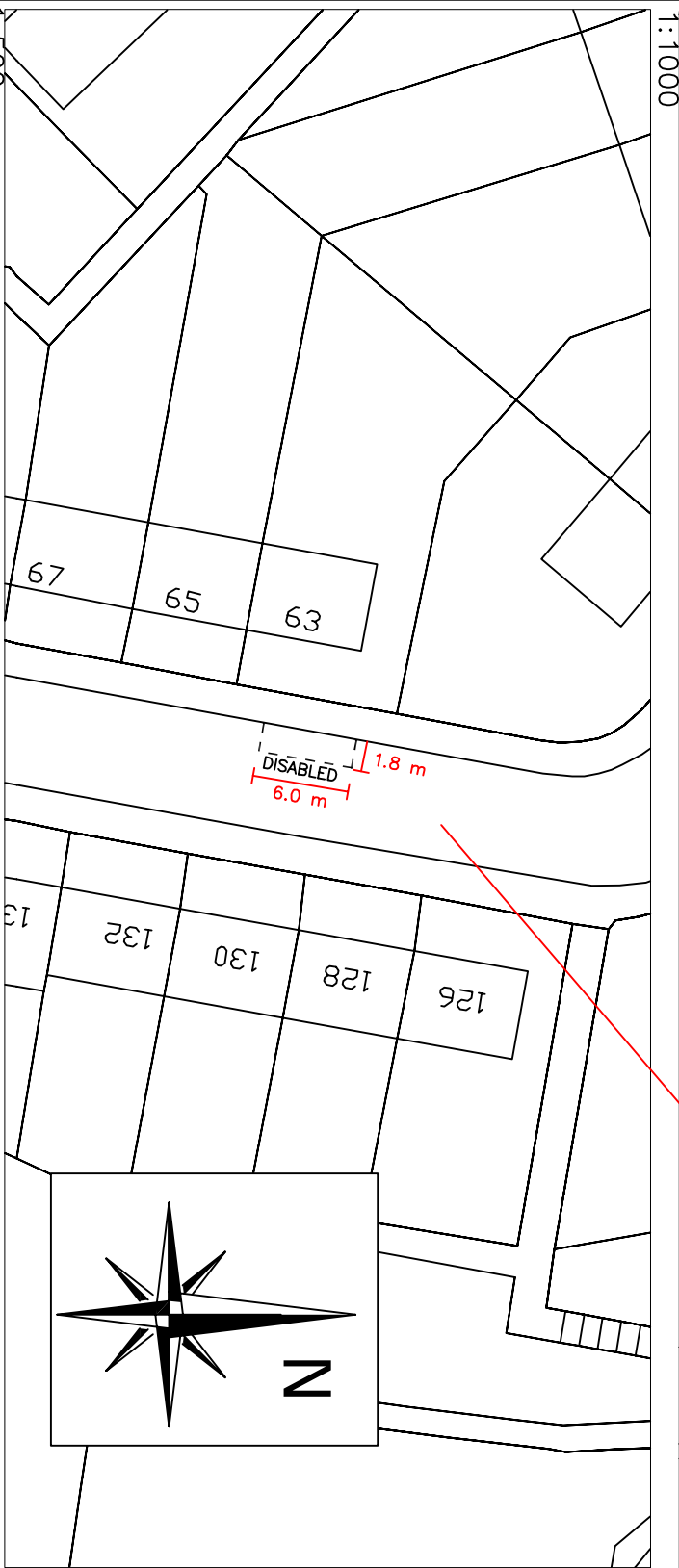
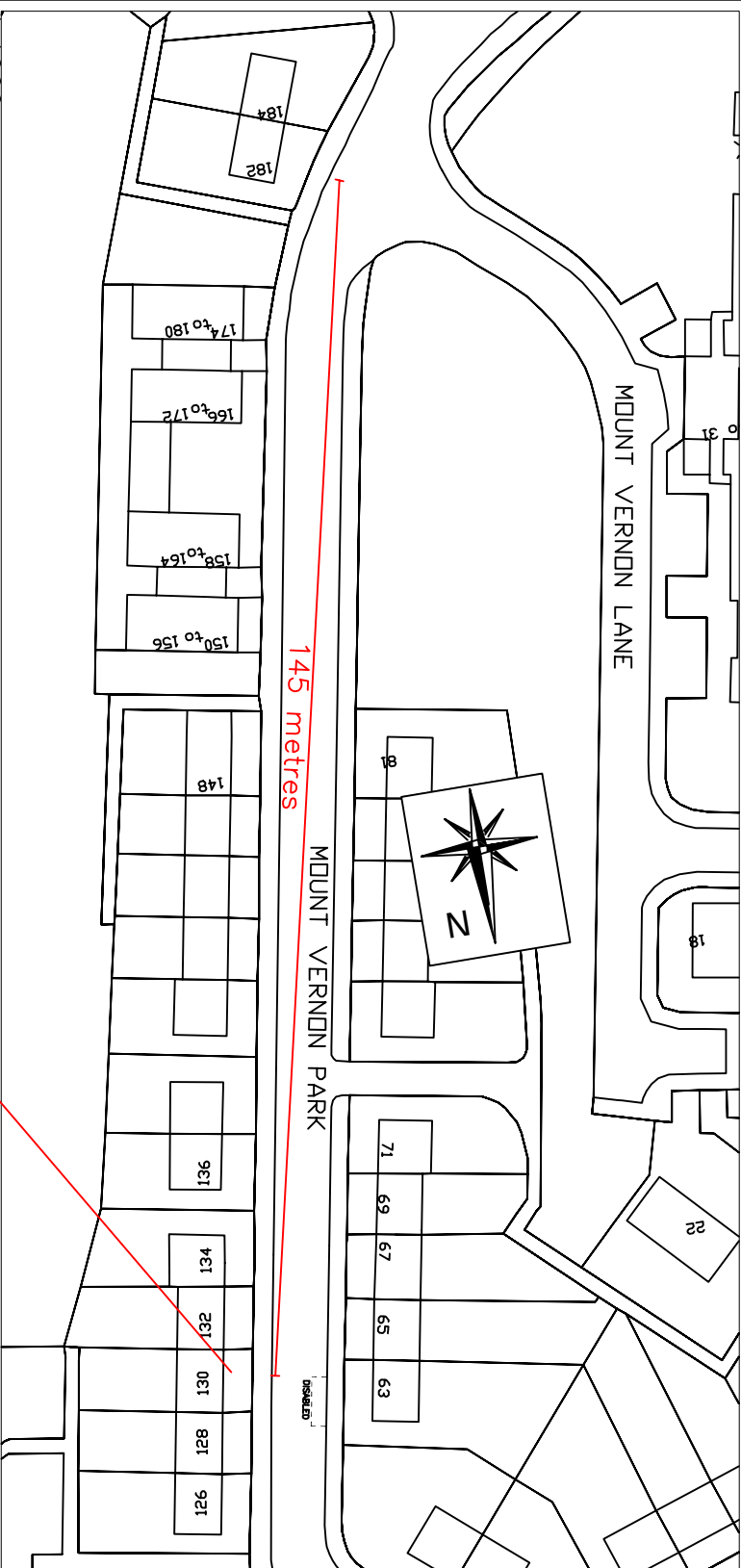
Yours sincerely

PP Ling Gillespie
Graham Campbell
Traffic Manager

ENC

This page is intentionally left blank

Mount Vernon Park, Belfast (north-west side)—for a distance of 145 metres south-west of its junction with Mount Vernon Lane, for a distance of 6 metres in a south-westerly direction.



No.

REVISION

DATE

Based upon the Ordnance Survey of Northern Ireland 1:1000 Scale Map with the Permission of the Director and Chief Executive
© Crown Copyright
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

Project
63 MOUNT VERNON PARK
BELFAST

Title
PROPOSED ACCESSIBLE/
DISABLED PARKING BAY

FILE NO. DESIGNED AO'H date OCT'23

DRAWN CHECKED date

TRACED APPROVED date

Dwg. No. Revision

TM2/BEL/OCT/23/53/A

Scales
AS SHOWN

Eastern Division

Annex 7
Castle Buildings
Stormont Estate
Belfast
BT4 3SQ

Telephone: 0300 200 7893
Textphone: 028 90540022

This page is intentionally left blank



Department for
Infrastructure

An Roinn

Bonneagair

Department for

Infrastructure

www.infrastructure-ni.gov.uk

Network Traffic, Street Lighting and
Transportation

Eastern Division

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

Annexe 7

Castle Buildings

Stormont Estate

Tel: 0300 200 7899

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

Being Dealt With By: Mr Alfie O'Hare

Direct Line: 02890526241

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:

Our reference: MT 161977-23

Date: 1 November 2023

Dear Mr Walsh

**PROVISION OF AN ACCESSIBLE/DISABLED PARKING BAY AT APARTMENT
2.3, 100 CLIFTONVILLE ROAD, BELFAST**

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

We would welcome your comments on this proposal.

Yours sincerely

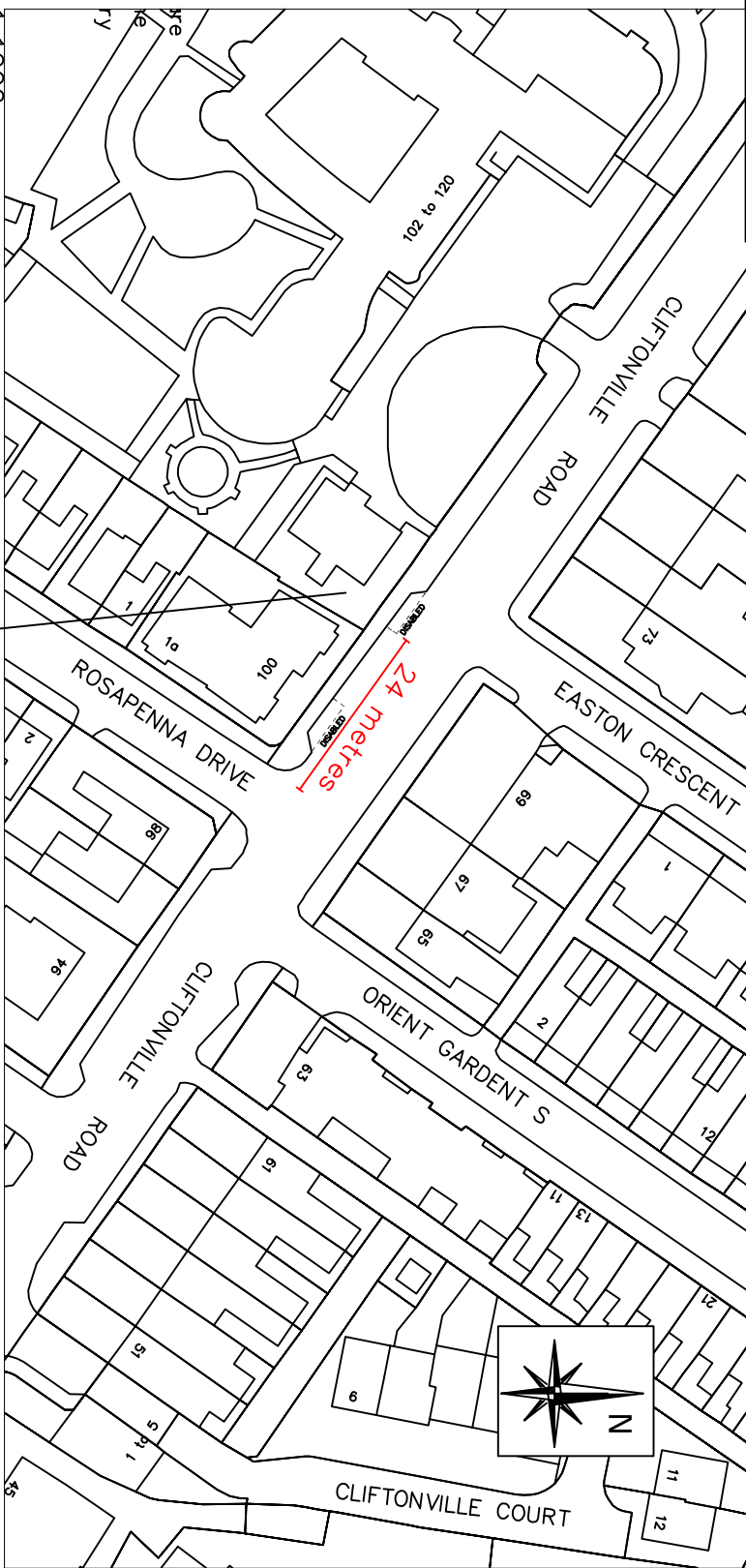
PP Alfie O'Hare

Noel Grimes
Traffic Manager

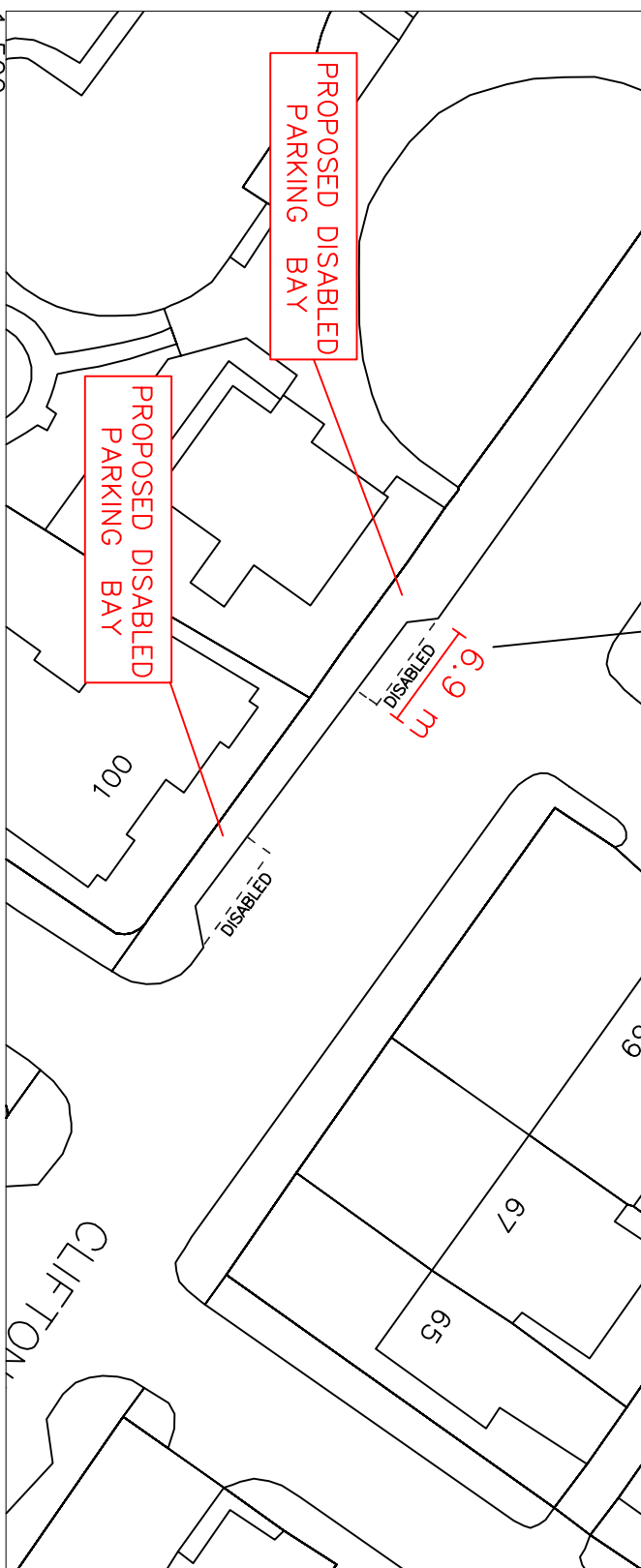
ENC

This page is intentionally left blank

Cliftonville Road, Belfast (south-west side) – from a point 24 metres north-west of its junction with Rosapenna Drive, for a distance of 6.9 metres in a north-westerly direction.



1:1000



1:500

NO.	REVISION	DATE
-----	----------	------

Based upon the Ordnance Survey of Northern Ireland 1:1000 Scale Map with the Permission of the Director and Chief Executive
© Crown Copyright
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

Project
APT 2-3 100 CLIFTONVILLE ROAD
BELFAST

Title
PROPOSED ACCESSIBLE
DISABLED PARKING BAY

FILE NO.	DESIGNED	AO'H	date NOV/23
DRAWN	CHECKED		date
TRACED	APPROVED		date
Dwg. No.			Revision

TM2/BEL/NOV/23/58/A

Scales

Eastern Division
Annex 7
Castle Buildings
Stormont Estate
Belfast
BT4 3SQ
Telephone: 0300 200 7893
Textphone: 028 90540022



This page is intentionally left blank

PLANNING COMMITTEE – 14 NOVEMBER 2023

APPEALS NOTIFIED

COUNCIL: BELFAST

No new planning appeals received

APPEAL DECISIONS NOTIFIED

14 NOVEMBER 2023

ITEM NO	1	PAC REF:	2022/A0009 and 2022/A0010
PLANNING REF:	LA04/2020/0844/F and LA04/2020/0840/LBC		
RESULT OF APPEAL:	WITHDRAWN		
APPLICANT:	Xafinity Pension Trustees Ltd		
LOCATION:	Vacant warehouse at Rathbone Street and former St Malachy's School at Sussex Place, Belfast, BT12 8LN		
PROPOSAL:	Demolition of existing boundary wall; conversion of former schoolhouse to café and office space with new first floor mezzanine; and conversion of former warehouse and erection of extension to provide 8 No apartments with associated cycle parking and bin storage area		
ITEM NO	2	PAC REF:	2022/A0157
PLANNING REF:	LA04/2021/2519/F		
RESULT OF APPEAL:	ALLOWED		
APPLICANT:	Fratelli Ormeau Road Ltd		
LOCATION:	Lands at Nos 348-350 Ormeau Road, Belfast, BT7 2FZ		
PROPOSAL:	Variation of condition No 11 of planning approval LA04/2018/0059/F (Variation of restricted opening hours from 11pm to 01:00am)		

This page is intentionally left blank

Planning decisions issued October 2023 - No. 228

<u>Application number</u>	<u>Category</u>	<u>Location</u>	<u>Proposal</u>	<u>Decision</u>
LA04/2021/0119/F	LOC	Cyprus Avenue Restaurant Service 228-234 Upper Newtownards Road Belfast BT4 3ET.	A retrospective application for mechanical extract flues on the kitchen flat roof, 2No. windows on the rear kitchen elevation and mechanical extract vent on the rear kitchen elevation.	Permission Granted
LA04/2021/1312/F	LOC	1A Parkgate Avenue Belfast BT4 1JA	Retrospective: Change of Use from Class B1 Business to Class D2 Dance School	Permission Granted
LA04/2021/1570/F	LOC	West of 65-65A Dock Street Belfast BT15 1FL.	Retrospective out-door beer garden with covered seating area and dispense bar.	Permission Granted
LA04/2021/2343/F	LOC	126 Duncairn Gardens Belfast BT15 2GL	Proposed erection of new 1no. three storey terrace dwelling.	Permission Granted
LA04/2021/2709/RM	LOC	Land adjacent to 23 Upton Cottages Belfast BT11.	Proposed new dwelling	Permission Granted
LA04/2021/2805/F	LOC	3 Geneva Gardens Belfast BT9 5FY	Demolition of detached garage and kitchen return to facilitate two storey side and rear extension	Permission Granted
LA04/2022/0068/F	LOC	5 Prince Regent Road Belfast BT5 6QR	Erection of a new storage/distribution unit with mezzanine	Permission Granted

LA04/2022/0129/F	MAJ	Lands north of 14 Mill Race and 15 Belfield Heights and south of 2-15 St Gerards Manor Ballymurphy Belfast Co. Antrim.	Proposed social housing residential development comprising 122 residential dwellings, pedestrian and cycle ways, public open space, children's play area, landscaping (including 8 metre landscaped buffer to western boundary), boundary treatments, parking, access (provision of a right turn lane) and ancillary site works.	Permission Granted
LA04/2022/0365/F	LOC	34 Malone Park Belfast BT9 6NJ	Renovations to dwelling with two storey rear extension with first floor terrace. Single storey rear/ side extension with covered patio area. Proposed dormer window to rear. New entrance gates and pillars, landscaping and associated site works.	Permission Granted
LA04/2022/0685/F	LOC	91 Cliftonville Road Belfast BT14 6JQ.	Erection of single storey garage and store to rear.	Permission Granted
LA04/2022/0723/DC	LOC	Former Park Avenue Hotel 158 Holywood Road Belfast BT4 1PB.	Discharge of condition 5 LA04/2021/0493/F relating to samples of materials	Condition Discharged
LA04/2022/0737/F	LOC	171 Shankill Road Belfast BT13 1FP	Change of use from vacant retail unit to hot food take away and sit in restaurant (retrospective)	Permission Granted
LA04/2022/0799/A	LOC	1A Lockview Road Stranmillis Belfast BT9 5FH.	Projecting signage, combinations of halo LED backlit signage (front elevation) & extruded text signage on side elevation.	Consent Granted

LA04/2022/0869/F	LOC	17 Brunswick Street Belfast BT2 7GE	Installation of retractable awning and glass enclosure	Permission Granted
LA04/2022/1178/F	LOC	52 Malone Park Belfast BT9 6NN.	Modifications to existing gate posts with new gates; repairs to existing windows and modification/ increase to roof to rear return with roof light, installation of solar panels to dwelling and coach house roofs.	Permission Granted
LA04/2022/1244/F	LOC	697-699 Lisburn Road Belfast BT9 7GU	Retractable awning over seating area and Retractable windbreakers (Retrospective) (Amended Proposal Description)	Permission Granted
LA04/2022/1403/F	LOC	35 Donegall Street and 37 Donegall Street/7 Donegall Street Place Belfast BT1 2FN.	Alterations, extension and amalgamation of existing buildings, and change of use from offices and surface level car park to 20 Bed hotel with bar/restaurant and associated outdoor seating area.	Permission Granted
LA04/2022/1404/DCA	LOC	35 Donegall Street and 37 Donegall Street/7 Donegall Street Place Belfast BT1 2FN.	Partial demolition of various external and internal walls to facilitate change of use from offices to hotel with bar/restaurant and associated outdoor seating area.	Consent Granted
LA04/2022/1496/F	LOC	Ground Floor 33 35& 37 Stranmillis Road Belfast BT9 5AF.	Change of use from offices to dental & skincare clinic. Ground floor only. No alterations to the elevations.	Permission Granted
LA04/2022/1514/LDE	LOC	33 Brookvale Avenue Belfast BT14 6BW.	House in multiple occupancy (HMO).	Permitted Development

LA04/2022/1518/F	LOC	50m South West of 134 Barnfield Road Lisburn BT28 3TQ.	Alterations to existing access including increased visibility splays.	Permission Granted
LA04/2022/1694/F	LOC	No's 5 and 9-13 Waring Street Belfast BT1 2DX	Change of use from museum and vacant office building to 120 bedroom hotel including demolition of existing rear return and erection of 6 storey extension, and single storey roof top extension with ancillary bar/restaurant, covered roof top terrace and associated site works.	Permission Granted
LA04/2022/1695/LBC	LOC	No's 5 and 9-13 Waring Street Belfast BT1 2DX	Demolition of rear return to existing building; internal demolitions; external alterations to facade; and erection of 6 storey extension and covered roof terrace	Consent Granted
LA04/2022/2040/F	LOC	The Catholic Chaplaincy 28-38 Elmwood Avenue Belfast BT9 6AY.	Refurbishment and extension of existing Chaplaincy including change of use of upper floors to provide 41 no. studios for use as student accommodation, refurbishment and reconfiguration of ground floor layout, external landscaping, elevational changes and other associated works.	Permission Granted

LA04/2022/2098/F	LOC	Former Belvoir Park Hospital Hospital Road Belfast BT8 8JP	Retention and conversion of rear return of administration building and conversion of front part of administration building to provide 28 apartments in total, amendments to access, parking layout, communal and private amenity areas, landscaping and other ancillary works.	Permission Granted
LA04/2022/2099/LBC	LOC	Former Belvoir Park Hospital Hospital Road Belfast BT8 8JP	Retention and conversion or rear return of administration building and conversion of front part of administration building to provide 28 apartments in total, amendments to access, parking layout, communal and private amenity areas, landscaping and other ancillary works.	Consent Granted
LA04/2019/1795/LBC	LOC	Derelict lands at and to the rear of No's 34-36 The Mount Belfast BT5 4NA.	Restoration of original external features with a new rear projection to No.34 The Mount and internal partitioning walls within both buildings to facilitate use for 12no. apartments.	Consent Granted
LA04/2021/1936/DC	LOC	Lands West of Monagh By-Pass South of Upper Springfield Road & 30-34 Upper Springfield Road & West of Aitnamona Crescent & St Theresa's Primary School. North and East of 2-22 Old Brewery Lane Glenaulin 137-143a Glen Road & Airfield Heights & St Mary's CBG School Belfast	Discharge of condition no45 of planning approval LA04/2020/0804/F	Condition Discharged

LA04/2021/2382/F	LOC	Lands at Harberton Park Avenue Harberton Crescent Harberton Lane and Harberton Green Belfast	Variation of conditions 11 (boundary treatments) and 14 (hard and soft landscaping works) of planning approval LA04/2016/0200/F to change boundary treatment type C(post and wire fence) to boundary type G (timber fence).	Permission Granted
LA04/2021/2729/F	LOC	All Saints College Glen Road Belfast BT11 8BW	Single level car park on existing gravel pitch.	Permission Granted
LA04/2021/2772/F	MAJ	Clarendon Playing Fields, 29 Somerdale Park, Belfast BT14 7HD.	Upgrading of sports facilities to include construction of new clubhouse changing room block, new floodlighting, fencing and ball stops, 2 no spectator grandstands (206 persons per stand), 3G goalkeeper training area, dug-outs, turnstiles, associated maintenance infrastructure, landscaping, and parking facilities (revised description and additional info).	Permission Granted
LA04/2022/0249/F	LOC	Ground floor unit 27-29 Gordon Street Belfast BT1 2LG	Proposed change of use from commercial space to hot food take away / sit in cafe (sui generis) (Amended Description)	Permission Granted
LA04/2022/0368/DCA	LOC	34 Malone Park Belfast BT9 6NJ.	Demolition of existing rear two storey and single storey block and partial demolition of walls to facilitate new openings. Internal demolition.	Consent Granted

LA04/2022/0589/F	LOC	Lands off Stoney Road 20 Stoney Road Belfast BT16 1UP.	The proposed upgrade works consist of the replacement of the existing 17.50m lattice tower with a 30m lattice tower, inclusive of a new headframe supporting 18 no antenna, internal works to the existing cabin with ancillary development thereto (amended plan)	Permission Granted
LA04/2022/0741/F	LOC	24 Beechmount Avenue Belfast BT12 7NA	Proposed change of use to a Barbers Shop at ground floor with kitchen and WC. First and second floor to be used as a 3 bedroom private apartment.	Permission Refused
LA04/2022/0798/F	LOC	1A Lockview Road Stranmillis Belfast BT9 5FH.	Proposed single storey rear extension to provide additional surgery room. Alterations to front facade.	Permission Granted
LA04/2022/0947/A	LOC	24 Beechmount Avenue Belfast BT12 7NA	Proposed shop sign to front elevation above new front door of shop	Consent Refused
LA04/2022/1027/F	LOC	Lands approx. 84m south west and 80m west of No. 35 Hampton Park, Belfast, BT7 3JP	Erection of 5 dwellings (Revision of layout of Sites 2-5 from previous approval Z/2007/1401/F including 1 additional dwelling), garages, landscaping and all other associated site works (Retrospective) (Amended Description)	Permission Granted
LA04/2022/1348/F	LOC	28A Osborne Drive Belfast BT9 6LH	Retrospective application for change of use from domestic garage to enclosed cold storage facility with associated condenser unit at roof level.	Permission Refused

LA04/2022/1621/DCA	LOC	52 Malone Park Belfast BT9 6NN.	Part demolition of existing roof of two storey rear return to facilitate roof lantern.	Consent Granted
LA04/2022/1638/LBC	LOC	No.s 1 to 5 Southview Cottages Stranmillis Embankment Belfast BT7 1QH	Full roof replacement works. Replacement window and external doors.	Consent Granted
LA04/2022/1934/F	LOC	49-51 University Road Belfast BT7 1ND	Proposed change of use to ground floor of former bank building to hot food cafe and associated external terrace space.	Permission Granted
LA04/2023/2291/F	LOC	Land approx 10m West of 176 BELVOIR DRIVE BALLYNAVALLY BELFAST DOWN BT8 7PJ	Proposed upgrade of existing Bus Shelter	Permission Granted
LA04/2023/2310/F	LOC	423 BALLYSILLAN ROAD OLD PARK BELFAST ANTRIM BT14 6RE	Proposed 17.5m telecommunications column, with 6No. antennae, 3No. radio units and 2No. radio dishes. Proposal includes the provision of 1No. new equipment cabinet and ancillary development.	Permission Granted
LA04/2023/2471/F	LOC	6 CASTLEORR MANOR KILLEEN (HOLYWOOD) BELFAST DOWN BT4 3QJ	Two storey side extension	Permission Granted

LA04/2023/2472/F	LOC	ST MATTHEWS CHURCH HALL SEAFORDE STREET BALLYMACARRET BELFAST DOWN BT5 4EW	Demolition of existing community hall to facilitate erection of proposed parochial house with associated landscaping and site works.	Permission Granted
LA04/2023/2468/LBC	LOC	ST MATTHEWS CHURCH HALL SEAFORDE STREET BALLYMACARRET BELFAST DOWN BT5 4EW	Demolition of existing community hall to facilitate erection of proposed parochial house with associated landscaping and site works.	Consent Granted
LA04/2022/2255/F	LOC	32 Bladon Drive Belfast BT9 5JN	Roof Space Conversion with associated front and rear dormers and single storey side extension. (Amended Proposal Description)	Permission Granted
LA04/2022/2258/F	LOC	GREAT VICTORIA STREET BAPTIST 1 HOPE STREET MALONE LOWER BELFAST ANTRIM BT12 5EE	Church with associated car park	Permission Granted
LA04/2023/2410/A	LOC	CARROLL HOUSE 463 ORMEAU ROAD BALLYNAFOY BELFAST DOWN BT7 3GR	Retrospective: Erection of 1 illuminated shop sign with strip LED lighting.	Consent Granted
LA04/2023/2450/F	LOC	Lidl, 176-202 Shore Road, Belfast, BT15 3QA	Retention of revised parking layout, retaining wall design and landscaping at supermarket permitted under LA04/2021/0165/F.	Permission Granted

LA04/2023/2569/CLEUD	LOC	32 STRANMILLIS STREET MALONE LOWER BELFAST ANTRIM BT9 5FE	The use of this property as an HMO began more than five years ago.	Permitted Development
LA04/2023/2579/F	LOC	32 LOCKSLEY PARK BALLYFINAGHY BELFAST ANTRIM BT10 0AR	Proposed new two storey side and rear living, dining and bedroom extension including part single storey rear kitchen extension.	Permission Granted
LA04/2023/2521/F	LOC	43 & 45 MALONE ROAD MALONE LOWER BELFAST ANTRIM BT9 6RX	Proposal to block up 2 no windows to rear of existing unit. No floorspace created.	Permission Granted
LA04/2023/2524/LBC	LOC	43 & 45 MALONE ROAD MALONE LOWER BELFAST ANTRIM BT9 6RX	To block up 2 no windows. No floorspace created	Consent Granted
LA04/2023/2654/F	LOC	29a Fortwilliam Park, Belfast, BT15 4AP	Provision of lift and internal reconfiguration to include for new unisex toilets	Permission Granted

LA04/2023/2685/F	LOC	Former NI Housing Executive Offices 10-16 Hill Street, Belfast, BT1 2LA	Change of use of the existing Office building to provide a 20No. bedroom Boutique Hotel, with associated ground floor restaurant and bar, back of house accommodation and servicing; alterations and refurbishment of the existing building facades; Part-demolition and extension at Ground floor to rear; Erection of fire escape corridor to southern side of rear return; Part-demolition and inclusion of glazed façade and external canopy to southern courtyard; Demolition of pyramid roof to rear return and replacement with a flat roof, with extension of rear stairwell to access roof from first floor; and all associated site works.	Permission Granted
LA04/2023/2656/DCA	LOC	Former NI Housing Executive Offices 10-16 Hill Street, Belfast, BT1 2LA	alterations and refurbishment of the existing building envelope, to include Hill Street façade (eastern), rear façade (western), and southern and northern façades of the rear return (to courtyards); Part-demolition at Ground floor to rear (northern façade of rear return); Part-demolition and inclusion of glazed façade and external canopy to southern courtyard; Demolition of pyramid roof to rear return and all associated site works.	Consent Granted

LA04/2023/2693/F	LOC	25 GILNAHIRK PARK TULLYCARNET BELFAST DOWN BT5 7DX	Proposed roofspace conversion including an roof extension and rear dormer. Rooflights to front and side. (amended plans)	Permission Granted
LA04/2023/2734/F	LOC	1 Corn Market, Belfast, BT1 4DA	New elevations treatments and minor internal alterations	Permission Granted
LA04/2023/2719/A	LOC	32-38 Lyndon Court, Queen Street, Belfast, BT1 6EF	2 High-level Projecting sign	Consent Refused
LA04/2023/2773/F	LOC	Lands on the east and west banks for the River Lagan, Belfast	The erection of 6No sculptural metal beacons, bicycle stands, wayfinding signage and localised areas of feature paving, pathway extension and resurfacing at the Maritime Mile, Belfast.	Permission Granted
LA04/2023/2838/F	LOC	8 Locksley Park, Belfast, BT10 0AR	Proposed single storey extension (renewal of LA04/2018/0548/F)	Permission Granted
LA04/2023/2776/F	LOC	72 MARLBOROUGH PARK CENTRAL MALONE LOWER BELFAST ANTRIM BT9 6HN	Demolition of existing single storey rear return, garage, retaining walls and boundary walls, and erection of new single storey living/kitchen/dining extension to side and rear of dwelling, widening of existing vehicular access from main road and associated retaining/boundary walls, siteworks and landscaping	Permission Granted
LA04/2023/2766/DCA	LOC	72 Marlborough Park Central, Belfast, BT9 6HN	Demolition of existing single storey rear return, garage, retaining walls and front boundary wall	Consent Granted
LA04/2023/2820/F	LOC	Royal Victoria Hospital, Grosvenor Road, Belfast, BT12 6BA	Revision to substation layout previously approved under LA04/2021/1492/F (Amended Description)	Permission Granted

LA04/2023/2789/DCA	LOC	1 Corn Market, Belfast, BT1 4DA	Demolition of front façade, flat roof to rear and existing aluminium glazing and cladding on the rear elevation.	Consent Granted
LA04/2023/2845/A	LOC	Various locations on the Belfast Maritime Mile	6 Hoarding	Consent Granted
LA04/2023/2851/F	LOC	36 LINDEN GARDENS TOWN PARKS BELFAST ANTRIM BT14 6DD	Single storey extension to rear of existing house and ramp to front for accessibility	Permission Granted
LA04/2023/2843/F	LOC	29 EASTLEIGH DRIVE STRANDTOWN BELFAST DOWN BT4 3DX	2 storey side and rear extension to existing dwelling	Permission Granted
LA04/2023/2888/F	LOC	Belfast Bowling, 115 Milltown Road, Belfast, BT8 7XP	The removal of an existing 13m telecommunication tower and installation of a replacement 25m Lattice mast with associated compound. The replacement tower will include the relocation of 12no. antenna on to 1no. new ring frame and to headframe which will be attached to 1no. proposed 25m tower, the erection of the perimeter fence and ancillary development thereto.	Permission Granted
LA04/2023/2902/F	LOC	95 Stockmans Lane, Belfast, BT9 7JD	Increase in height to existing ground floor extension and proposed first floor extension to rear of dwelling and associated works.	Permission Granted

LA04/2023/2895/DC	LOC	57-59 & 61-63 Dublin Road, Belfast, BT2 7HE	Discharge of condition 20 of planning approval LA04/2020/0761/F - Final Drainage Assessment submitted	Condition Partially Discharged
LA04/2023/2911/F	LOC	228-234 Upper Newtownards Road, Belfast, BT4 3ET	THE ERECTION OF A RETRACTABLE AWNING AND MARQUEE AWNING FOR AN EXISTING OUTDOOR EATING AND DRINKING AREA TO THE FRONT OF THE RESTAURANT.	Permission Granted
LA04/2023/2940/F	LOC	2A Trinity Lodge Monagh Grove, Belfast, BT11 8EJ	Retrospective renovation of existing licensed function hall into a Public Bar & Lounge, including elevational changes	Permission Granted
LA04/2023/2951/F	LOC	Galwally Lodge, 4 Saintfield Road, Belfast, BT8 6AA	Change of use and conversion of Galwally Lodge to provide veterinary practice, external refuse storage area, car and cycle parking and other ancillary works.	Permission Granted
LA04/2023/2931/LBC	LOC	Galwally Lodge, 4 Saintfield Road, Belfast, BT8 6AA	Change of use and conversion of Galwally Lodge to provide veterinary practice, external refuse storage area, car and cycle parking and other ancillary works.	Consent Granted
LA04/2023/2954/A	LOC	220-230 Holywood Road, Belfast, BT4 1PD	7 No. Shop signs	Consent Granted
LA04/2023/2962/F	LOC	9 GRAYMOUNT GROVE GREEN CASTLE NEWTOWNABBEY ANTRIM BT36 7DX	SINGLE STORY REAR EXTENSION	Permission Granted
LA04/2023/3021/F	LOC	18 Hawthorn Glen, Hannahstown, Belfast, BT17 0NU	Proposed single storey extension to rear of dwelling. Extension to first floor bedroom. Associated loft conversion facilitating 2 no. Bedrooms	Permission Granted

LA04/2023/3034/NMC	LOC	150 Knock Road, Belfast, BT5 6QD	<p>Non Material Changes to LA04/2021/2144/F to include; Changes to the locations of external bin stores with amendments to parking spaces. Relocation of external cycle stands. Amendments to boundary and internal fences. Switch Room sizes amended and associated works.</p> <p>Flat roof entrance canopy extended. Original dark grey render panels now dark grey brick panels.</p>	Non Material Change Granted
LA04/2023/3056/F	LOC	614 Upper Newtownards Road, Belfast, BT4 3HG	Demolition of existing detached domestic garage and re-building new detached domestic garage with 1st floor Games Room and covered patio.	Permission Granted
LA04/2023/3059/LBC	LOC	BROADCASTING HOUSE 25 ORMEAU AVENUE TOWN PARKS BELFAST ANTRIM BT2 8HQ	Listed Building Consent for proposed internal alterations, installation of ventilation louvres to rear facade, mechanical ventilation air-handling plant, ductwork connections, associated access and maintenance area on the roof at BBC Broadcasting House	Consent Granted

LA04/2023/3097/F	LOC	25 Broadcasting House Ormeau Avenue, Belfast, BT2 8HQ	Planning application for the proposed installation of mechanical ventilation air-handling plant, ductwork connections and an associated access and maintenance area on roof of the existing BBC Broadcasting House and TV Block, and installation of ventilation louvres in the rear façade of Broadcasting House and front and rear facades of the Office Block.	Permission Granted
LA04/2023/3091/A	LOC	12 Donegall Place, Belfast, BN1 5LD	1 Shop sign, 1 Projecting sign	Consent Granted
LA04/2023/3099/DCA	LOC	29a Fortwilliam Park, Belfast, BT15 4AP	Part demolition of Existing External Wall	Consent Granted
LA04/2023/3105/F	LOC	129 Haypark Avenue, Belfast, BT7 3FG	Extension to dwelling to provide additional en-suite bedroom at ground floor.	Permission Granted
LA04/2023/3100/F	LOC	331 Belmont Road, Belfast, BT4 2NH	The removal of existing boundary hedge and replacement with wooden boundary fencing.	Permission Granted
LA04/2023/3132/F	LOC	10 ST JUDES CRESCENT BELFAST DOWN BT7 2GW	Proposed demolition of existing single storey rear return and construction new single storey flat roofed extension.	Permission Granted
LA04/2023/3120/F	LOC	30 Vancouver Drive, Belfast, BT15 5BY	Single storey rear and side extension, removal of garage and demolition of rear walls	Permission Granted
LA04/2023/3131/F	LOC	6 St Judes Crescent Belfast BT7 2GW	Single Storey Extension to Rear & First Floor Extension to side and rear of dwelling	Permission Granted

LA04/2023/3165/F	LOC	Public Footpath of Stewartstown Road Opposite no. 228A Stewartstown Road, Twinbrook, Belfast, BT17 0LB	Proposed Installation of a 20m high telecoms streetpole partially painted in dark green with integrated antenna and 2no. 600mm dishes plus dark green coloured ground based equipment cabinets and all other feeders and ancillary equipment.	Permission Granted
LA04/2023/3127/F	LOC	63 Locksley Park, Belfast, BT10 0AS	Single storey side rear extension with patio.	Permission Granted
LA04/2023/3146/F	LOC	6 BEECHMOUNT PARK BALLYFINAGHY BELFAST ANTRIM BT10 0GZ	Single storey rear extension	Permission Granted
LA04/2023/3360/F	LOC	The Open University 110 Victoria Street, Belfast, BT1 3GN	Installation of Photovoltaics and roof terrace awning	Permission Granted
LA04/2023/3203/LBC	LOC	110 The Open University 110 Victoria Street, Belfast, BT1 3GN	Installation of Photovoltaics and roof terrace awning	Consent Granted
LA04/2023/3245/F	LOC	429 Lisburn Road, Belfast, BT9 7EY	New shop front	Permission Granted
LA04/2023/3218/F	LOC	12 B Deramore Park, Belfast, BT9 5JT	Demolition of the front porch, addition of a two-storey front extension, internal reconfiguration, changing external brick to render.	Permission Granted

LA04/2023/3216/LBC	LOC	2-14 Little Donegall Street, Belfast, BT1 2JD	Amendment to previously approved application, LA04/2019/2757/LBC. Additional internal works including repositioning WC blocks away from perimeter walls & windows, replacement of some existing windows at high level with automated glazed louvers to provide sufficient ventilation to the interior in compliance with building regulations and additional floor area occupied.	Consent Granted
LA04/2023/3207/F	LOC	426 Falls Road, Belfast, BT12 6EN	Change of use from office to dwelling house	Permission Granted
LA04/2023/3229/F	LOC	20 Cricklewood Park, Belfast, BT9 5GU	Proposed demolition of existing single storey rear wing and conservatory. Construction of new two storey extension to rear and side of existing dwelling. Existing site boundary hedging to remain undisturbed. (Amended Plans Received)	Permission Granted
LA04/2023/3251/F	LOC	58 Knockbreda Road, Belfast, BT6 0JB	Change of use to Coffee Shop and change of use of land outside of building to provide outdoor seating area	Permission Granted
LA04/2023/3358/F	LOC	14 Kilhorne Gardens, Belfast, BT5 6NT	Proposed ground floor rear extension, roofspace conversion including dormer and Velux windows on the principal elevation. (Amended Proposal Description)	Permission Granted
LA04/2023/3274/DC	LOC	113-115 Ormeau Road, Belfast.	Discharge of condition 14 LA04/2019/0125/F. Service Management Plan	Condition Discharged

LA04/2023/3280/A	LOC	364 Lisburn Road, Malone Lower, Belfast, BT9 6GL	Proposed individual lettering signage located on front elevation	Consent Granted
LA04/2023/3281/LBC	LOC	364 Lisburn Road, Malone Lower, Belfast, BT9 6GL	The shop name 'MAVEN' is to be displayed above the front door, written in 40mm thick aluminium lettering, powder coated in colour brass. This is in the same location as former signage by the previous owners Bank of Ireland. A brass information plaque (with shop name and information on the shop) is to be mounted on an existing rendered square beside the front door, similar to the previous Bank of Ireland plaque. The existing opening of the previous ATM is to be infilled with a glazed window.	Consent Granted
LA04/2023/3293/F	LOC	186 LIGONIEL ROAD LEGONIEL BELFAST ANTRIM BT14 8DT	Rentention of small external bar area on existing external seating / smoking area.	Permission Granted
LA04/2023/3363/F	LOC	43 Whiterock Road, Belfast, BT12 7PF	Proposed beer garden	Permission Granted

LA04/2023/3332/DCA	LOC	12b Deramore Park, Belfast, BT9 5JT	<p>THE REMOVAL OF EXISTING DOORS, WINDOWS, BAY WINDOWS, COLUMNS, CONSERVATORY AND PORCH.</p> <p>THE REMOVAL OF FLAT AND PITCHED ROOFS.</p> <p>THE CONSTRUCTION OF NEW SINGLE STORY FLAT ROOF EXTENSIONS, A NEW TWO STORY PITCHED ROOF EXTENSION AND THE REMOVAL OF WALLS TO ALLOW FOR FENESTRATION ALTERATIONS.</p>	Consent Granted
LA04/2023/3333/F	LOC	245 Ulster Independent Clinic Stranmillis Road, Belfast, BT9 5JH	Removal of existing single storey temporary accommodation, minor demolitions and construction of two storey extension with rooftop plantroom.	Permission Granted
LA04/2023/3339/F	LOC	20 Cliftonville Road, Belfast, BT14 6JX	Proposed change of use from vacant dental surgery (ground floor) and apartment at (1st & 2nd floors) to House in Multiple Occupancy (HMO). Fenestration changes to side elevation (new window on first floor side elevation and removal of ground floor window and first floor window).	Permission Granted
LA04/2023/3315/DC	LOC	Lands to the south of Blackdam Court east of Thornberry Hill, and approx. 115m north west of Mill Valley Way, Belfast	Discharge of Condition 10 LA04/2018/0620/F - Drainage Details	Condition Discharged

LA04/2023/3341/F	LOC	11 ERINVALLE GARDENS BALLYFINAGHY BELFAST ANTRIM BT10 0FS	Demolition of existing garage and erection of replacement games room and home office building.	Permission Granted
LA04/2023/3376/F	LOC	5 Riverdale Park Avenue, Belfast, BT11 9DP	Proposed single storey extension to front of dwelling.	Permission Granted
LA04/2023/3329/F	LOC	95 Galwally Avenue, Belfast, BT8 7AJ	First floor extension and general reconfiguration. As well as a change of materials from brick to render.	Permission Granted
LA04/2023/3388/NMC	LOC	236 Upper Newtownards Road, Belfast, BT4 3EU	Alterations to change window finish from aluminium to grey UPVC	Non Material Change Granted
LA04/2023/3321/F	LOC	24 Ballymurphy Parade, Belfast, BT12 7LB	Construction of a New Garden Room to Rear.	Permission Granted
LA04/2023/3334/DC	LOC	21 St Ives Gardens, Belfast, BT9 5DN	Service Managment Plan for 21 St. Ives Gardens, Belfast, BT9 5DN. Discharge of condition no.3 - LA04/2023/2484/F	Condition Discharged
LA04/2023/3346/DC	LOC	46 Thorndale Avenue, Belfast, BT14 6BL	Discharge of Condition No.2 - LA04/2023/2598/F - Service Management Plan	Condition Discharged
LA04/2023/3368/F	LOC	25 Knightsbridge Park, Stranmillis, Belfast, BT9 5EH	Remodel and Extension at Lower ground floor, to provide extended bedrooms and additional bedroom. Remodel and side extension to provided open plan Kitchen dinning extended entrance. Addition of garden wall to form private courtyard to street level.	Permission Granted
LA04/2023/3396/F	LOC	8 Glencolin Grove, Belfast, BT11 8QG	Single storey rear extension with ramped access	Permission Granted

LA04/2023/3416/F	LOC	8 DORCHESTER PARK MALONE UPPER BELFAST ANTRIM BT9 6RH	Two storey rear extension; Alterations to front facade including construction of bay extension and porch remodelling; widening of access and Extension of existing dropped kerb	Permission Granted
LA04/2023/3467/F	LOC	13 Upper Crescent, Belfast, BT7 1NT	Internal alterations/refurbishment with internal/external repairs retaining existing fabric, replace all slate roofing with reused/new natural slates, raising rear lean-to mono pitch slate roof, external re-decoration	Permission Granted
LA04/2023/3500/LBC	LOC	13 Upper Crescent, Belfast, BT7 1NT	Internal alterations/refurbishment with internal/external repairs retaining existing fabric, replace all slate roofing with reused/new natural slates, raising rear lean-to mono pitch slate roof, external re-decoration	Consent Granted
LA04/2023/3447/F	LOC	14 Sunninghill Drive Belfast BT14 6SQ	Single storey rear extension with access ramp	Permission Granted
LA04/2023/3463/F	LOC	555 Lisburn Road, Malone Lower, Belfast, BT9 7GQ	Retrospective permission for alteration to shop frontage to facilitate an ice cream serving hatch	Permission Granted
LA04/2023/3453/A	LOC	555 Lisburn Road, Malone Lower, Belfast, BT9 7GQ	Retrospective 600mm circular projecting sign above door height at ground floor	Consent Granted
LA04/2023/3490/A	LOC	26 Cregagh Road, Castlereagh, Belfast, BT6 9EQ	Proposed development to erect 3m x 6m advertisement board to gable of existing property.	Consent Granted

LA04/2023/3484/F	LOC	26 Malone Meadows, Belfast, BT9 5BG	Proposed front and rear extensions with alterations to existing bungalow. Conversion of garage to studio with additional fenestration changes (Amended description)	Permission Granted
LA04/2023/3485/LBC	LOC	34-38 Victoria Street, Belfast, BT1 3GH	Internal Alterations to Listed Building	Consent Granted
LA04/2023/3497/F	LOC	31 Finaghy Road North Ballyfinaghy Belfast Antrim BT10 0JA	Proposed new detached Garden Room, W.C. Wet Room and Barrel Sauna.	Permission Granted
LA04/2023/3486/A	LOC	54 York Street, Belfast, BT15 1AS	2 Shop sign, 1 Projecting sign	Consent Granted
LA04/2023/3519/F	LOC	5 Willowbank Drive, Belfast, BT6 0LN	Single storey flat roof rear and side extension to provide kitchen, dining, utility & bathroom. Existing garage modified to flat roof with raised patio area provided to rear of existing dwelling.	Permission Granted
LA04/2023/3520/F	LOC	239 Cliftonville Road, Belfast, BT14 6JU	Change of use from butchers shop to sui generis use of video game studio/hub.	Permission Granted
LA04/2023/3521/F	LOC	8 Old Coach Lane, Belfast, BT9 5PS	2 storey rear and front extension	Permission Granted
LA04/2023/3551/MDPA	LOC	25-29 University Road, Belfast, BT7 1NA	Facade retention design	Condition Discharged
LA04/2023/3552/F	LOC	16 Cheltenham Park, Belfast, BT6 0HR	Addition of a single-storey rear and side extension and loft conversion, involving a hip-to-gable extension with dormer window to the rear.	Permission Granted
LA04/2023/3518/F	LOC	31 Bladon Drive, Belfast, BT9 5JL	Proposed single storey flat roof rear extension and internal alterations, including a new kitchen and rear patio area	Permission Granted

LA04/2023/3534/DC	LOC	A Wing, Crumlin Road Gaol 53-55 Crumlin Road, Belfast, BT14 6ST	Discharge condition 15 LA04/2019/2756/F External Sample Materials	Condition Discharged
LA04/2023/3539/CLEUD	LOC	16 Dunluce Avenue, Belfast, BT9 7AY	Existing use: House in Multiple occupancy	Permitted Development
LA04/2023/3542/F	LOC	227 Albertbridge Road, Ballymacarret, Belfast, BT5 4PX	Change of Use from Dwelling to HMO	Permission Granted
LA04/2023/3545/F	LOC	10 Hamel Drive, Belfast, BT6 9JG	Proposed First Floor Extension	Permission Granted
LA04/2023/3603/F	LOC	1 GLENGOLAND AVENUE DUNMURRY ANTRIM BT17 0HY	Proposed single storey rear extension and extension to existing garage	Permission Granted
LA04/2023/3569/F	LOC	4 Orangefield Drive South, Belfast, BT5 6DL	DEMOLISH EXISTING GARAGE AND NEW SINGLE STOREY REAR AND SIDE EXTENSION TO DWELLING WITH INTERNAL ALTERATIONS	Permission Granted
LA04/2023/3575/CLOPUD	LOC	65 South Parade, Belfast, BT7 2GN	Internal refurbishment work with replacement windows to rear yard.	Permitted Development
LA04/2023/3578/F	LOC	54 Willowvale Avenue, Belfast, BT11 9JY	Ground Floor Rear Extension	Permission Granted
LA04/2023/3585/F	LOC	5 OWENVARRAGH PARK BALLYDOWNFINE BELFAST ANTRIM BT11 9BD	Proposed single storey side and rear extension	Permission Granted
LA04/2023/3595/F	LOC	70 North Gardens, Belfast, BT5 6BZ	Single storey side extension.	Permission Granted
LA04/2023/3596/A	LOC	Unit LG07 Victoria Square Shopping Centre, Belfast, BT1 4QG	1 Shop sign	Consent Granted
LA04/2023/3598/F	LOC	48 Dorchester Park, Belfast, BT9 6RJ	Proposed conversion of existing attached garage to utility room	Permission Granted

LA04/2023/3611/F	LOC	FloorworksNI 44 Cregagh Road, Castlereagh, Belfast, BT6 9EQ	Moved fence to extend the usage of space. Temporary timber frame with perspex roof.	Application Invalid
LA04/2023/3624/F	LOC	228 Falls Road, Belfast, BT12 6AH	Proposed Change Of Use from Hairdressing/Beauty Salon/ to Funeral Undertakers Business.	Permission Granted
LA04/2023/3629/F	LOC	St Finnian's Church (c Of I) Upper Knockbreda Road, Belfast, BT6 9QH	Removal of Conditions 2, 4 & 5 - LA04/2016/1841/F Relating to landscaping plan and submission of details of ground finishes for HED confirmation	Permission Granted
LA04/2023/3684/F	LOC	9 Hazel Crescent, Belfast, BT17 0WN	Single storey rear bedroom and bathroom extension.	Permission Granted
LA04/2023/3682/NMC	LOC	34 Arlington Drive, Belfast, BT10 0NQ	Non Material change - LA04/2022/1275/F Extension reduced in size and moved away from the side boundary to No. 35 Arlington Drive. Pitched roof revised to a flat roof with roof light retained. Brise Soleil to main glazing at front and side elevations.	Non Material Change Granted
LA04/2023/3707/F	LOC	25 Blenheim Drive, Belfast, BT6 9GB	Demolition of existing ground floor return and erection of new single storey extension with ancillary works	Permission Granted
LA04/2023/3695/F	LOC	9 BROADWAY TOWN PARKS BELFAST ANTRIM BT12 6AS	Proposed Change of Use from Existing Dwelling to HMO	Permission Granted
LA04/2023/3701/F	LOC	14 Sagimor Gardens, Belfast, BT5 5LW	Two storey rear extension	Permission Granted
LA04/2023/3693/F	LOC	23 Botanic Avenue, Belfast, BT7 1JG	Change of use from taxi depot to takeaway boba/bubble tea shop.	Application Invalid

LA04/2023/3706/F	LOC	Land adjacent to 222a Upper Malone Road, Belfast, BT17 9JZ	Renewal of planning permission LA04/2018/0634/F for the erection of 1 private dwelling and associated garage	Permission Granted
LA04/2023/3726/F	LOC	231 Whiterock Road, Belfast, BT12 7FX	Single storey extension to rear of existing dwelling. Including new window to existing gable wall.	Permission Granted
LA04/2023/3738/O	LOC	56 Upper Malone Gardens, Belfast, BT9 6LY	Proposed Single Dwelling	Permission Granted
LA04/2023/3742/F	LOC	30 Denorrton Park, Belfast, BT4 1SF.	Alterations and extension to dwelling to form new single storey kitchen/dining area, bike/bin enclosure, new raised patio area to rear and replacement boundary treatments.	Permission Granted
LA04/2023/3750/A	LOC	11 Donegall Square West, Belfast, BT1 6JH	3 Other - Shop signs and Manifestation , 2 Projecting sign, 1 Shop sign	Consent Granted
LA04/2023/3751/LBC	LOC	11 Donegall Square West, Belfast, BT1 6JH	New external signage to 3no. external facades as follows: 2no. halo illuminated aluminium fascia panels to 2no. elevations facing Donegall Square West and Wellington Street. 1no. Internally illuminated roundel sign on perspex panel on metal support rods internally hung behind glazing. 1no. halo illuminated star sign on aluminium fascia panel above main entrance door. 2no. externally illuminated square projecting signs. New manifestation strips to 3no. elevations facing Donegall Square West and Wellington Street.	Consent Granted

LA04/2023/3753/A	LOC	19 Boucher Crescent, Belfast, BT12 6HU	1 illuminated shop sign	Consent Granted
LA04/2023/3762/F	LOC	8 Cabin Hill Park Belfast BT5 7AL	Single storey extension to rear and sides with internal alterations.	Permission Granted
LA04/2023/3764/F	LOC	23 Ravenhill Park Gardens, Belfast, BT6 0DH	Addition of a single-storey rear extension at Ground floor and open pergola structure to garden	Permission Granted
LA04/2023/3770/F	LOC	6 Houston Gardens, Belfast, BT5 6AU	Single storey side extension to rear return, single storey extension to existing garage, first floor side gable windows, new pedestrian access and solar panels on the front elevation and demolition of existing chimney. (Amended Site Description)	Permission Granted
LA04/2023/3798/CLEUD	LOC	8 The Cloisters, Belfast, BT7 1GD	Existing use: House in multiple occupation.	Permitted Development
LA04/2023/3802/DC	LOC	Unit 2, Hillview Retail Park, Belfast, BT14 6AA	Information to discharge Condition 5 LA04/2022/1999/F relating to Contaminated Land Risk Assessment.	Condition Discharged
LA04/2023/3792/DC	LOC	Nos. 41-49 Tates Avenue, Belfast, BT9 7BY	Discharge of condition 20 LA04/2021/2544/F. Landscape Proposals (Dwg No. 20-029 L101) and Landscape Management and Maintenance Plan (LK Design).	Condition Discharged
LA04/2023/3853/F	LOC	5 Ulster Avenue, Belfast, BT17 9BN	Proposed Single Storey Extension to Side and Rear of Dwelling.	Permission Granted
LA04/2023/3804/F	LOC	83 DUBLIN ROAD MALONE LOWER BELFAST ANTRIM BT2 7HF	New shopfront extension to same extent as no 85	Permission Granted

LA04/2023/3797/CLEUD	LOC	17 The Cloisters, Belfast, BT7 1GD	Existing use: House in multiple occupation.	Permitted Development
LA04/2023/3828/F	LOC	12 Edgcumbe Gardens, Belfast, BT4 2EG	Conversion of existing garage to additional living space, internal configuration and conversion of roof space to bedroom with installation of Velux windows.	Permission Granted
LA04/2023/3813/F	LOC	18 Coolnasilla Park South Belfast BT11 8LF	Proposed single storey side extension and alterations to existing dwelling.	Permission Granted
LA04/2023/3827/F	LOC	Hillview Centre Belfast Limited Crumlin Road, Belfast, BT14 7EL	Installation of a new auto-mated vehicular security barrier and pedestrian security gate at the Flax Street entrance to the Hillview Retail Park including road access widening and re-construction of the existing security wall.	Permission Granted
LA04/2023/3833/F	LOC	30 Florenceville Avenue, Belfast, County Down, BT7 3GZ	Single storey rear extension and renovation of out house	Permission Granted
LA04/2023/3844/F	LOC	73 Kingsway Park, Belfast, BT5 7EX	Single story rear extension and provision of 2 first floor rear roof dormers to existing detached dwelling house and demolition of existing garage (amended description).	Permission Granted
LA04/2023/3845/F	LOC	28 Glenties Drive, Belfast, BT11 9HT	Single storey extension to rear of existing dwelling	Permission Granted
LA04/2023/3884/F	LOC	17 Norwood Crescent, Belfast, BT4 2DZ	Proposed single storey extension to side of existing house in position of existing garage to be demolished	Permission Granted
LA04/2023/3858/F	LOC	64 Lenadoon Avenue, Belfast, BT11 9HD	Single storey extension to rear of property with some internal alterations.	Permission Granted

LA04/2023/3898/CLEUD	LOC	33 Dunluce Avenue, Belfast, BT9 7AW	Existing use: The property has been used as a HMO for more than 5 years	Permitted Development
LA04/2023/3870/CLEUD	LOC	47 ULSTERVILLE GARDENS, BELFAST, BT9 7BB	Existing use: HOUSE OF MULTIPLE OCCUPANCY	Permitted Development
LA04/2023/3899/CLEUD	LOC	35 Dunluce Avenue, Belfast, BT9 7AW	Existing use: The property has been used as a HMO for more than 5 years	Permitted Development
LA04/2023/4043/F	LOC	318 Castlereagh Road, Belfast, BT5 6AD	SINGLE STORY REAR EXTENSION	Permission Granted
LA04/2023/3923/F	LOC	105 Knockbreda Park, Belfast, BT6 0HE	Double storey extension to the rear with internal alterations.	Permission Granted
LA04/2023/3925/F	LOC	16 Knocknagoney Gardens, Belfast, BT4 2QA	Single storey extension to rear of property.	Permission Granted
LA04/2023/3891/DC	LOC	No.7-9, Donegall Place, Belfast, BT1 5AA	Discharge of condition 2 LA04/2023/3714/F Noise Impact Assessment	Condition Discharged
LA04/2023/3938/DC	LOC	Lands at the Gasworks Northern Fringe site; bounded to the north by McAuley Street Stewart Street and Raphael Street; Cromac Street to the west; the River Lagan and Belfast-Newry railway line to the east; and the Gasworks Business Park to the south.	Discharge Condition 10 LA04/2021/1672/O Groundwater Monitoring Plan	Condition Discharged
LA04/2023/3940/DC	LOC	A Wing, Crumlin Road Gaol 53-55 Crumlin Road, Belfast, BT14 6ST	Discharge Condition 13 LA04/2019/2756/F Prototype of the adapted cowl vent	Condition Discharged
LA04/2023/3945/WPT	LOC	31 Kensington Road, Belfast, BT5 6NH	3 - 4 Metres end weight reduction with crown clean and thin	Works to TPO Granted
LA04/2023/3913/WPT	LOC	2 Deramore Park South, Belfast, BT9 5JY	Works to 1 tree.	Works to Trees in CA Agreed
LA04/2023/3914/WPT	LOC	17 Fairway Avenue, Belfast, BT9 5NL	Works to 2 trees	Works to TPO Granted

LA04/2023/3915/WPT	LOC	94 Somerton Road, Belfast, BT15 4DE	Works to 4 trees - Trees Numbered= 5 , 6 , 7 & 8 (As per Tree Survey Schedule)	Works to Trees in CA Agreed
LA04/2023/3920/WPT	LOC	106 Somerton Road, Belfast, BT15 4DG	Works to 2 trees.	Works to Trees in CA Agreed
LA04/2023/3947/CLEUD	LOC	2 Lorne Street, Belfast, BT9 7DU	Existing use: HMO (House in multiple occupation)	Permitted Development
LA04/2023/3955/CLOPUD	LOC	Land 320m south east of No.43 Flush Road, Ballysillan Upper, Belfast, BT14 8SJ	Completion of development approved under Section 54 Approval LA04/2018/2416/F.in accordance with the terms of the permission.	Permitted Development
LA04/2023/3956/CLOPUD	LOC	Land 630m east south east of No.43 Flush Road, Ballysillan Upper, Belfast, BT14 8SJ	Proposed completion of development approved under planning permission reference LA04/2018/2413/F in accordance with the terms of the permission.	Permitted Development
LA04/2023/3953/A	LOC	Building 3, 393 Holywood Road, Belfast, BT4 2LS	Proposed 3no. Illuminated Signage at Ground floor level, Proposed 1no. illuminated Signage at First floor level.	Consent Granted
LA04/2023/3971/F	LOC	35 Laganvale Manor, Stranmillis, Belfast, BT9 5BE	Single storey rear and side extensions to dwelling	Permission Granted
LA04/2023/3989/DC	LOC	140 Donegall Street Belfast BT1 2FJ	Discharge of condition 3 of LA04/2021/0516/F Material Samples	Condition Partially Discharged
LA04/2023/3993/DC	LOC	150 Knock Road, Belfast, BT5 6QD	Discharge Condition 12 LA04/2021/2144/F Verification Report	Condition Discharged
LA04/2023/4030/F	LOC	61 Colinglen Road, Dunmurry, Belfast, BT17 0LW	Proposed renovations and extension to the rear of existing dwelling at 61 Colinglen Road	Permission Granted
LA04/2023/4000/CLEUD	LOC	50 St Albans Gardens, Belfast, BT9 5DR	Existing use: HMO (House in multiple occupation)	Permitted Development

LA04/2023/4002/DC	LOC	Lands to the north east of 3 Westbank Road, Immediately South West of the existing Stena Line Terminal, Belfast Harbour Estate, Belfast, BT3 9JL	Discharge of condition 3 LA04/2022/0063/F Waste Management Plan	Condition Discharged
LA04/2023/4019/CLEUD	LOC	30 Tates Avenue, Belfast, BT9 7BY	Existing use: House in Multiple Occupation (HMO)	Permitted Development
LA04/2023/4011/F	LOC	100 Mount Eagles Glen, Belfast, BT17 0WR	Proposed garage conversion with elevation changes.	Permission Granted
LA04/2023/4013/DC	LOC	1-5 Graham House Albert Square, Belfast, BT1 3EQ	Discharge Condition 15 LA04/2017/1707/F Piling Risk Assessment	Condition Discharged
LA04/2023/4014/DC	LOC	2 Royal Avenue, Belfast, BT1 1DA	Discharge of condition 2 LA04/2023/3787/LBC Submission of material details	Condition Discharged
LA04/2023/4015/DC	LOC	484 Upper Newtownards Road, Belfast, BT4 3GZ	Discharge Condition 13 Z/2014/1341/F Sample Materials (Revised)	Condition Discharged
LA04/2023/4016/WPT	LOC	245 Stranmillis Road, Belfast, BT9 5JH	Works to 3 trees.	Works to TPO Granted
LA04/2023/4017/WPT	LOC	115 Circular Road, Belfast, BT4 2GD	Works to 2 trees.	Works to TPO Granted
LA04/2023/4023/A	LOC	Sports Direct Unit 19 - 20 Boucher Retail Park, Boucher Crescent, Belfast, BT12 6HU	10 Shop sign, 1 Other - Freestanding Totem	Consent Granted
LA04/2023/4024/DC	LOC	Kingspan Stadium Mount Merrion Avenue, Belfast, BT6 0DG	Discharge Condition 3 LA04/2023/2891/F Drainage Mitigation Measures	Condition Discharged
LA04/2023/4041/CLEUD	LOC	15 Carmel Street, Belfast, BT7 1QE	The property currently has a HMO license and has been acting s a HMO for a number of years.	Permitted Development
LA04/2023/4083/DC	LOC	150 Knock Road, Belfast, BT5 6QD	Full discharge of condition 15 LA04/2021/2144/F Confirmation of Piling Works undertaken	Condition Discharged

LA04/2023/4099/PAN	MAJ	The Royal Belfast Academical Institution College Square East, Belfast, BT1 6DL	Construction of a new South Wing of the RBAI Campus to include multi-purpose Dining Hall, 15 general classrooms, a drama suite, a 25m swimming pool, a Board Room suite, living accommodation for the School Steward and new, small extension to Soane Building, demolition of the existing Dining Hall, swimming pool, School Steward's house and W-Block and the development of landscaped zones including the under-croft area at the Common Hall.	Proposal of Application Notice is Acceptable
LA04/2023/4100/PAN	LOC	15-16 Donegall Square South and 2-14 Bedford Street; and No. 7 James Street South, Belfast	Conversion of existing buildings into Hotel, comprising of public bars, restaurants, function spaces and hotel bedrooms ground floor extension, including interior and external alterations and all associated works.	Proposal of Application Notice is Acceptable
LA04/2023/4129/PAN	LOC	Lands located to the north east of Olympic House, east of Queen's Road and south of Belfast Metropolitan College, Belfast	Erection of Purpose Built Managed Student Accommodation (PBMSA) scheme with internal landscaped courtyard, landscaping, site works and access arrangements from Queen's Road	Proposal of Application Notice is Acceptable
LA04/2023/4108/WPT	LOC	39 Malone Park, Belfast, BT9 6NL	Works to 6 trees.	Works to Trees in CA Agreed
LA04/2023/4117/CLEUD	LOC	34 Camden Street, Belfast, BT9 6AU.	House of Multiple Occupation	Permitted Development
LA04/2023/4175/WPT	LOC	17 Harberton Park, Belfast, BT9 6TW	Works to 1 tree.	Works to Trees in CA Agreed
LA04/2023/4177/CLEUD	LOC	31 Stranmillis Road, Belfast, BT9 5AF	Existing use: House of Multiple Occupancy	Permitted Development

LA04/2023/4217/CLEUD	LOC	48 St Ives Gardens, Belfast, BT9 5DN	HMO (House in multiple occupation)	Permitted Development
LA04/2023/4200/WPT	LOC	2 Balmoral Park, Belfast, BT9 6PB	Works to 1 tree.	Works to Trees in CA Agreed
LA04/2023/4216/WPT	LOC	82A Marlborough Park North, Belfast BT9 6HL	Works to 2 trees.	Works to Trees in CA Agreed
				<u>Total Decisions</u>

This page is intentionally left blank



Subject:	Housing Land Availability Monitor Report and Employment Land Monitor Report
Date:	14 November 2023
Reporting Officer:	Kate Bentley, Director of Planning and Building Control
Contact Officer:	Keith Sutherland, Planning Manager (Plans & Policy)

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

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

1.0	Purpose of Report or Summary of Main Issues
1.1	To provide an overview of the Council's Housing Land Availability Summary Report and the Employment Land Monitor (ELM) for the 2022/23 monitoring period.
1.2	<p>Housing Land Availability Summary Report</p> <p>The report presents the outcomes of annual housing land monitoring and provides a snapshot of the amount of land available for new residential development as of 31 March 2023. It will be supported by an online map portal showing the status of all existing housing monitor sites. The map portal will also spatially reflect key information contained within the tables of the report.</p>
1.3	<p>Employment Land Monitor</p> <p>The ELM sets out the headline data from the register of potential employment land, based on current planning policy designations and planning permissions. This provides an assessment at a point in time (31st March 2023) for the amount of land available for employment purposes and capacity for future employment across the city.</p>

2.0	Recommendation
2.1	The Committee is asked to note the outcomes of the annual Housing Monitor report and the ELM for 2022/23 contained at Appendix 1 and 2 ; and the intention to publish these summary documents and accompanying online map portals on the Council's website.
3.0	Main Report
3.1	<p>Background</p> <p>Members are reminded that the Planning Act (NI) 2011 requires the Council to make an annual report to the Department for Infrastructure (DfI) outlining the extent to which the objectives set out in the Local Development Plan (LDP) are being achieved.</p>

3.2	Members will also be aware that the Plan Strategy (PS), the first of two LDP documents, was formally adopted on 2 May 2023, with work now commencing on the second document, the Local Policies Plan (LPP).
3.3	The current monitor period predates the adoption of the PS and therefore the data for this period is presented in an annual Housing Land Availability Monitor report (referred to as the 'Housing Monitor' report). In proceeding years, Annual Monitoring Reports will be prepared for the periods subsequent to the adoption of the PS.
	Housing Land Availability Reports
3.4	The primary purpose of the Housing Monitor is to inform the formulation of the Council's new LDP. However, it will also help the Council identify where a shortfall in potential land supply might exist and can inform house-builders on the availability of land that may be suitable for housing.
3.5	The Housing Land Availability Summary Report contained at Appendix 1 presents the headline figures from a register of potential housing land maintained by the Council, based on current planning policy designations and planning permissions. This provides a snapshot of the amount of land available for new homes and capacity for future housing units as of 31 March 2023, as well as providing the net gains in housing units for the 2022/23 period. This differs from the new dwelling completion statistics published routinely by central Government which only provide a total for new build homes, without accounting for units lost as a result of demolitions and redevelopment.
3.6	<p>This information is summarised within the report in relation to:</p> <ul style="list-style-type: none"> • Each settlement within the District, including settlement areas in the case of Belfast; • Whether land falls within the existing urban footprint¹ or is classified as greenfield land; and • The type of land use zoning (i.e. land zoned for housing or land zoned for mixed use development) or all other land.
3.7	The report will be supported by the online map portal showing the status of all existing housing monitor sites, on the Development Plan and Policy part of the Council website. During the 2022/23 monitoring year 714 units were completed on 16.3 ha of land across the District. 343.4 ha of land remains, with potential capacity for 20,901 residential units. This is based on deliverable planning approvals and land allocated within the development plan but doesn't include other potential sites that may be suitable for residential development.
3.8	The total number of dwellings completed in the district has decreased by 5.3% from 754 in 2021/22 to 714 in the current monitor year. The proportion of dwellings completed within the Urban Footprint is recorded at 89.3% with 34.4% of the remaining potential available for future dwellings being on land zoned for housing or mixed use development, at the 1st April 2023.

¹ The continuous built-up area of the settlement.

3.9	It is emphasised that the monitor represents a register of housing land primarily based on policy designations and planning permissions, rather than an accurate picture of all potentially viable housing land.
	Employment Land Monitor
3.10	The primary purpose of the ELM is to inform decision making and the ongoing performance of policy in respect of land supply across the city. As an evolving information source, it will provide a mechanism to identify where imbalances in land supply may develop and can inform prospective investors or developers on the availability of land that may be suitable for employment uses across the city.
3.11	Similar to the Housing Monitor, the ELM (Appendix 2) sets out the headline data from the register of potential employment land, based on current planning policy designations and planning permissions. This provides an assessment at a point in time (31 st March 2023) for the amount of land available for employment purposes and capacity for future employment across the city.
3.12	This information is summarised within the report in relation to: <ul style="list-style-type: none"> • completed net employment gains over the period 2022/23; • completed net employment gains over the period 2021/23; • remaining net supply (comprising extant consents and sites where development is on-going) - at 31st March 2023; and • the potential additional supply in terms of vacant land suitable for employment use - at 31st March 2023;
3.13	This ELM report will also be supported by the online map portal showing the status of all existing employment monitor sites alongside the other spatial mapping for the LDP on the council's website. For the 2022/23 monitoring year there was 60,422m ² of employment floorspace completed with the majority of this being office floorspace. At the 31 March 2023 there was approximately 28,642m ² of employment floorspace under construction ² and 430,496m ² remaining by way of extant planning permissions. Additional yields of 238,432m ² are available from vacant sites within existing employment areas, applying the best practice standard of 40% building to plot ratio and 125,159m ² from mixed use sites.
	<u>Finance and Resource Implications</u>
3.14	There are no resource implications associated with this report.
	<u>Asset and Other Implications</u>
3.15	None noted.
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.16	Both reports present factual information and makes no recommendations relating to the future allocation of land for housing or employment. There are therefore no relevant equality or good relations implications attached to these reports.
4.0	Appendices
	Appendix 1 – Belfast Housing Land Availability Summary Report 2022/23 Appendix 2 – Employment Land Monitor Report 2022/23

² This also includes development that commenced in 21/22 monitor period but hasn't been completed.



Belfast Housing Land Availability Summary Report

2022/2023

Contents

1. Introduction	1
2. Methodology.....	2
3. Summary Tables and Graphs	3
3.1 Settlement Summary.....	3
3.2 Urban Footprint Summary.....	4
3.3 Land Use Zoning Summary	5
Appendix A: Summary Methodology	13

1. Introduction

The Strategic Planning Policy Statement (SPPS) for NI (September 2015) outlines a 'plan, monitor and manage' approach to ensure that, as a minimum, a 5 year supply of land for housing is maintained. It states that monitoring should be an ongoing process with annual reporting and review. As a minimum, it states that monitoring must include:

- The housing land supply at the beginning and end of the annual reporting period;
- The number of net additional units built during the annual reporting period; and
- The number of net additional housing units built in the period since adoption of the local plan.

The primary purpose of the Housing Land Availability Monitor (referred to as the 'Housing Monitor') is to inform the formulation of the Council's new Local Development Plan (LDP). However, it will also help the Council identify where a shortfall in potential land supply might exist and can inform house-builders on the availability of land that may be suitable for housing.

The information collated will allow a clear view of the overall progress in meeting the housing objectives of the existing development plan and in identifying issues likely to require intervention. For example, a need to release phased housing sites in order to maintain a 5 year supply of available housing land, or the release of a site providing for a particular housing need.

The Planning Act (NI) 2011 requires Belfast City Council to make an annual report to the Department for Infrastructure outlining the extent to which the objectives set out in the LDP are being achieved. In accordance with this legislation the Council are currently preparing the first new LDP for Belfast which will comprise two documents; the Plan Strategy (PS) and the Local Policies Plan (LPP). The PS was formally adopted on 2 May 2023 and work is now commencing on the LPP. This report relates to a period which predates the adoption of the PS and therefore takes the form of an annual Housing Land Availability Monitor report. In proceeding years, Annual Monitoring Reports will be prepared for the periods subsequent to the adoption of the PS.

2. Methodology

The Housing Land Availability Monitor (the “Monitor”) measures net gains in housing within the Belfast City Council boundary. It provides a snapshot of the amount of land available for new homes as of 1st April each year. The process followed to produce the Annual Housing Monitor is summarised at Appendix A.

The Monitor presents a register of potential housing land, based on current planning policy designations¹ and planning permissions, rather than an accurate picture of viable housing land. It is the role of an Urban Capacity Study (UCS), which will be undertaken from time to time, to assess the suitability, availability and achievability of monitored sites to contribute to a viable supply of land. The most recent UCS² was completed in March 2018 and, although new sites identified are not included in the Monitor, the outcomes are summarised within the 2017/2018 Belfast Housing Land Availability Summary Report.

¹ *For the purposes of the Housing Land Availability Monitor, the draft Belfast Metropolitan Area Plan (BMAP) 2015 is utilised rather than the former Belfast Urban Area Plan (BUAP) 2001. The adopted BMAP was quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017 and, although this means the BUAP is now the statutory development plan for the area, the draft BMAP, in its most recent, pre-examination, form remains a significant material consideration in future planning decisions. Draft BMAP therefore refers to that which was purported to be adopted and not the pre-examination draft published in 2004.*

² [Belfast City Council Urban Capacity Study – Final, 20 March 2018](https://bit.ly/324Ny8i) or <https://bit.ly/324Ny8i>

3. Summary Tables and Graphs

The following summary tables detail the supply of housing for the Belfast district from 1 April 2022 to 31 March 2023 and provide a snapshot of the land remaining for housing and its associated potential capacity to accommodate new homes. Cumulative totals are also provided since the Council's housing monitor was established – i.e. 1 April 2015, the date at which the Council gained statutory responsibility for planning.

It should be noted that these cumulative totals will reflect the total since the Council gained statutory responsibility for planning until such time as an up-to-date Local Development Plan for the new district is adopted, establishing appropriate targets to monitor delivery against.

3.1 Settlement Summary

Table 1 provides a breakdown of the housing supply, land availability and capacity for future housing units for each Settlement within the District, including Belfast City and the Small Settlements of Edenderry, Hannahstown and Loughview.

Belfast City is then further sub-divided into a number of settlement areas or sectors based on key designations within the prevailing development plan. These areas include Belfast City Centre, the Belfast Harbour Estate and Outer Belfast, which is defined as the area covered by the Settlement Limit of Belfast City outside of the City Centre and Harbour Area.

The data within the table is divided into the following columns:

- **Area Developed 1 April 2022 to 31 March 2023** – the area of land in hectares (ha) developed during the current monitor year;
- **Area Developed 1 April 2015 to 31 March 2023** – the cumulative area of land in hectares (ha) developed to date from 1 April 2015 (the date at which the Council gained statutory responsibility for planning);
- **Units Complete 1 April 2022 to 31 March 2023** – the number of dwellings completed during the current monitor year;

- **Units Complete 1 April 2015 to 31 March 2023** – the cumulative total number of dwellings completed to date from 1 April 2015 (the date at which the Council gained statutory responsibility for planning);
- **Available Potential (Hectares)** – the area of land estimated as available for additional dwelling completions within monitored sites as at 31 March 2023; and
- **Available Potential (Dwelling Units)** – the estimated number of dwellings that could be accommodated on the available potential land as at 31 March 2023.

During the 2022/23 monitoring year 714 units were completed on 16.3 ha of land across the District. 343.4 ha of land remains, with potential capacity for 20,901 units. Within Belfast City, 702 units completed were within Outer Belfast, with a further 9 units completed within the City Centre. 11,490 of the available potential units are within Outer Belfast, whilst 6,261 and 3,128 potential dwelling units remain in the City Centre and Harbour Area respectively. There were 3 completions in Edenderry, no completions in Hannahstown or Loughview with a total of 22 potential dwelling units available across these three Small Settlements.

Figure 1 shows the total dwellings completed for the district from 2015/16 to present, to allow for an analysis of trends over a longer timeframe. The total number of dwellings completed in the district has decreased by 5.3% from 754 in 2021/22 to 714 in the current monitor year.

3.2 Urban Footprint Summary

Table 2 provides a breakdown of the housing supply, land availability and capacity for future housing units within Belfast City, further categorised into land within the identified 'Urban Footprint'³ or Greenfield land. This only refers to Belfast City, given that the Urban Footprint is only defined in relation to settlements with a population greater than 5,000 people. This excludes Belfast's three Small Settlements.

In addition to the columns featured in Table 1 (as described in Section 3.1), the **Units within the Urban Footprint (%)** row calculates the proportion of dwellings completed

³ The Urban Footprint is defined within the Regional Development Strategy 2035 as "the continuous built-up area of the settlement". The Urban Footprint boundary was updated as part of the UCS (March, 2018) as explained in the 2017/2018 Belfast Housing Land Availability Summary Report. The 2018 Urban Footprint forms a revised baseline position for the 2017/2018 monitor period onwards.

within the Urban Footprint during the current monitor year and the cumulative total number of dwellings completed to date from 1 April 2015 (the date at which the Council gained statutory responsibility for planning), expressed as a percentage of the total number of dwellings completed over the respective time periods.

89.3% of the 711 units completed within Belfast City were built on land within the Urban Footprint. Of the remaining potential dwelling units, 95.6% are within the Urban Footprint.

Figure 2 shows the proportion of dwellings within the Urban Footprint for the district from 2015/16 to present, to allow for an analysis of trends over a longer timeframe. The proportion of dwellings completed within the Urban Footprint has increased from 84.5% in 2021/22 to 89.3% in the current monitor year.

3.3 Land Use Zoning Summary

Table 3 provides a breakdown of the dwelling units completed by type of land use zoning within the prevailing development plan within each settlement or settlement area. The data within this table is divided into the following columns:

- **Land Zoned for Housing** – the number of units completed and the remaining potential units on land allocated for residential use within the prevailing development plan;
- **Land Zoned for Mixed Use** – the number of units completed and the remaining potential units on land zoned for mixed use development, which includes an element of residential development within key site requirements;
- **All other land** – the number of units completed and the remaining potential units on any other land not falling within the first two, which include non-zoned land and land zoned for non-residential uses; and
- **Proportion of Zoned Land (%)** – the proportion of units completed on either housing or mixed use zoned land expressed as a percentage of the total number of dwellings completed.

30.7% of the dwelling units completed during 2022/23 have been delivered on zoned land within Belfast City. The number of units completed on all other land was 495 dwellings.

Figure 3 shows the proportion of units completed for the district on both housing or mixed use zoned land expressed as a percentage of the total number of dwellings completed from 2015/16 to present. This proportion has increased from 36.3% in 2021/22 to 30.7% in the current monitor year. Figure 4 shows the total number of units completed on all other land. This 'windfall' provision has increased by 3.1% from 480 units in 2021/22 to 495 in the current monitor year.

Table 4 provides details of the capacity for future dwelling units on the same basis as Table 3. Of the remaining potential available for future dwellings, 34.4% is currently zoned for housing or mixed use. 3,525 of the available 20,901 potential dwelling units can be delivered on land zoned for housing and 3,668 units on land zoned for mixed use. In comparison, 13,708 of the remaining potential units can be provided on all other land.

Table 1: Settlement Summary 2022/23

Settlement	Area Developed (Hectares)		Units Complete		Available Potential (Hectares)	Available Potential (Dwelling Units)
	01-04-22 to 31-03-23	01-04-15 to 31-03-23	01-04-22 to 31-03-23	01-04-15 to 31-03-23		
Belfast City						
Outer Belfast	16.1	141	702	5,129	219.5	11,490
City Centre	0.1	2.6	9	372	36.5	6,261
Harbour Area	0.0	0.0	0	0	86	3,128
Belfast City Total	16.2	143.6	711	5,501	342	20,879
Small Settlements						
Edenderry	0.1	0.1	3	3	0.8	18
Hannahstown	0.0	1.0	0	23	0.4	3
Loughview	0.0	0.0	0	0	0.2	1
Small Settlement Total	0.1	1.1	3	26	1.4	22
DISTRICT TOTAL	16.3	144.7	714	5,527	343.4	20,901

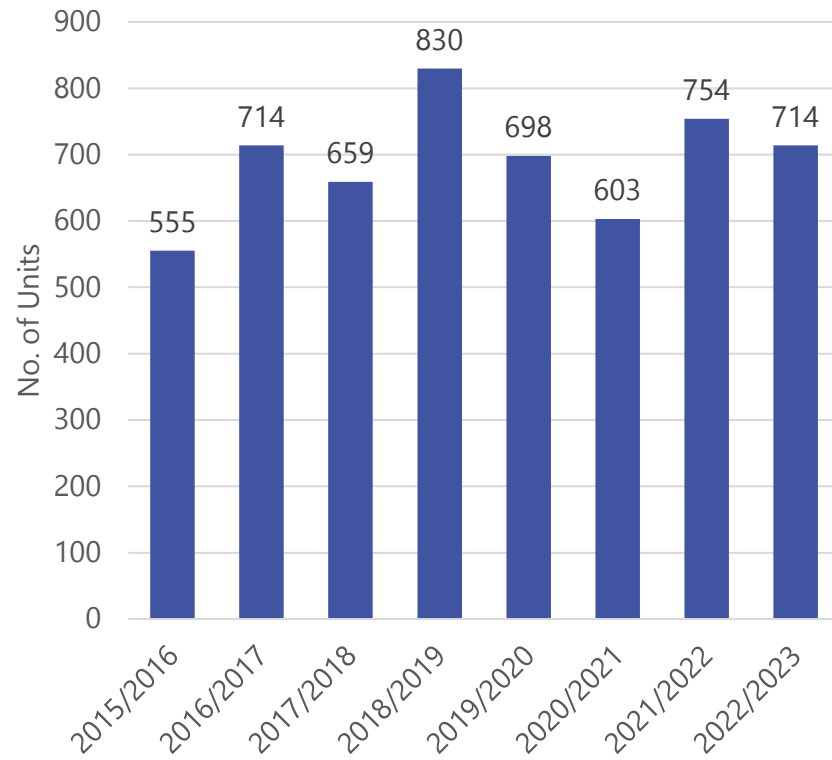
Note – Hectare values may not tally due to rounding

Table 2: Urban Footprint Summary 2022/23

Settlement / Area	Area Developed (Hectares)		Units Complete		Available Potential (Hectares)	Available Potential (Dwelling Units)
	01-04-22 to 31-03-23	01-04-15 to 31-03-23	01-04-22 to 31-03-23	01-04-15 to 31-03-23		
Urban Footprint	11.9	103.1	635	4,680	306.8	19,958
<i>Units within the Urban Footprint (%)</i>	-	-	<i>89.3%</i>	<i>85.1%</i>	-	<i>95.6%</i>
Greenfield	4.2	40.5	76	821	35.3	921
Belfast City Total	16.2	143.6	711	5,501	342	20,879

Note – Hectare values may not tally due to rounding

**Figure 1: Total Dwellings Completed
2015-2023**



**Figure 2: Proportion of Dwellings Within the Urban Footprint
2015-2023**

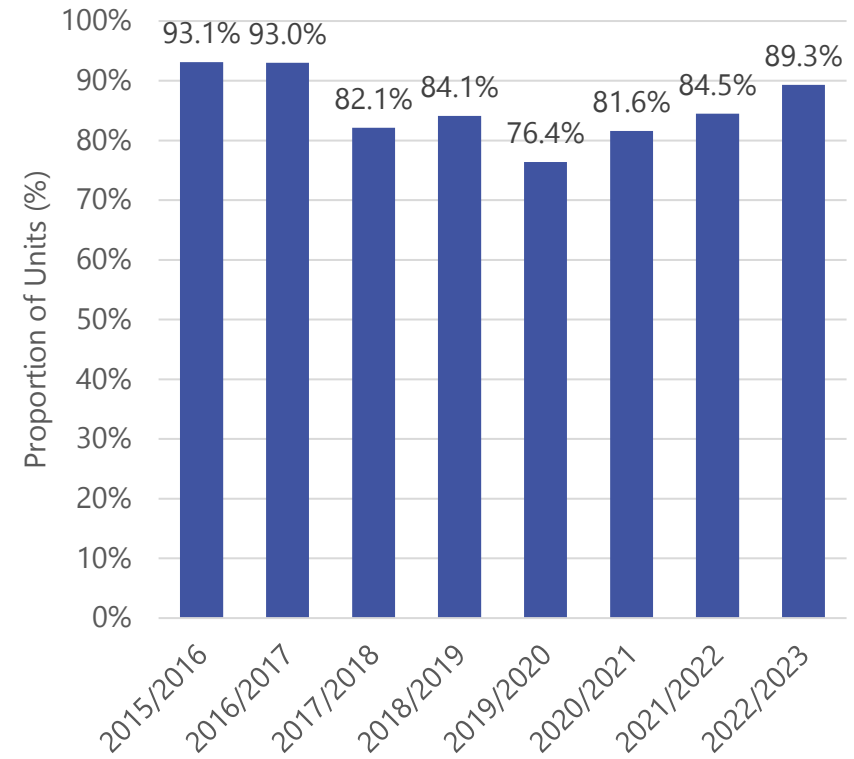
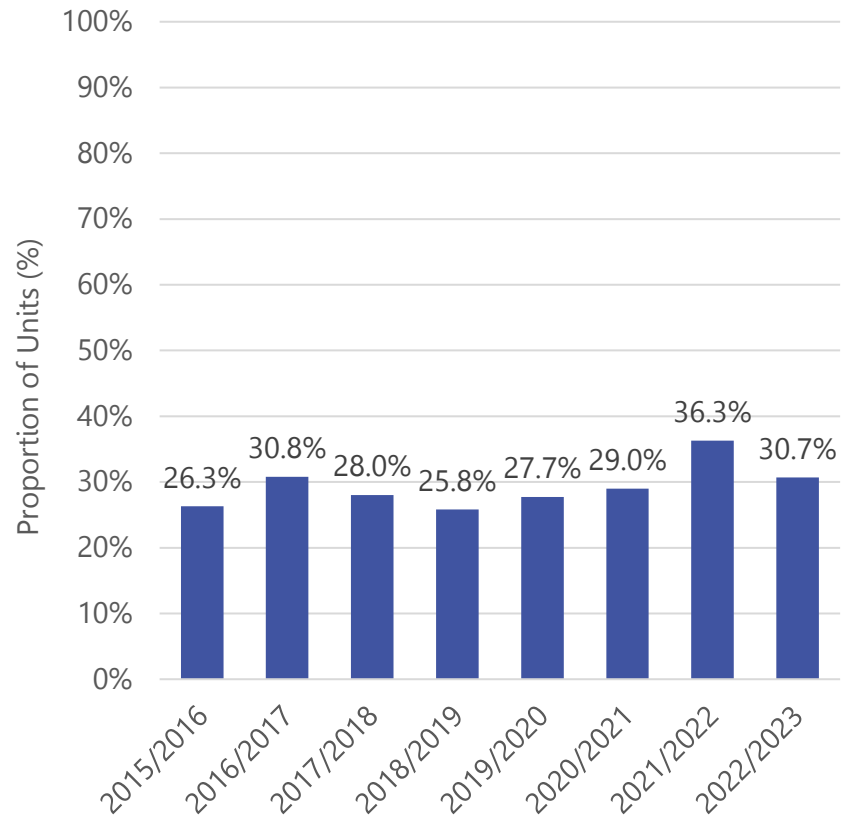


Table 3: Land Use Zoning Completed Units 2022/23

Settlement / Area	Units Complete									
	Land Zoned for Housing		Land Zoned for Mixed Use		All other land		Total		Proportion on Zoned Land (%)	
	01-04-22 to 31-03-23	01-04-15 to 31-03-23	01-04-22 to 31-03-23	01-04-15 to 31-03-23	01-04-22 to 31-03-23	01-04-15 to 31-03-23	01-04-22 to 31-03-23	01-04-15 to 31-03-23	01-04-22 to 31-03-23	01-04-15 to 31-03-23
Belfast										
Outer Belfast	219	1,553	0	60	483	3,516	702	5,129	31.2%	31.4%
City Centre	0	37	n/a	n/a	9	335	9	372	0.0%	9.9%
Harbour Area	n/a	n/a	0	0	0	0	0	0	0.0%	0.0%
Belfast Total	219	1,590	0	60	492	3,851	711	5,501	30.8%	30%
Small Settlements										
Edenderry	n/a	n/a	n/a	n/a	3	3	3	3	n/a	n/a
Hannahstown	n/a	n/a	n/a	n/a	0	23	0	23	n/a	n/a
Loughview	n/a	n/a	n/a	n/a	0	0	0	0	n/a	n/a
Small Settlement Total	n/a	n/a	n/a	n/a	3	26	3	26	n/a	n/a
DISTRICT TOTAL	219	1,590	0	60	495	3,877	714	5,527	30.7%	29.9%

**Figure 3: Proportion of Units Complete on Zoned land
2015-2023**



**Figure 4: No. of Units Complete on All Other Land
2015-2023**

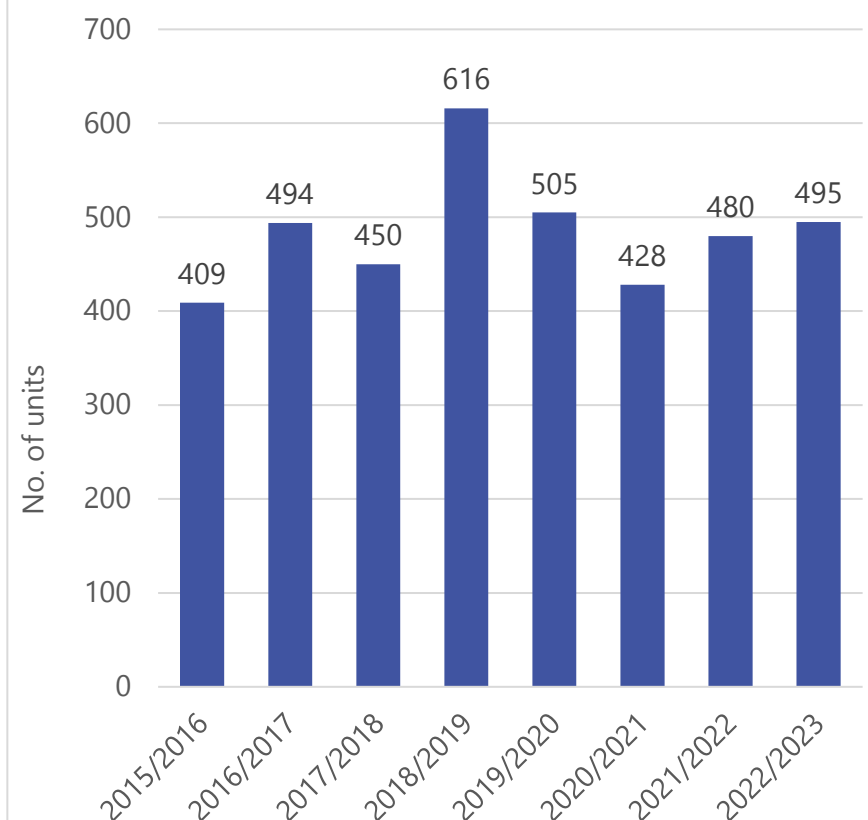


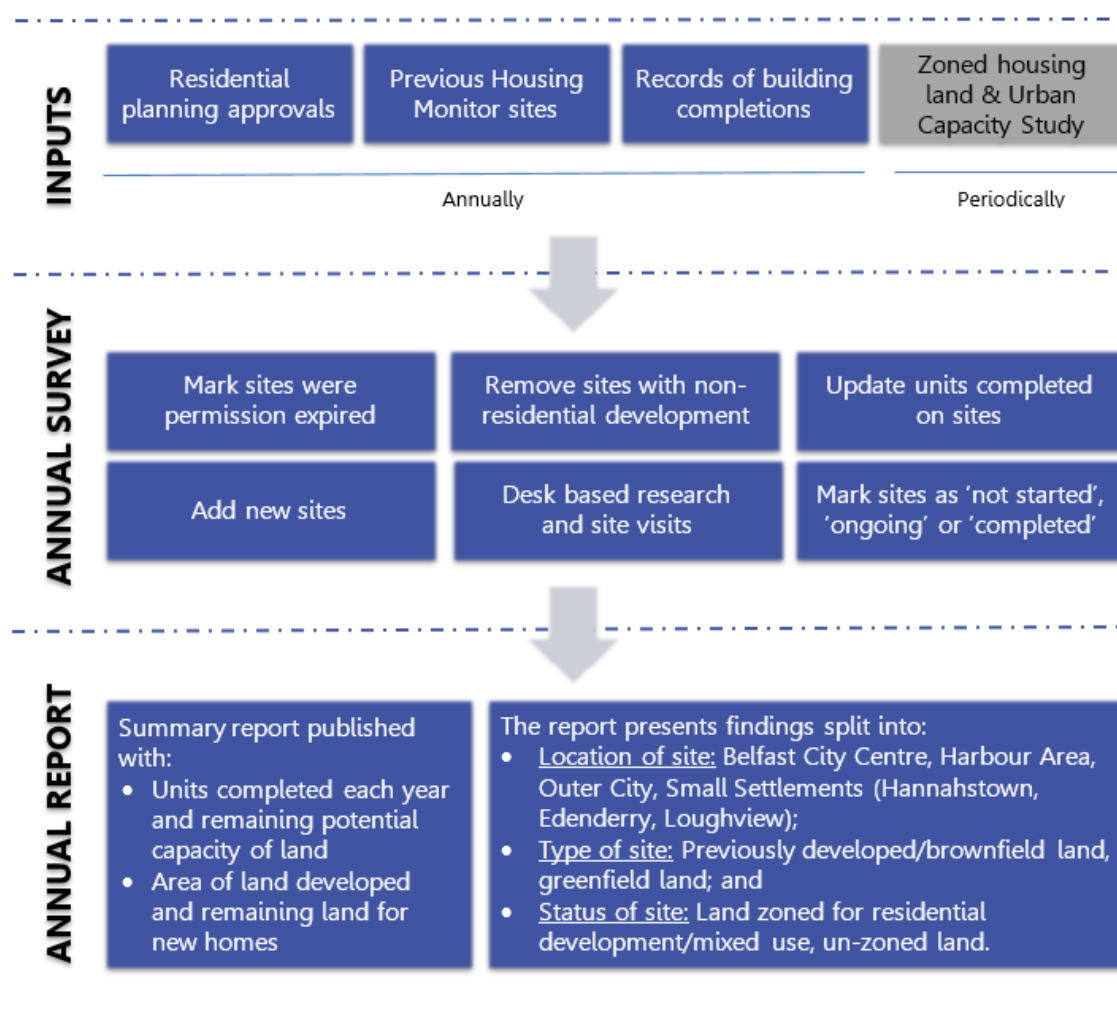
Table 4: Land Use Zoning Remaining Potential Units 2022/23

Settlement / Area	Remaining Potential Units				
	Land Zoned for Housing	Land Zoned for Mixed Use	All other land	Total	Proportion on Zoned Land (%)
Belfast City					
Outer Belfast	2,873	653	7,964	11,490	30.7%
City Centre	652	n/a	5,609	6,261	10.4%
Harbour Area	n/a	3,015	113	3,128	96.4%
Belfast City Total	3,525	3,668	13,686	20,879	34.5%
Small Settlements					
Edenderry	n/a	n/a	18	18	n/a
Hannahstown	n/a	n/a	3	3	n/a
Loughview	n/a	n/a	1	1	n/a
Small Settlement Total	n/a	n/a	22	22	n/a
DISTRICT TOTAL	3,525	3,668	13,708	20,901	34.4%

Appendix A: Summary Methodology

The Housing Land Availability Monitor measures net gains in housing within the Belfast City Council area. It provides a snapshot of the amount of land available for new homes as of 1st April each year. The Monitor demonstrates the presence of an adequate and continuous supply of housing land in the city and provides evidence to inform the preparation of the Local Development Plan and to make planning decisions.

The Monitor presents a register of potential housing land, based on current planning policy designations and planning permissions, rather than an accurate picture of viable housing land. An Urban Capacity Study will be undertaken from time to time to assess the suitability, availability and achievability of monitored sites to contribute to a viable 5 year supply of land. An Urban Capacity Study for Belfast was published in March 2018.



Belfast Planning Service

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

 www.belfastcity.gov.uk/LDP

 localdevelopmentplan@belfastcity.gov.uk

 028 9050 0510

Text phone: 028 9027 0405

 @belfastcc

 @belfastcitycouncil

 Belfast City Council



This page is intentionally left blank



Belfast Local Development Plan

Employment

Monitor Report 2022/23

1	Introduction	1
2	Methodology.....	1
3	Limitations.....	2
4	Overview	3
4.1	Belfast LGD overview 01 April 2022- 31 March 2023	3
4.2	Belfast LGD extant and under construction overview.....	3
4.3	Belfast LGD extant and under construction overview.....	3
4.4	Belfast LGD completions (gains) and remaining capacity by location	4
4.5	Belfast LGD completions (losses) and remaining potential losses by location.....	4
4.6	Mixed use sites remaining capacity	4
5	Summary tables	5
	Appendix A: Summary Methodology	14

1 Introduction

As part of the preparation of a new Local Development Plan (LDP) for Belfast, the Strategic Planning Policy Statement (SPPS) for NI (September 2015) states that “a system to monitor the take up and loss of land allocated for economic development purposes should be implemented.”

The primary purpose of the employment monitor is to inform the formulation of the council’s new LDP. However, it will also help the council identify and track changes in the potential land supply across the city.

The information collated will allow a clear view of the overall progress in meeting the employment objectives of the emerging development plan and in identifying issues likely to require intervention.

The Planning Act (NI) 2011 requires the council to make an annual report to the Department for Infrastructure outlining the extent to which the objectives set out in the LDP are being achieved. Although the new plan is not yet adopted it is still important to report on the availability and take-up of employment land in advance of the full LDP adoption.

2 Methodology

This section will explain the data collection methods used to analyse employment land availability within the district. It provides information relating to employment land data between 01 April 2022 and 31 March 2023. An analysis has been undertaken of all new sites with planning approvals within the periods stated above. The survey identifies and records sites that have been completed, sites that are currently under construction and sites with outstanding planning permission, yet to be implemented. Any existing employment land which was lost to non-employment uses during the monitoring year has also been recorded. Sites identified for the purposes of this report are those that fall within Class B of the Use Classes Order. These are defined as:

Class B1a	General offices
Class B1b	Call centres
Class B1c	Research and development
B2	Light industry
B3	General industry
B4	Storage and Distribution

The methodology has been revised since the publication of the last report to allow for more accurate reporting which removes the risk of double counting yields where there is more than one extant approval on a site. The monitor also captures instances where there is a loss and a gain of employment floorspace as part of the same proposal.

The process followed to produce the employment land monitor is summarised at Appendix A.

The Monitor presents a register of potential employment land, based on current planning policy designations and planning permissions¹. It is the role of an Urban Capacity Study (UCS) and the Employment Land Review which will be undertaken from time to time, to assess the suitability, availability and achievability of monitored sites to contribute to a viable supply of land.

3 Limitations

The figures included in this document do not include all development. It should therefore be assumed that some refurbishments and other permitted development have been developed and are not included in this document as there is no requirement for such works to be subject to the planning process. Where there has been an application permitted which includes intensification of an existing employment site, i.e. an extension or additional floor to existing employment building, only net additional floorspace is recorded as the site area already exists and would be misrepresentative.

It must also be recognised that the site area for planning applications expressed in hectares has been reduced in some instances to reflect only the site and not the access arrangements as this would have the potential to give misleading results. In a small number of schemes, the floorspace figures were not readily available and estimates of the floorspace gained or lost has been provided based on the existing building footprint and the number of storeys. Due to rounding, numbers presented throughout this report may not add up precisely to the totals provided.

¹ For the purposes of the employment monitor, the draft Belfast Metropolitan Area Plan (BMAP) 2015 is utilised rather than the former Belfast Urban Area Plan (BUAP) 2001. The adopted BMAP was quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017 and, although this means the BUAP is now the statutory development plan for the area, the draft BMAP, in its most recent, pre-examination, form remains a significant material consideration in future planning decisions. Draft BMAP therefore refers to that which was purported to be adopted and not the pre-examination draft published in 2004.

4 Overview

The following summary tables detail the uptake and loss of employment space for the monitoring period (01 April 2022-31 March 2023). The position at the 31 March 2023 in terms of the remaining supply of vacant employment land and as well as committed floorspace gains through extant planning permission for B use classes balanced against committed losses (extant planning permission for alternative uses) for Belfast district is also included.

4.1 Belfast LGD overview 01 April 2022 - 31 March 2023

Table 1 provides a breakdown for the completed gains and losses in employment land over the monitoring year period of 01 April 2022 to 31 March 2023. The total amount of floorspace completed was 60,422m². The majority of this was in use class B1(a) general offices. The total amount of completed employment floorspace lost to non- employment uses over the monitoring period was 3,826m². The net change between completed losses and gains was +56,596m².

4.2 Belfast LGD extant and under construction overview

Table 2 and Figure 1 set out the completions (gains and losses) across two monitor periods (2021/22 and 2022/23) to give an indication of the annual average and the net changes across a greater time period.

4.3 Belfast LGD extant and under construction overview

Table 3 provides overall totals for schemes where development is on-going and where planning permission remains extant on 31 March 2023. Under construction schemes at the 31 March 2023 have the potential to deliver approximately 28,642m² of new floorspace. The completion of all schemes yet to start has the potential to deliver approximately 479,565m² of new employment floorspace. Further analysis of the extant permissions demonstrates that approximately 384,272m² consist of B1(a) general offices.

4.4 Belfast LGD completions (gains) and remaining capacity by location

Table 4 and Figure 2 set out the completions (gains) by location over the period 01 April 2022 to 31 March 2023. It also sets out the remaining capacity by way of extant planning permissions for employment use by location and areas of developable land within existing employment locations (that is, land where there is no development under construction or that does not have an extant planning consent). In line with best practice a 40% building to plot ratio was applied to these areas to reflect the servicing, parking and landscaping requirements. As of the 31 March 2023 there is approximately 238,432m² of vacant land suitable for employment purposes.

4.5 Belfast LGD completions (losses) and remaining potential losses by location

Table 5 outlines the completed (losses) by location over the period 01 April 2022 to 31 March 2023. It also sets out the remaining potential losses of employment uses to non-employment uses if all extant planning permissions are realised. These extant planning permissions are located mostly within the city centre and the rest of the city.

4.6 Mixed use sites remaining capacity

There are four sites zoned for mixed use in draft BMAP (table 6). The yields for Titanic Quarter (BHA01) and Lands at Monagh By-Pass / Upper Springfield Road (BT 002) are captured in table 2 as they consist of extant planning permissions or development under construction. The yields on the remaining two mixed use zonings have been captured from their respective masterplans.

5 Summary tables

Table 1: Completions for monitor period 01 April 2022 to 31 March 2023

	Office (B1A)		Call centres (B1B)		R & D (B1C)		Light industry (B2)		General Industry (B3)		Storage & Distribution (B4)		Total	
	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2
Completed (gains) 01/04/2022-31/03/2023	3.9	35,601	0.0	0.0	1.6	11,714	3.7	9,115	0.0	0.0	2.8	3,992	12	60,422
Completed (losses) 01/04/2022-31/03/2023	0.2	2,640	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1	1,186	0.2	3,826
Net Change	3.7	32,961	0.0	0.0	1.6	11,714	3.7	9,115	0.0	0.0	2.7	2,806	11.8	56,596

Table 2: Completions for 2021/22 and 2022/23 monitor periods

	Office (B1A)		Call centres (B1B)		R & D (B1C)		Light industry (B2)		General Industry (B3)		Storage & Distribution (B4)		Total	
	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2
Completed (gains) 01/04/2022-31/03/2023	11.3	62,656	0.0	0.0	1.6	11,714	3.7	9,115	0.0	0.0	3.2	4,284	20	87,769
Annual Average	6	31,328	0.0	0.0	0.8	5,857	1.9	4,557.5	0.0	0.0	1.6	2,142	10	43,884.5
Completed (losses) 01/04/2022-31/03/2023	0.5	7,538	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1	2,267	0.6	9,805
Annual Average	0.3	3,769	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1	1,133.5	0.3	4,902.5
Net Change	11	55,118	0.0	0.0	1.6	11,714	3.7	9,115	0.0	0.0	3	2,017	19.3	77,964

Figure 1: Completions by Use Classes across monitor periods 2021/22 and 2022/23 (m²)

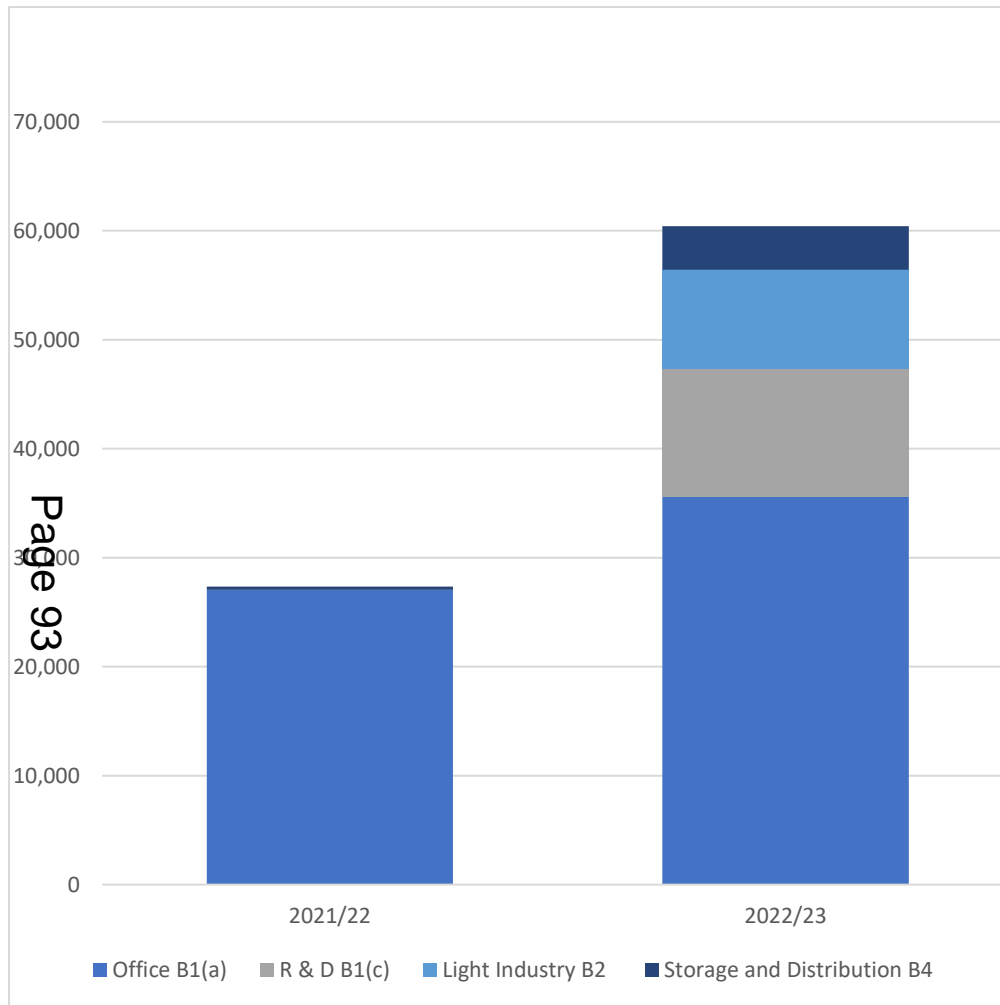


Figure 2: Completions (gains) by location across monitor periods 2021/22 and 2022/23 (%)

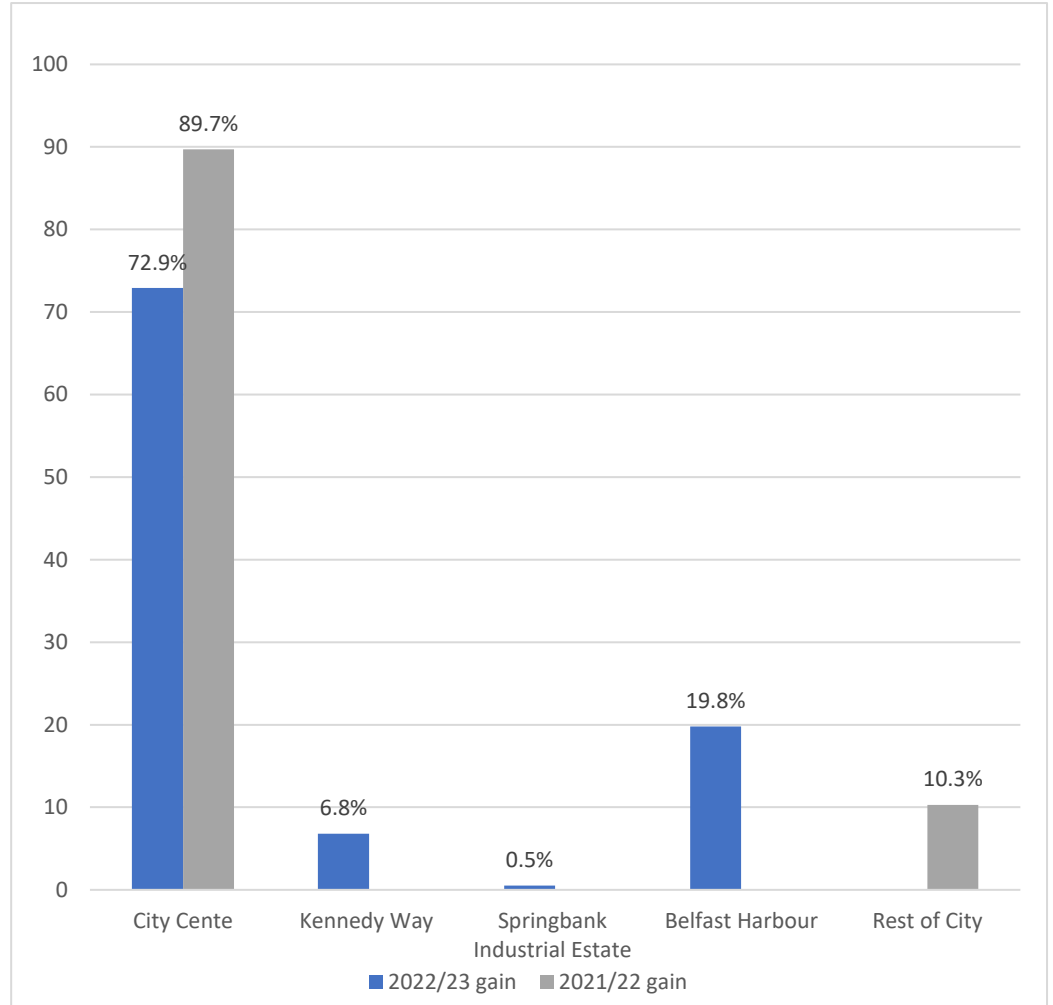


Table 3: Development under construction, extant permission (gain and losses)

	Office (B1A)		Call centres (B1B)		R & D (B1C)		Light industry (B2)		General Industry (B3)		Storage & Distribution (B4)		Vacant employment land		Total	
	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2
Development on-going at 31/03/23	5.7	23,289	0.0	0.0	0.0	0.0	1	4,200	0.0	0.0	0.2	1,153	*	*	6.9	28,642
Not started gains - Full D& Outline at 31/03/23	75.9	384,272	11.8	1,150	12.7	8,948	51.5	29,841	42.8	32,605	14.1	22,749	*	*	208.8	479,565
Sub-total	81.6	407,561	11.8	1,150	12.7	8,948	52.5	31,445	42.8	32,605	14.3	23,902	*	*	215.7	508,207
Losses not started at 31/03/23	4.8	25,728	0.1	1,868	0.1	381	2.8	10,638	2.4	6,800	10.6	26,964	0.7	2,844	21.5	75,223
Net Total	76.8	381,833	11.7	-718	12.6	8,567	48.7	19,203	40.4	25,805	3.5	-4,215	-0.7	-2,844	203.2	419,018

*For vacant employment land not covered by an existing planning consent please refer to table 4.

Table 4: Completions (gains) and remaining potential gains by location

Ref No	Location	Completions (m ²)		Remaining Capacity (m ²)	
		01-04-2022 to 31-03-2023	01-04-2021 to 31-03-2022	Remaining potential from extant permissions and under construction	Remaining potential from vacant developable land
CC	CITY CENTRE	32,741	26,987	319,772	0
ML 08	KILWEE INDUSTRIAL ESTATE, DUNMURRY	0	0	0	811
BT 005/05	HILLVIEW ROAD	0	0	3,543	1,416
BT 005/19	BALLYGOMARTIN INDUSTRIAL ESTATE, BALLYGOMARTIN ROAD	0	0	0	1,488
BT 005/10	GLENBANK BUSINESS PARK, CRUMLIN ROAD	0	0	0	11,988
BT 005/25	NORTH HOWARD LINK	0	0	0	0
BT 005/15	KENNEDY WAY	3,438	68	1,258	0
BT 005/04	CASTLEREAGH ROAD	0	0	0	2,423
MCH 09	PRINCE REGENT ROAD	0	0	4,412	0
ML 07	SPRINGBANK INDUSTRIAL ESTATE	221	0	1,606	35,199
BT 005/13	RAVENHILL BUSINESS PARK	0	0	0	0
BT 005/09	SHORE ROAD/SKEGIONEILL STREET	0	0	0	629
BT 004	LAND AT SPRINGFIELD ROAD (FORMER MACKIE'S SITE)	0	0	0	65,122
BT 005/11	DONEGALL ROAD	0	0	0	0
BT 005/08	DUNCAIRN GARDENS	0	0	1,618	0
BHA 06	BELFAST HARBOUR	9,932	0	47,287	183,727
BT 005/17	WESTLINK ENTERPRISE CENTRE, DISTILLERY STREET	0	0	0	1,281
MCH 10	MONTGOMERY ROAD	0	0	10,919	0
BT 005/20	LANARK WAY	0	0	0	641
BT 005/07	YORK ROAD INCLUDING JENNYMOUNT BUSINESS PARK	0	0	563	0

BT 005/12	STOCKMANS WAY	0	292	44	0
MCH 11	BALLYGOWAN ROAD	0	0	0	0
BT 005/02	ISLAND STREET/BALLYMACARRETT ROAD	0	0	0	331
BT 005/21	ARGYLE BUSINESS PARK, SHANKILL ROAD	0	0	0	0
BT 005/01	NEWTOWNARDS ROAD/TAMAR STEET	0	0	0	0
BT 005/18	SPRINGFIELD ROAD	0	0	4,310	5,107
BT 005/22	AGNES STREET INDUSTRIAL ESTATE	0	0	456	0
BT 005/03	EAST BELFAST ENTERPRISE PARK	0	0	0	0
BT 005/23	LOUDEN STREET/TOWNSEND STREET	0	0	0	0
BT 005/16	WHITEROCK INDUSTRIAL ESTATE, SPRINGFIELD ROAD	0	0	13,177	6,652
BT 005/26	CONWAY STREET	0	0	0	0
BT 005/06	CAMBRAI STREET	0	0	310	0
BT 005/24	ANDREWS MILL, DIVIS STREET	0	0	0	0
BT 005/14	GLEN ROAD	0	0	20	0
ML 05	SEYMOUR INDUSTRIAL ESTATE	0	0	0	3,598
ROC	REST OF CITY	0	0	17,913	0
BHA 01	TITANIC QUARTER	14,080	0	*	*
ODL	OUTSIDE DEVELOPMENT LIMIT	0	0	3,288	0
Total		46,332	27,347	430,496	238,432
Total				668,928	

*See Table 6 for remaining capacity at BHA 01 Titanic Quarter.

Table 5: Completions (losses) and remaining potential losses by location

Ref No	Location	Completed losses (m ²)		Remaining potential losses (m ²)
		01-04-2022 to 31-03-2023	01-04-2021 to 31-03-2022	Remaining commitments at 31-03-2023
CC	CITY CENTRE	3,320	4,898	27,043
ML 08	KILWEE INDUSTRIAL ESTATE, DUNMURRY	0	0	0
BT 005/05	HILLVIEW ROAD	0	0	5,028
BT 005/19	BALLYGOMARTIN INDUSTRIAL ESTATE, BALLYGOMARTIN ROAD	0	0	0
BT 005/10	GLENBANK BUSINESS PARK, CRUMLIN ROAD	0	0	0
BT 005/25	NORTH HOWARD LINK	0	0	0
BT 005/15	KENNEDY WAY	0	0	0
BT 005/04	CASTLEREAGH ROAD	0	0	0
MCH 09	PRINCE REGENT ROAD	0	0	800
ML 07	SPRINGBANK INDUSTRIAL ESTATE	0	0	0
BT 005/13	RAVENHILL BUSINESS PARK	0	0	93
BT 005/09	SHORE ROAD/SKEGIONEILL STREET	0	0	0
BT 004	LAND AT SPRINGFIELD ROAD (FORMER MACKIE'S SITE)	0	0	0
BT 005/11	DONEGALL ROAD	0	0	0
BT 005/08	DUNCAIRN GARDENS	0	0	381
BHA 06	BELFAST HARBOUR	0	0	5,129
BT 005/17	WESTLINK ENTERPRISE CENTRE, DISTILLERY STREET	0	0	0
MCH 10	MONTGOMERY ROAD	0	0	2,531
BT 005/20	LANARK WAY	0	0	0
BT 005/07	YORK ROAD INCLUDING JENNYMOUNT BUSINESS PARK	0	0	0
BT 005/12	STOCKMANS WAY	0	0	561
MCH 11	BALLYGOWAN ROAD	0	0	0
BT 005/02	ISLAND STREET/BALLYMACARRETT ROAD	0	0	0
BT 005/21	ARGYLE BUSINESS PARK, SHANKILL ROAD	0	0	0
BT 005/01	NEWTOWNARDS ROAD/TAMAR STEET	0	0	956

BT 005/18	SPRINGFIELD ROAD	0	0	3,940
BT 005/22	AGNES STREET INDUSTRIAL ESTATE	0	0	0
BT 005/03	EAST BELFAST ENTERPRISE PARK	0	0	0
BT 005/23	LOUDEN STREET/TOWNSEND STREET	0	0	0
BT 005/16	WHITEROCK INDUSTRIAL ESTATE, SPRINGFIELD ROAD	0	0	271
BT 005/26	CONWAY STREET	0	0	0
BT 005/06	CAMBRAI STREET	0	0	1,672
BT 005/24	ANDREWS MILL, DIVIS STREET	0	0	0
BT 005/14	GLEN ROAD	0	0	0
ML 05	SEYMOUR INDUSTRIAL ESTATE	0	0	0
ROC	REST OF CITY	506	0	27,723
Total		3,826	4,898	76,276

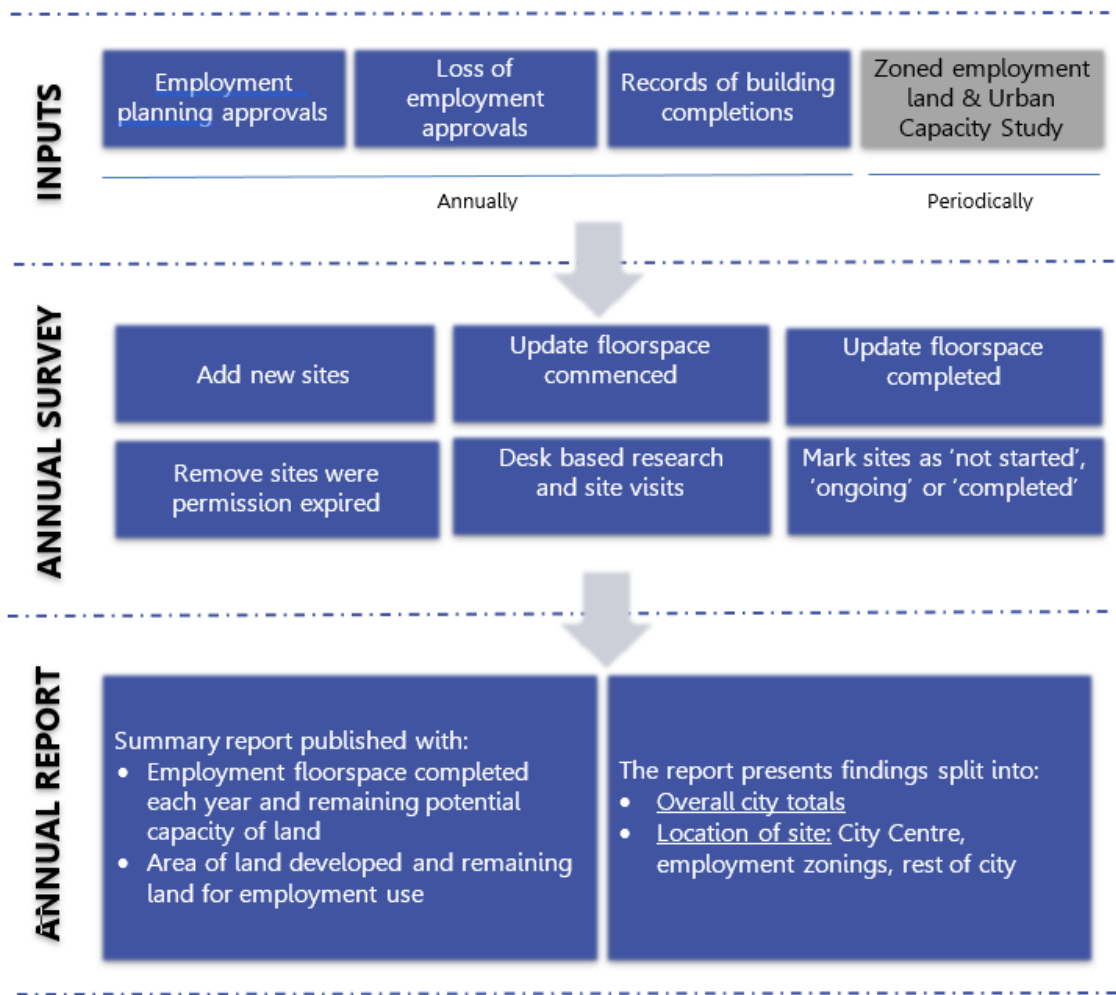
Table 6: Mixed use sites remaining yield/capacity

ZONING REFERENCE	LOCATION	EMPLOYMENT YIELD
BHA 05	NORTH FORESHORE	38,140
BT 003	LAND AT CRUMLIN ROAD INCLUDING GIRDWOOD BARRACKS	20,000
BT 002	LAND AT MONAGH BYPASS / UPPER SPRINGFIELD ROAD	4,030
BHA 01	TITANIC QUARTER	62,989
	TOTAL	125,159

Appendix A: Summary Methodology

The employment land monitor measures net gains and losses in employment floorspace within the Belfast City Council area. It provides a snapshot of the amount of land available for employment as of 1st April each year. The Monitor demonstrates the presence of an adequate and continuous supply of employment land in the city and provides evidence to inform the preparation of the Local Development Plan and to make planning decisions. The Monitor presents a register of potential employment land, based on current planning policy designations and planning permissions, rather than an accurate picture of viable employment land.

An Urban Capacity Study will be undertaken from time to time to assess the suitability, availability and achievability of monitored sites to ensure the land required to facilitate the required jobs growth over the plan period is met. An Urban Capacity Study for Belfast was published in March 2018. (https://www.belfastcity.gov.uk/getmedia/3794156e-b2b5-4437-ab36-2f13f2f4f742/DPS028_Evi-05.pdf)



Belfast Planning Service

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

-  www.belfastcity.gov.uk/LDP
-  planning@belfastcity.gov.uk
-  028 9050 0510
-  @belfastcc
-  @belfastcitycouncil
-  Belfast City Council

This page is intentionally left blank



Subject:	NI Public Service Ombudsman – Report on Tree Protection
Date:	14 November 2023
Reporting Officer:	Kate Bentley, Director of Planning and Building Control
Contact Officer:	Keith Sutherland – Development Planning & Policy Manager Dermot O’Kane, Principal Planning Officer

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

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

1.0	Purpose of Report or Summary of Main Issues
1.1	To inform Members of the recent publication of a Report on Tree Protection matters by the NIPSO and provide comments on the recommendations in respect of both councils and the DfI set out in the report.
2.0	Recommendations
	The committee is requested to note the publication of the NIPSO Report on Tree Protection matters and to note the comments on relevant NIPSO recommendations. A copy of the published NIPSO Report is attached at Appendix 1 .
3.0	Main Report
3.1	The Northern Ireland Public Service Ombudsman (NIPSO) wrote to the Department for Infrastructure (DfI) and all councils in July 2023 advising that concerns had been raised with their office about how public bodies fulfil their duties to protect trees within the planning system. NIPSO carried out an ‘own initiative’ investigation and invited public bodies to submit comments and details in response to a number of set questions. The NIPSO has now published her Report, which includes observations and a number of recommendations to DfI and councils.
3.2	The NIPSO Report sets out the legislative context for tree protection in the planning system and is further structured around a number of key headings, each with a corresponding set of recommendations for DfI and / or councils. The headings are: <ul style="list-style-type: none"> • Strategies, Policies and Procedures • Tree Preservation Orders • Applications for Works to Protected Trees • Protected Trees on Council Owned Land • Statutory Undertakers • Enforcement Activity

3.3	The Report recognises good practice and Belfast City Council is specifically referenced a number of times in this regard, including our LDP Supplementary Planning Guidelines on Trees and Development, our recently adopted Tree Strategy alongside our online public mapping of TPOs and conservation areas. It also identifies differences between each council, including in terms of numbers of TPOs, requests for new TPOs and treeworks applications. In this regard, it should be noted that Belfast has the second highest number of existing TPOs and new TPO requests along with the highest number, by a significant margin, of treeworks applications for the investigation period 2019-2022. It should also be recognised that where the Report seeks to highlight issues or concerns in respect of the current processes these are not attributed to specific councils.
3.4	Overall, there are 26 recommendations, eight of which are solely for DfI and these relate mainly to the provision of detailed or updated guidelines on best practice. The remaining recommendations primarily relate to councils or joint working with DfI. As noted above these have been identified generically for all councils irrespective of their current practices or progress in respect of the areas covered in the recommendations.
3.5	The Committee may wish to note that many of the recommendations have already been addressed (or are in the process of being addressed) by the different departments across the council. A table of the recommendations and brief comments are included at Appendix 2 of this report.
3.6	As previously reported, we have taken forward a number of initiatives to ensure that information on protected trees is readily available to interested parties to ensure that decision making, and planning practice is based on an informed and sound evidential footing. A number of these initiatives were reported to Planning Committee on 17th January 2023 as part of an update report on tree protection matters. The quality of this information has been improved significantly following an extensive review of the records that we received from the then Department of the Environment when planning powers were transferred to local government in 2015.
3.7	As a council we have embedded the work to protect and manage trees within our statutory responsibilities and as an enhancement to our public online mapping, for TPOs and conservation areas, additional functionality will be introduced linking the map to statutory documents for each designated TPO. Alongside this enhanced access to information we have also published best practice guidance on the protection of trees which is available on our website and supplements our policies towards trees and other green and blue infrastructure embedded within our adopted LDP Plan Strategy.
4.0	Appendices
	Appendix 1 – NIPSO Report: Strengthening Our Roots - An overview report by the Northern Ireland Public Services Ombudsman on Tree Protection in the planning system. Appendix 2 – NIPSO Report Recommendations and officer update/comment

Appendix 2 - NIPSO Report Recommendations and Officer Comment

NIPSO Recommendation	Update/comment
<p>Recommendation 1: All councils should develop and implement tree strategies which ensure the relevant functions across the council are aligned to the agreed objectives. Councils which already have tree strategies in place should review their strategies to ensure that they are comprehensive.</p>	<p>The BCC Tree Strategy was adopted and published in October 2023 and is available on our website: Belfast Tree Strategy (belfastcity.gov.uk)</p>
<p>Recommendation 2: Councils should review their schemes of delegation for planning to ensure that decision making processes in respect of TPOs are being given the appropriate level of priority and are in line with the objectives set out within tree strategies. Councils should also ensure that their Schemes of Delegation are clear and accurate, including specifying exactly what matters are presented to, and decided by, Committee in this area.</p>	<p>The council has a scheme of delegation in place in accordance with legislative requirements and this is kept under review in discussion with Members. This provides for delegation of powers for tree protection and treeworks applications.</p>
<p>Recommendation 3: Councils should ensure that they have their own procedural guidance in place to supplement the legislative framework around trees which are subject to TPOs and conservation area protection. Given the difference in the level of protection afforded, the guidance should also set out clearly the circumstances TPOs should be used instead of, or alongside, planning conditions to best secure the long term protection of trees.</p>	<p>We have produced and published guidance in relation to protected trees. This is available on our website within our wider TPO information page: Guide to protected trees (belfastcity.gov.uk)</p>
<p>Recommendation 4: The Department should update and issue guides regarding the protection of trees, to reflect the current roles and responsibilities of the Department and the councils. The Department should also develop its own procedural guidance on areas in which it has retained responsibilities.</p>	<p><i>This is a Dfl action.</i></p> <p>BCC has already published updated guidance reflecting current responsibilities. BCC would prefer consultation by Dfl in advance of any further regional guidance being introduced.</p>
<p>Recommendation 5: The Department should consider how it could work more closely with the councils to provide a greater level of support and establish mechanisms for sharing good practice and expertise. This could include issuing best practice guidance for councils in relation to developing effective Tree Strategies and setting up a regional Tree Forum. The Department and councils should also utilise the agreed mechanism to consider my report and recommendations, and collectively develop an action plan.</p>	<p><i>This is a Dfl action.</i></p> <p>It should be noted that the councils have an established a tree officers' forum and our tree officers are active in this, including hosting the most recent meeting in October 2023.</p>

Recommendation 6: Councils should carry out detailed reviews of their TPO records to ensure that all of the TPOs which are in place remain valid. Councils should also ensure that they develop and implement processes for the regular review of their TPO records which should also be supported by carrying out site visits.	A detailed legal review of TPOs inherited from DoE was undertaken and was reported to Members in January 2023. A further review of all TPOs has been undertaken and the results of this will be reported to Members separately. As part of this comprehensive review an ongoing programme for future inspections and assessments has been established.
Recommendation 7: All councils should electronically map TPOs and conservation areas within their area and provide the public with online access to the TPO register and associated documentation.	Online mapping of TPOs and conservation areas has been publicly available for a number of years. This was acknowledged by the NIPSO. We are in the process of enhancing this resource to provide public access to the relevant statutory documents.
Recommendation 8: The Department should take the lead in developing a regional GIS map showing the locations of all TPOs and conservation areas in Northern Ireland. The regional map should be regularly updated and easily accessible to the public in an online format.	<i>This is a Dfl action.</i> This mapping is already available online for Belfast (see 7 above). Mapping might also be useful at a regional level and our data could be shared should Dfl progress this recommendation.
Recommendation 9: Councils should develop and document the methodology (including the potential use of valuation software) used to assess the 'amenity' value of trees.	Our published guidance on protected trees (see 3 above) sets out the main considerations for assessing requests. However, regional guidance could be helpful provided Dfl undertakes prior consultation with councils to reflect experience and learning from the delivery of this function.
Recommendation 10: In its 2022 Review of the Implementation of the 2011 Act, the Department committed to considering whether there is a need for it to provide further guidance for councils in relation to certain TPO terms. My report also supports the need for further guidance on key terms, and I recommend the Department proceeds to issue this.	<i>This is a Dfl action.</i> Councils have highlighted the concern (to Dfl and NIPSO) that there are legislative impediments to the power of councils to revoke TPOs and a reluctance of Dfl to assist councils in the revocation / amendment of existing Orders. Dfl has stated it intends to remedy the legislative impediment.
Recommendation 11: All councils should review the content of their websites to ensure that they provide clear and accurate information in relation to the processes which members of the public can follow when requesting TPOs. In addition to ensuring the process to request TPOs is accessible to the public, councils should also consider what mechanisms are in place internally to initiate TPO requests effectively.	As stated at 3 above, our website has a TPO information page and additional guidance on TPO requests. An online form is also available for TPO requests.
Recommendation 12: Councils which do not currently use application forms for processing applications for works to protected trees should develop standard application for works forms.	Our TPO information page provides further guidance on applications for works to protected trees. An online form is available for all treeworks applications. We will update the link to the new planning portal, where TPO requests and treeworks applications can now be submitted digitally.

Recommendation 13: Councils should review the content of their websites to ensure adequate information is provided to members of the public about the requirement to apply for works to protected trees, how to apply and that the application process is accessible.	See responses to 11 and 12 above.
Recommendation 14: Councils should provide clarity in relation to the use of independent evidence to support applications for works to protected trees. The circumstances in which independent evidence is required and the parties responsible for obtaining it should be clarified.	BCC has developed inhouse resources and expertise to ensure full and careful consideration of all treeworks applications. As with other types of statutory processes and application, considerations have to be addressed on a case-by-case basis.
Recommendation 15: Councils should explore the potential to publish details of applications for works to protected trees in an accessible format.	There is no provision in statute that would address the basis of this recommendation or the proposed outcomes. It would have significant resource implications and there is no clarity on the likely outcome and benefits to be derived.
Recommendation 16: Councils should explore the potential to introduce community notification procedures for residents likely to be affected by proposed works to protected trees.	As 15 above.
Recommendation 17: The Department should consider issuing best practice guidance in relation to publication and notification procedures (this could sit within the wider guidance recommended in Recommendation 5).	<i>This is a Dfl action.</i> Note response to 15 and 16 above. This would require legislative change. Any proposed changes must be subject to prior consultation with councils.
Recommendation 18: The Department and councils should agree and issue clear procedural guidance in relation to the processes which councils should follow when they seek to carry out works to protected trees on their own land.	Joint Dfl / Council action. Council officers understand and have followed these processes when there has been a council interest relating to proposed works or changes. It is considered that the process is both clear and has operated satisfactorily.
Recommendation 19: The Department should develop a best practice approach on the independent investigation of reported breaches of tree protection by councils. It should update its enforcement practice notes to include the procedural steps that should be taken when the planning authority (council or the Department) is suspected of the breach. The Department should also consider whether further legislation is required in this matter to provide the necessary clarity and independence in the decision making process.	<i>This is a Dfl action.</i> BCC would welcome the opportunity for Dfl to address this, in consultation with all councils, subject to a clear understanding of the basis of any change and the desired outcomes.

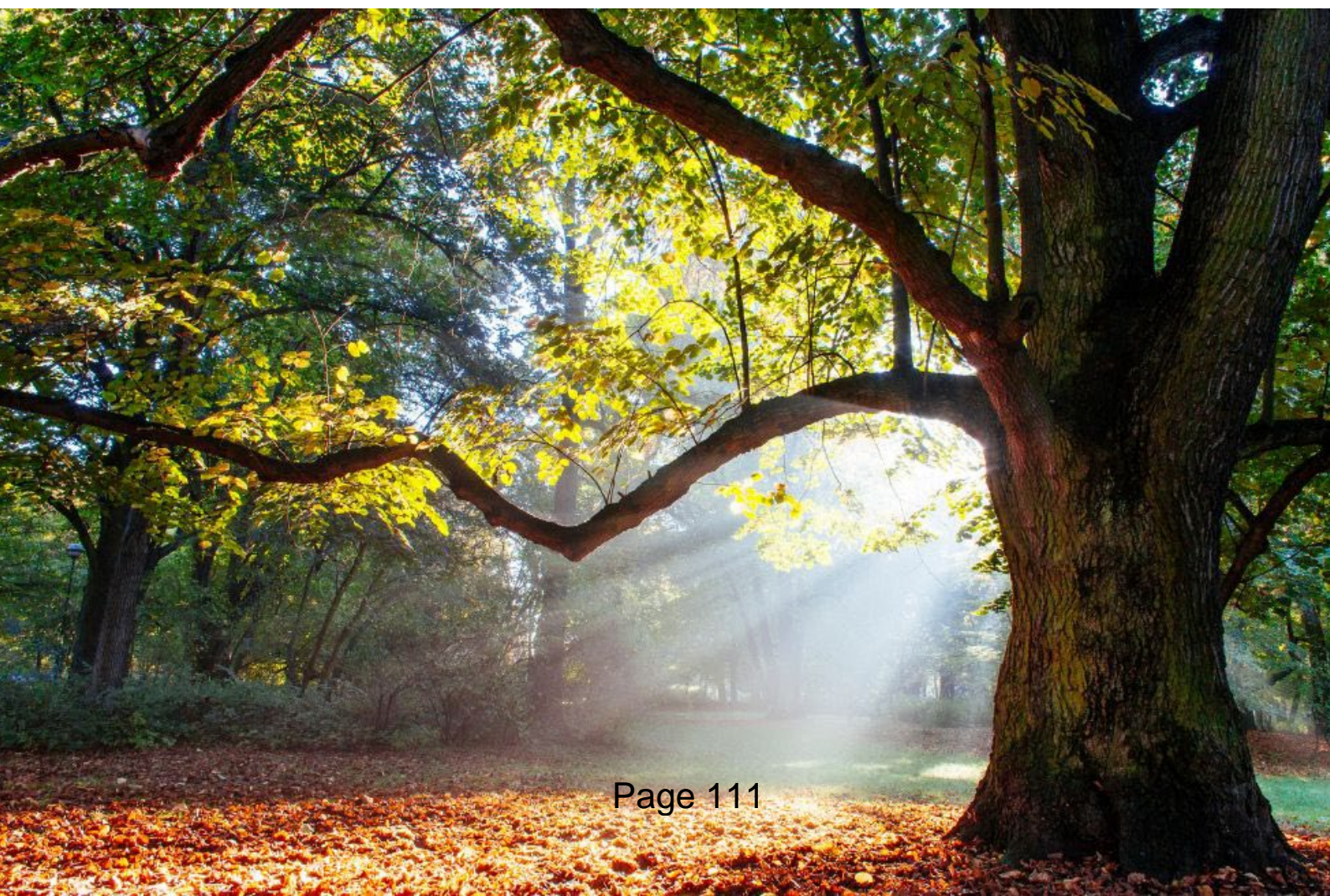
<p>Recommendation 20: The Department should issue best practice guidance on the exemptions for statutory undertakers which are contained within Schedule 3 of the 2015 Regulations. Guidance should include that statutory undertakers liaise with the relevant planning authorities prior to carrying out work to a protected tree and comply with best arboricultural practice in undertaking the work. Statutory undertakers should also report when work has been carried out without notification and review whether the work carried out was necessary and undertaken in a way that was least damaging.</p>	<p><i>This is a Dfl action.</i></p> <p>BCC already operates proactively with statutory undertakers to ensure works do not cause undue damage to all trees, including protected trees.</p> <p>See also response to 21 below.</p> <p>Any legislative change or new regional guidance from Dfl should be subject to prior consultation with all councils.</p>
<p>Recommendation 21: Councils should introduce mechanisms to facilitate increased levels of engagement and co-operation with statutory undertakers in relation to the protection of trees.</p>	<p>Our new Tree Strategy (see 1 above) includes an action to engage with statutory undertakers, including for awareness and training (Action point C3: Utilities Co-operation).</p>
<p>Recommendation 22: The Department and councils should examine the reported tree protection breaches closed as ‘not expedient’ and ‘other’, to establish if factors relied upon within the recorded reasoning are in keeping with enforcement guidance and council priorities, and whether there are repeat issues that can be acted upon to prevent future breaches. This should include examining the rigour of the investigation and whether sufficient effort was made to establish a breach.</p>	<p>Joint Dfl/Council action.</p> <p>BCC takes planning enforcement seriously and recently approved a new Enforcement Strategy (September 2023) that clearly references TPO and other tree-related breaches of planning control (see 23 below). In terms of enforcement decision-making, teams in the Planning Service interact and discuss common issues , trends and outcomes.</p> <p>However, BCC will engage with Dfl should it accepts this recommendation and wish to consider aspects in more detail.</p>
<p>Recommendation 23: Councils should review their enforcement strategies to ensure clear information is provided on the expediency test and that oversight procedures for ‘not expedient’ decisions are robust.</p>	<p>BCC has recently approved an Enforcement Strategy that sets out procedure for dealing with all potential breaches of planning control, including to protected trees. It also sets out how the council applies the expediency test. The Enforcement Strategy is available in our website: https://www.belfastcity.gov.uk/documents/planning-service-enforcement-charter</p>
<p>Recommendation 24: Councils should consider developing specific Tree enforcement policy to supplement the overall council planning enforcement strategy.</p>	<p>See 22 and 23 above.</p> <p>Our Enforcement Strategy covers potential tree-related breaches (including at sections 12.14-12.15) and has set unauthorised works to TPO trees as its highest priority.</p>

<p>Recommendation 25: Councils should update the tree preservation sections of their websites to highlight that it is a criminal offence to carry out works to protected trees without consent. The websites should also contain clear information on how members of the public can report suspected tree protection breaches.</p>	<p>Our online TPO information page and associated guidance clear states that unauthorised works to protected trees is a criminal offence.</p> <p>Our Enforcement Strategy (section 9) sets out how any suspected breach of planning control should be reported. This is also set out in our website on the Planning Enforcement page: https://www.belfastcity.gov.uk/planning-and-building-control/planning/planning-enforcement</p>
<p>Recommendation 26: The Department should collate, monitor and publish enforcement data which is specific to tree protection enforcement cases.</p>	<p><i>This is a Dfl action.</i></p> <p>It is noted that wider issues around monitoring and reporting of planning activities is included as part of the Dfl's ongoing regional planning improvement project.</p>



Strengthening Our Roots

An overview report by the
Northern Ireland Public Services Ombudsman
on **Tree Protection** in the planning system



The Role of the Ombudsman

The role of the Ombudsman is set out in the Public Services Ombudsman Act (Northern Ireland) 2016 (the 2016 Act) and includes a discretionary power to undertake investigations on her Own Initiative, with or without a prior complaint(s) being made.

Under Section 8 of the 2016 Act the Ombudsman may launch an investigation where she has reasonable suspicion that there is systemic maladministration or that systemic injustice has been sustained (injustice as a result of the exercise of professional judgement in health and social care).

In order to make a determination on reasonable suspicion, the Ombudsman initially gathers information relating to an issue of concern. This may include desktop research, contact with the body concerned, the use of a strategic inquiry, consultation with Section 51 bodies, etc. The Ombudsman assesses this information against her published Own Initiative Criteria¹ in order to decide whether or not to proceed with an investigation.

Where the Ombudsman determines that an issue has not met her published criteria, but she considers that an overview of her actions in considering an investigation could provide learning, she may determine it appropriate to provide any relevant organisations with an overview report.

What is Maladministration and Systemic Maladministration?

Maladministration is not defined in the legislation but is generally taken to include decisions made following improper consideration, action or inaction; delay; failure to follow procedures or the law; misleading or inaccurate statements; bias; or inadequate record keeping.

Systemic maladministration is maladministration which has occurred repeatedly in an area or particular part of the public service. Systemic maladministration does not have to be an establishment that the same failing has occurred in the 'majority of cases', instead it is an identification that an issue/failing has repeatedly occurred and is likely to occur again if left unremedied; or alternatively, an identification that a combination or series of failings have occurred throughout a process which are likely to occur again if left unremedied.

¹ [Own Initiative Criteria](#)

Contents

Executive Summary	4
The Statutory Duty to Protect Trees	7
Section 1: Strategies, Policies and Procedures	11
Section 2: Tree Preservation Orders	19
Section 3: Applications for Works to Protected Trees	27
Section 4: Protected Trees on Council Owned Land	33
Section 5: Statutory Undertakers	36
Section 6: Enforcement Activity	39

Executive Summary

Within the planning system in Northern Ireland, the Department for Infrastructure (the Department) and local councils have statutory duties to consider the protection of trees. The effective promotion, administration and enforcement of tree protection is critical to long term strategies to improve the social, environmental and economic well-being of our areas and people. Trees have a key role not only in increasing biodiversity and combating climate change but are also increasingly recognised for the value they add to homes and public spaces and for their wide ranging benefits to public health.

Within recent years much attention has been given to the importance of planting more trees, and I welcome the many initiatives that have been undertaken in this area. There is however also a need for a renewed focus on recognising our existing trees as valuable infrastructure assets which need to be carefully managed and protected. The importance of protecting trees is even more critical given that it has been established that Northern Ireland ranks amongst the worst in the world for biodiversity loss², is one of the lowest in Europe for woodland cover³ and is likely to fall short of its 2050 net zero emissions target.⁴

In July 2022 I wrote to the Department and all eleven councils to advise that concerns had been raised with my Office indicating potential systemic maladministration in how public bodies fulfil their duties to protect trees within the planning system. I had also noted ongoing and significant public confidence issues, including community distress, consistently reported in the public domain. This included concerns about the extent that works to 'protected' trees (including the removal of) were granted and that adequate enforcement action was not being taken in response to wilful destruction.

I shared with the Department and councils a proposal to investigate using my own initiative powers. I requested information from the Department and each council to help inform my decision making in this matter. Whilst I have chosen not to proceed to full investigation at this time, the information gathered during the proposal stage was comprehensive and has allowed me to draw out significant observations and recommendations.

The **Principles of Good Administration** are the standards by which I expect public bodies to deliver good administration. The first principle is **getting it right** and in [Section 1](#) I set out the main strategies, policies and procedures which I have been advised are currently in place to deliver council functions to protect trees. Whilst some councils have developed comprehensive strategies to align their actions in this important area of planning this is not yet evident in all council areas. There is also an absence of procedural guidance to supplement the legislative framework around tree protection, which I consider is necessary to ensure consistency in decision making processes and to promote the application of good practice. I further consider that the Department has a greater role to play in developing regional guidance and in facilitating the sharing of best practice.

² A 2021 NHM & RSPB study ranks Northern Ireland as 12th lowest, out of 240 countries/territories, for biodiversity intactness.

³ 9% Northern Ireland, 19% Scotland, 15% Wales, 10% England, *National Statistics on Woodland* produced by Forest Research, approved by UK Statistics Authority, 16 June 2022. Available from: [Woodland Statistics](#). EU-27 averages at 40%, [Woodland cover targets.pdf](#) ([defra.gov.uk](#))

⁴ [Advice Report: The path to a Net Zero Northern Ireland](#) March 2023

In [Section 2](#), I outline how Tree Preservation Orders (TPOs) are administered and the variation in the number of TPOs requested and approved across council areas. A TPO is an order made by a planning authority which provides statutory protection to specific trees, groups of trees or woodlands. Whilst recognising this continues to be an evolving area of expertise, further work is required by both the Department and councils to establish how best to assess the 'amenity' value of a tree when considering the use of TPOs. This should include councils documenting a clear methodology and exploring better use of valuation software in this process. The Department should also issue guidance on the key TPO terms contained within the legislation.

Within this section I also note the potential for greater **openness and transparency** through increased electronic mapping of TPOs and provision of online access to the TPO registers. Council websites should provide clear information about the process that members of the public can follow to request a TPO, and the schemes of delegation should outline where the decision making on making TPOs sits within the council.

Similarly, there is the opportunity for increased transparency about the granting of works to protected trees. Within [Section 3](#), I outline the variation in the volume of applications made and approved across the region. Councils should consider the potential of publishing details of the applications and decision making to increase accountability and public confidence. The introduction of community notification for residents likely to be affected, which is a procedure recommended in England, should also be examined as a way of improving engagement in the planning system.

When considering how application for works are processed, it is important that councils clarify the circumstances in which independent evidence is required to support the applications for work and the parties responsible for obtaining it. **Being customer focused** involves public bodies explaining clearly what they expect of a service user as well as what is expected from the public body. Consistency of approach in processing applications for works could be further supported by all councils having standardised forms available online and signposting the use of the planning portal.

To comply with the principle of **acting fairly and proportionately**, the actions and decisions of public bodies should be free from interests that could prejudice their actions and decisions. Within [Section 4](#), I considered how councils approach cases in which the council wishes to carry out work to a protected tree on land which it owns, and the processes used to investigate where a council is suspected of a breach. The responses highlighted the variation in council awareness and interpretation of the governing legislation and best practice in this area. Department and councils should agree clear procedural guidance to comply with the legislation and to ensure potential conflicts of interest are being appropriately managed.

The need for adequate oversight and engagement between the Department, councils and statutory undertakers in respect of the removal of protected trees on operational land is discussed in [Section 5](#). Public bodies must work effectively together to mitigate against adverse impact, but also proactively communicate with the public on why, and how, the work is being undertaken.

When taking decisions, public bodies should ensure that the measures taken are proportionate to the objectives pursued. Taking appropriate enforcement action, to prevent or remedy harm, is central to the effectiveness and credibility of the planning system and to meeting the principle of **putting things right**.

Within [Section 6](#), the figures gathered regionally provide insight into the level of enforcement action taken in respect of reported breaches of planning control concerning protected trees. Out of 369 tree protection breaches reported to councils over a three year period, only one resulted in formal enforcement action being taken. No cases were brought to court. I have not carried out an analysis of the individual decision making however the low level of enforcement activity should be a concern for councils as they seek to improve the environmental quality of their area.

The figures further showed that nearly one fifth of the overall number of cases were closed as 'not expedient', indicating that a breach was established but that the council decided not to take further action having applied the 'expediency test'. I have recommended an examination of these cases to establish if the approaches taken are in keeping with enforcement guidance and council priorities, and whether there are repeat issues that can be acted upon to prevent future breaches. Council enforcement strategies should also provide clear information on the 'expediency test' and ensure there is sufficient oversight when enforcement decisions are taken under delegated authority.

I also recommend that the Department collate, monitor and publish enforcement data specific to tree protection enforcement cases to further enhance scrutiny at a regional level.

In adhering to the principle of **seeking continuous improvement**, public bodies should actively seek and welcome all feedback to improve their public service delivery. I was pleased to note that whilst all councils asserted that they meet their obligations to protect trees, several welcomed the proposal as an opportunity to review policies and practice for potential improvements.

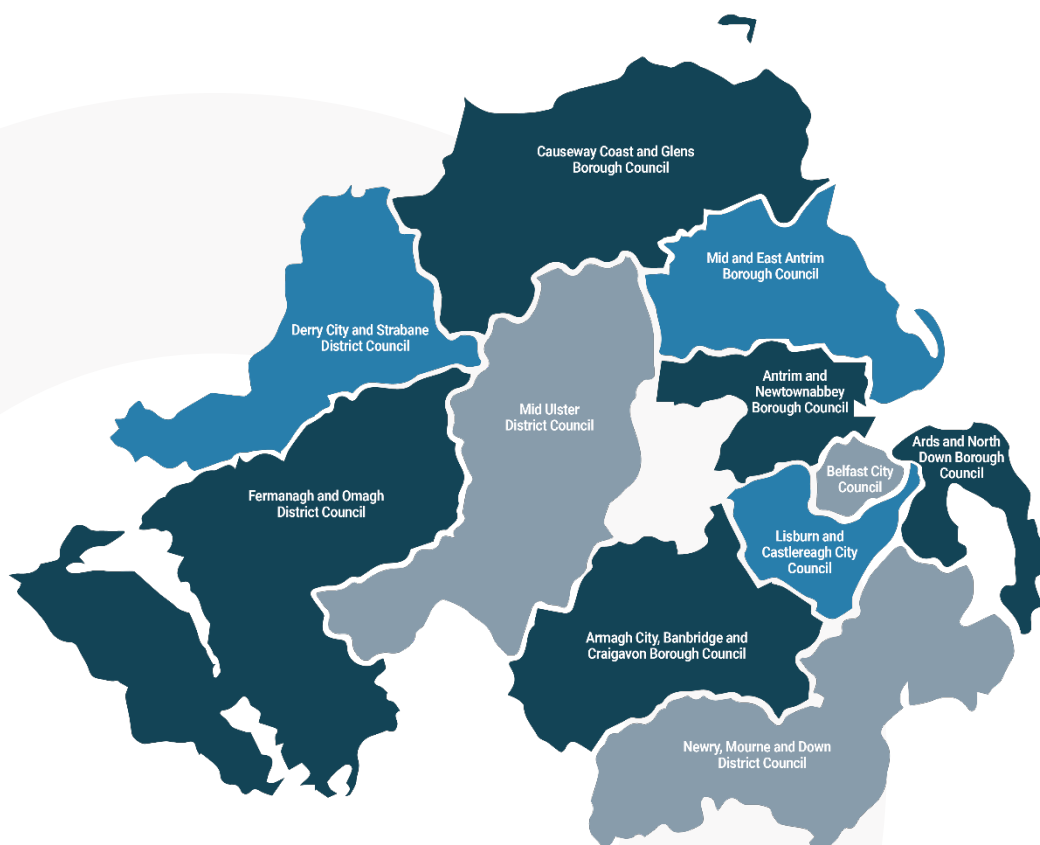
Having considered the responses to my investigation proposal I have made 26 recommendations for improvement which I have shared with the Department and councils. I am mindful that some councils have already implemented a number of the recommendations and I have highlighted examples of existing good practice. I am hopeful my report will make a positive contribution to the protection of trees within the Northern Ireland planning system. If required, I may choose to reassess this issue in the future.

The Statutory Duty to Protect Trees

The Planning Act (Northern Ireland) 2011 (the 2011 Act) introduced a new two-tier system for the delivery of planning functions in Northern Ireland. This system, which came into effect in April 2015, resulted in the majority of planning functions passing from the former Department of the Environment (DoE) to local councils.

The eleven local councils have responsibility for delivering most operational planning functions including the determination of planning applications and the investigation of alleged breaches of planning control. The Department for Infrastructure (the Department) was established in 2016 and has responsibility for regional planning policy and legislation as well as monitoring and reporting on the performance of local councils. It also has certain reserve enforcement powers and can make planning decisions in respect of regionally significant and 'called-in' planning applications.

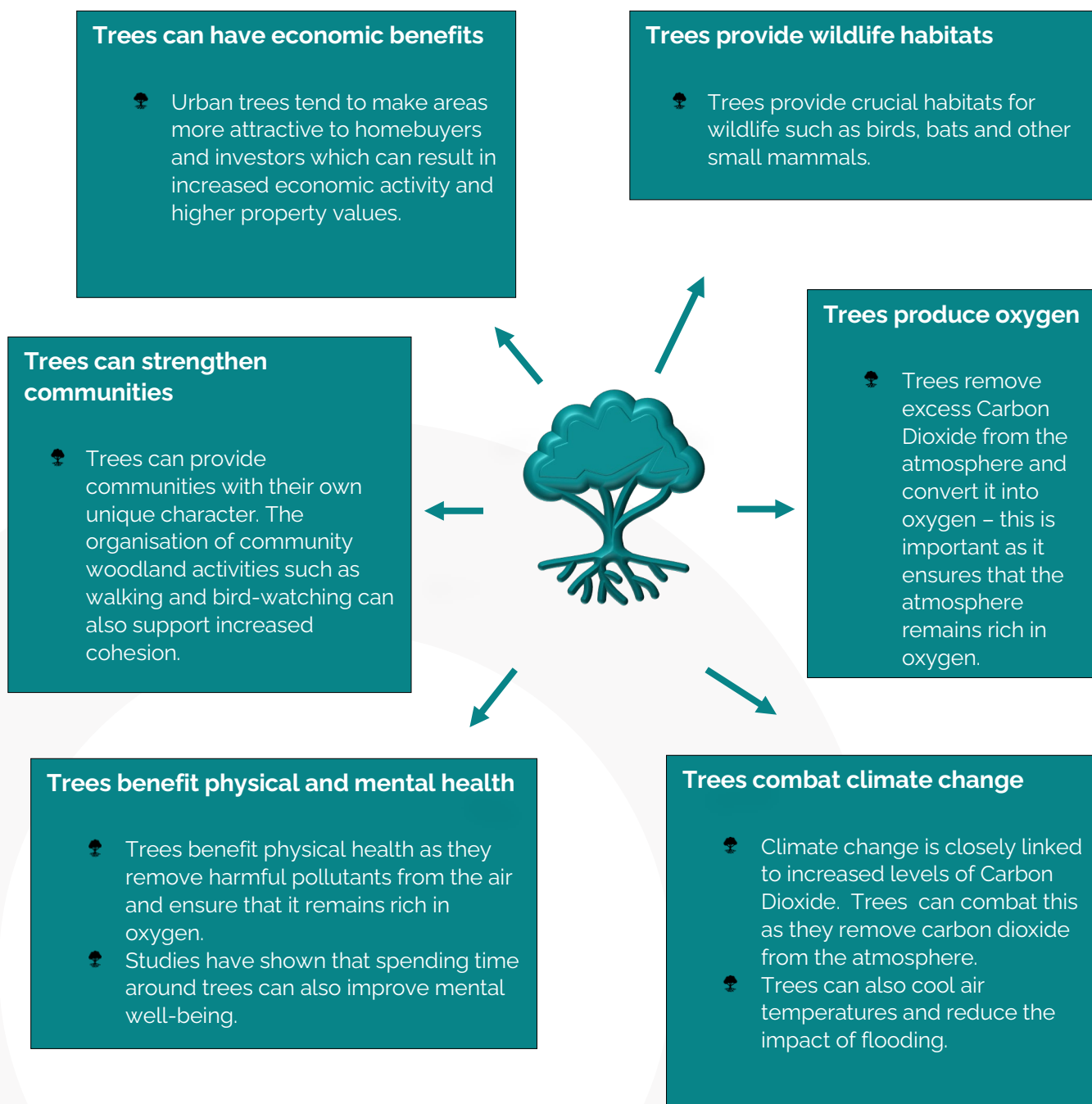
Figure 1: A map of the 11 local councils in Northern Ireland



The 2011 Act places statutory duties on councils and the Department to make adequate provision for the protection of trees, where appropriate, within the planning system.⁵ It is vital that these duties are fully understood and implemented. This means that councils should protect existing trees, as well as promoting further planting of trees. Trees provide many

important benefits for both members of the public and the natural environment. Key benefits include the fact that they provide habitats for wildlife, play a significant role in combating climate change and bring important advantages for public health.⁶

Figure 2: The Benefits of Trees



⁶ A 2021 study carried out by Forest Research found that trees provide significant benefits for wellbeing & estimated that the mental health benefits associated with visits to UK woodlands save £185 million in mental health treatment costs annually. [Valuing the mental health benefits of woodlands \(forestresearch.gov.uk\)](https://www.forestresearch.gov.uk/valuing-the-mental-health-benefits-of-woodlands/)

It is recognised that not all trees are considered as requiring statutory protection and that there is a need to scrutinise and prioritise the protection of trees determined to be of greater value. This continues to be an evolving area of expertise. Native trees, for example, are thought to be more beneficial for biodiversity than non-native trees.⁷ Areas of ancient woodland are also extremely valuable natural assets which are of greater environmental benefit than younger trees.⁸

The importance of public bodies upholding and promoting their responsibilities to protect trees is further reinforced by the growing concerns in relation to the current state of Northern Ireland's trees and woodland areas. Northern Ireland is one of the least wooded areas in Europe⁹ and it has the lowest density of woodland coverage in the United Kingdom.¹⁰ It was also recently ranked the 12th worst out of 240 countries in terms of biodiversity loss.¹¹ Within the last Biodiversity Strategy¹² for Northern Ireland, it was highlighted that land use change and development has a major impact on biodiversity. The important role which planning controls and policy play in mitigating against biodiversity loss was also emphasised. Northern Ireland's comparatively low level of woodland cover and lack of biodiversity therefore reinforces how important it is for planning authorities to take proactive steps to protect the region's existing tree assets.

The planning system in Northern Ireland currently protects trees in three main ways:

1. Tree Preservation Orders

Tree Preservation Orders (TPOs) are statutory protections afforded to trees under the 2011 Act.¹³ The 2011 Act gives local councils the 'discretionary' power to make TPOs where they consider that it is 'expedient in the interests of amenity'. Whilst the making of new TPOs primarily sits under the remit of councils, the Department also retains the power to make them in certain circumstances. The 2011 Act is supplemented by The Planning (Trees) Regulations (Northern Ireland) 2015 (the 2015 Regulations) which set out the form which TPOs should take along with the procedures to be followed when making, confirming and revoking TPOs.¹⁴

A TPO can be applied to a single tree or a group of trees. Whilst the issuing of a TPO is discretionary, where one is made the planning authority has a duty to enforce it. If a tree is protected by a TPO it is necessary to apply for consent from the council or, in some circumstances, the Department before carrying out any felling or pruning work. Breach of a TPO is a criminal offence which can result in a fine of up to £100,000 on summary conviction or an unlimited fine on conviction on indictment.¹⁵

2. Conservation Areas

Conservation Areas are areas designated by planning authorities as having special architectural or historic interest. Trees located in conservation areas receive similar protection to those

⁷ [Biodiversity: why native woods are important - Woodland Trust](#)

⁸ [Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK \(www.gov.uk\)](#)

⁹ The Woodland Trust reports that Northern Ireland has just over 8.7% woodland cover [Our Work in Northern Ireland - Woodland Trust](#) compared to a European average of 40% - see [Woodland cover targets Detailed evidence report.pdf \(defra.gov.uk\)](#)

¹⁰ [State of the UK's Woods and Trees 2021 \(woodlandtrust.org.uk\)](#), pg.29

¹¹ [2021 NHM & RSPB study](#)

¹² The former Department of the Environment published a [Biodiversity Strategy for Northern Ireland](#) in July 2015 in compliance with The Wildlife and Natural Environment Act (Northern Ireland) 2011 (WANE). WANE places a duty on all public bodies to conserve biodiversity when exercising their functions (s.1).

¹³ [Planning Act \(Northern Ireland\) 2011, s.122 -124](#)

¹⁴ [The Planning \(Trees\) Regulations \(Northern Ireland\) 2015](#)

¹⁵ [Planning Act \(Northern Ireland\) 2011, s.126 \(1\)](#)

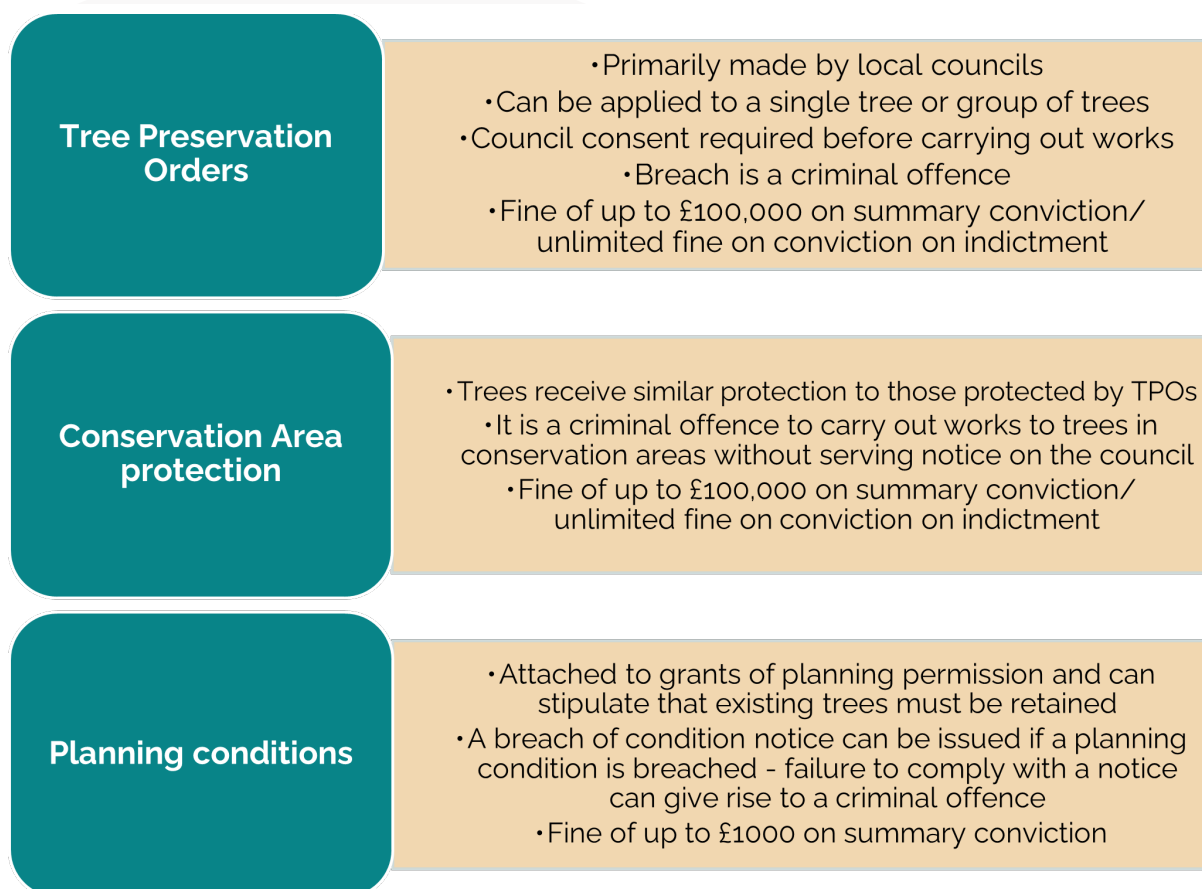
which are protected by TPOs. It is a criminal offence to carry out works to trees in conservation areas without first serving notice on the council or, in certain circumstances, the Department.¹⁶ If the council or the Department objects to any proposed works, it can make a formal TPO to protect the tree(s).

3. Planning Conditions

Trees can also be protected by planning conditions attached to grants of planning permission.¹⁷ A planning condition may, for example, stipulate that an existing tree or trees must be retained. Breach of a planning condition protecting trees is not a criminal offence. If a breach is identified a council can take formal enforcement action by issuing a breach of condition notice. Failure to comply with the requirements of a breach of condition notice can however give rise to a criminal offence which is punishable by a fine of up to £1000 on summary conviction.¹⁸

It is notable there is a considerable penalty variation between breaches of TPOs and planning conditions, with the maximum fine for a breach of a TPO significantly higher than a breach of a planning condition notice. Given the differing levels of protection, planning authorities should carefully consider in each case whether a planning condition or TPO provides the most effective safeguard. It is not considered reasonable to use planning conditions as the means to secure long term protection of trees, where TPOs are available for this purpose.

Figure 3: The three main ways in which the Northern Ireland planning system protects trees



¹⁶ [Planning Act \(Northern Ireland\) 2011, s. 127 \(1-4\)](#)

¹⁷ [Planning Act \(Northern Ireland\) 2011, s.121](#)

¹⁸ [Planning Act \(Northern Ireland\) 2011, s.152](#)

Section 1:

Strategies, Policies and Procedures

1.1 The Councils

All eleven councils were asked to provide my Office with copies of the policies and procedures which they have in place to fulfil their duties to effectively promote, administer and enforce the protection of trees.

Whilst recognising the autonomy of each council to develop local policy, the responses highlighted several points of concern including an absence of strategies in some council areas and a lack of procedural guidance to underpin key functions. This section will set out my observations in respect of:

- (i) Local Development Plans;
- (ii) Strategies;
- (iii) Schemes of Delegation; and
- (iv) Procedural Guidance.

(i) Local Development Plans

The 2011 Act requires each council to prepare its own Local Development Plan (LDP).¹⁹ A council's LDP is intended to be a 15-year framework which sets out a vision for how the council area should look in the future in terms of the type and scale of development. The legislation requires each LDP to be made up of a Plan Strategy and a Local Policies Plan. Whilst it was originally anticipated that it would take approximately three years for councils to complete their LDPs, it is concerning to note that none of the LDPs have been completed despite the passage of more than eight years.²⁰

It is concerning to note that none of the LDPs have been completed despite the passage of more than eight years.

In its recent review of Planning in Northern Ireland, the Northern Ireland Audit Office (NIAO) commented on the lack of progress made in completing LDPs and made a recommendation in relation to reviewing timetables for completion and streamlining the remaining steps of the process.²¹

The Department has advised my Office that it is currently bringing forward a Planning Improvement Programme in conjunction with the councils, involving specific actions which seek to improve and streamline the current LDP process.

¹⁹ Planning Act (Northern Ireland) 2011, Part 2

²⁰ The former DOE's *Strategic Planning Policy for NI* (2015) set out an indicative timeframe for the completion of LDPs - [Strategic Planning Policy Statement for Northern Ireland \(SPPS\)](#) (infrastructure-ni.gov.uk), pg.30

²¹ [NIAO Report - Planning in NI.pdf](#) (niauditoffice.gov.uk) - see LDP recommendations on pg.26

Most of the councils referred to their LDPs when providing copies of their policies and procedures to protect trees. Some of the councils shared copies of their draft Plan Strategies²² and I welcome the fact that most appear to be including information in relation to the protection of trees within these strategies. I consider that the LDPs present a good opportunity for councils to set out a long-term vision for how they will balance development with the need to protect trees and woodland within the council area. However, it is not possible to comment substantively on the effectiveness of the Plan Strategies as, to date, most have not been adopted by the councils.

It should also be noted that most of the councils also referred to using regional planning guidance to assist them in setting planning conditions to protect trees, which I will discuss further in section 1.2. A number of councils provided my Office with sample planning conditions used to protect trees.

I further note that councils have signalled their intent to bring forward Supplementary Planning Guidance as part of the LDP process. I welcome that Belfast City Council recently published 'Trees and Development' planning guidance to supplement policies in its LDP, to support its aims to 'protect, promote and preserve' trees.²³

(ii) Strategies

TREE AND WOODLAND STRATEGIES

Alongside local plans, the development of Tree and Woodland Strategies are a way in which councils can set out across functions their long-term approach for managing the trees within their council area. Four councils currently have such strategies, or supporting policies, in place.²⁴ Whilst these strategies do not solely relate to the protection of trees, most contain some information in relation to the approaches which the councils are currently taking in this area. For example, one council stated that it only carries out tree works where necessary whilst another stated that it avoids the unnecessary removal or disfigurement of trees with 'amenity' or high wildlife value.

4 councils currently have tree strategies. 7 councils do not have tree strategies however 2 currently have draft tree strategies.

I note that Belfast City Council undertook considerable public consultation to inform its recently launched tree strategy and I welcome the level of detail it contains, as well as its commitment to protecting Belfast's tree population.

The remaining seven councils do not have tree strategies in place however two are currently working on draft tree strategies.²⁵ I would encourage the councils which do not currently have tree strategies in place to consider the benefits of developing one. I would also encourage councils which do have tree strategies to review their strategies to ensure they are comprehensive. The strategies should include the different functions of the council to ensure

²² Three councils have adopted their Plan Strategies since my initial enquiries – Fermanagh & Omagh District Council in March 23, Belfast City Council in May 23 and Lisburn & Castlereagh City in September 23.

²³ [Trees and Development \(belfastcity.gov.uk\)](https://www.belfastcity.gov.uk/trees-and-development)

²⁴ Ards and North Down Borough Council has published a [Tree and Woodland Strategy](#). Armagh City Banbridge & Craigavon Borough Council has published a [Tree Management Policy](#). Lisburn and Castlereagh City Council adopted a new [Tree and Woodland strategy](#) on 7 February 2023. Belfast City Council's [Tree Strategy](#) was launched on 5th October 2023.

²⁵ Newry Mourne and Down District Council stated that it was preparing a draft tree strategy which would be published for consultation. Causeway Coast and Glens Borough Council also provided me with a copy of its draft Tree Risk Management Plan.

priorities in this area are aligned. For example, the role of enforcement activity to remedy and prevent harm should be sufficiently valued in the context of protecting tree stock, biodiversity and public health.

I note that one council included the appointment of a Tree Officer as one of the proposed actions within its tree strategy and within their responses to my investigation proposal, six councils referred to having designated Tree Officers. The appointment of Tree Officers appears to be increasingly common across the councils with the aim to promote the protection of trees.

It is also critical that within their strategies councils consider how effectively they are communicating with the public in this important area. Ten of the eleven councils currently have dedicated tree preservation sections within their websites. Whilst it is encouraging that the majority of councils do provide online information in this area, it is concerning that one council does not and I would urge it to rectify this as soon as possible. Throughout this report I highlight several areas and make recommendations for increased availability of information to the public.

ENFORCEMENT STRATEGIES

An effective enforcement strategy is key to remedying, and indeed preventing, harm to trees already subject of protection through planning conditions, TPOs or location within a conservation area. A planning enforcement strategy sets out a council's enforcement objectives as well as how breaches of planning control are investigated. These strategies also outline how the investigation of enforcement complaints are prioritised.

All of the councils have Planning Enforcement Strategies

All of the local councils have planning enforcement strategies in place. They are very similar in content and, whilst none are specific to trees, all of the council strategies refer to TPO breaches when outlining enforcement priorities. It is notable that all of the councils give complaints about alleged TPO breaches the highest possible priority for investigation. I will however set out several significant concerns I have identified in respect of 'Enforcement Activity' later in this report within [Section 6](#).

(iii) Schemes of Delegation

Under the 2011 Act, it is a statutory requirement for councils to have schemes of delegation for planning.²⁶ Schemes of delegation outline which decisions are made by the Planning Committee and which are delegated to council officers.

There is variation across the councils in relation to how decisions around TPOs are made.

Whilst all of the local councils have developed their own schemes of delegation, there is some variation in relation to the decision-making mechanisms which councils are employing around TPOs. Some councils delegate all decision-making in this area to council officers whereas others require their Planning Committees to play a role in certain aspects of TPO decision-making.

²⁶ [Planning Act \(Northern Ireland\) 2011, s.31](#)

The wording of some of the schemes of delegation has however the potential to cause confusion. Of the three councils whose Planning Committees retain decision making functions for making TPOs, it is not clear from the schemes if the Planning Committees review *all* requests for TPOs or only those which council officers recommend are made.²⁷ It is also not clear how they would operate where there is a need to act quickly to protect trees. Open and transparent information about the process is necessary not only for Committee and council officers to ensure procedural compliance, but also to instil public confidence in the process.

It is also notable that, within their schemes of delegation, two councils refer to delegating functions which they do not possess. Both of these councils state that they delegate the revocation of TPOs to council officers however this runs contrary to the 2011 Act which does not extend this power to local councils. Whilst I note that the Department, in its 2022 Review of the Implementation of the 2011 Act, indicated that it intended to bring forward proposals to permit councils to vary or revoke TPOs, this is not currently enacted in law.²⁸

I would encourage all councils to review their schemes of delegation to ensure that they are satisfied that decision making processes on TPOs are given the appropriate priority. Councils should also ensure that their schemes are clear and accurate.

(iv) Procedural Guidance

The responses to my investigation proposal indicate that there is variation regarding the extent to which councils have developed procedural guidance to supplement the legislative framework around trees subject to TPOs and conservation area protection. Whilst it is correct that the governing statutory instruments set out the legal obligations the planning authorities must comply with, policies and procedures are necessary to outline the practical steps required to fulfil these duties. Procedural guidance helps to provide clarity and consistency in the process and supports good administration to help get decisions right.

Although some of the councils provided copies of procedural guidance documents, it is of concern that other councils do not appear to have developed any of their own procedural guidance. It is also worth highlighting that some of the guidance documents provided are outdated and contain inaccuracies. For example, a procedural document in place within one of the councils dates back to 2010 and contains incorrect references to the Department being the primary decision maker in relation to applications for works to protected trees. In another council, guidance which purports to demonstrate their procedures for dealing with applications for works to protected trees on council owned land fails to refer to the Department's decision-making role in these cases.

I consider this further evidence of why it is important that councils supplement the legislative framework in this area with up to date guidance and I strongly encourage all councils to take steps to implement detailed and accurate written procedures.

²⁷ For example, in response to an individual complaint made against a council to this Office, the council stated that 'a decision not to place a TPO does not have to go to the Planning Committee.' The wording of the Council's Scheme of Delegation could however be interpreted that *all* requests for TPOs are considered and determined by the Committee.

²⁸ [Review of the Implementation of the Planning Act \(NIPSO Report\) January 2022 \(infrastructure-ni.gov.uk\)](#) – p.66.

1.2 The Department

It is notable that in response to my queries some councils referred to a lack of regional support from the Department. One council referred to a lack of support in relation to tree preservation work, and another stated that there was a 'significant gap' in regional advice and guidance. Reference was also made to a loss of expertise and resource following the transfer of planning powers to local councils.

In response to my investigation proposal, the Department was asked to provide details of the guidance which it provides to support local councils in relation to the protection of trees. Some of the guidance relied upon by the Department as being available for councils is significantly outdated and does not reflect the transfer of planning powers to the councils.

This section will outline my observations in respect of the Department's:

- (i) Guidance specific to the protection of trees;
- (ii) Regional planning guidance and policies; and
- (iii) Enforcement Practice Notes.

(i) Guidance specific to the protection of trees

In response to asking what guidance is provided to councils, the Department provided two pieces of guidance which focus on the protection of trees. Both of these documents were issued by its predecessor department, the Department of the Environment (DOE):

- Tree Preservation Orders: A Guide to Protected Trees²⁹ (the 2011 guidance), and
- Trees and Development: A Guide to Best Practice³⁰ (the 2003 guidance).

The 2011 guidance is specific to TPOs and covers a number of areas including the criteria used to assess a potential TPO and how TPOs are processed. The 2003 guidance focuses on the value of trees and how they can be accommodated in the construction process. The following areas of concern have been identified in relation to these documents:

1. **The guidance is outdated** – neither of the documents have been updated to reflect the legislative and departmental changes which have occurred since their original publication. The 2011 guidance, for example, contains several inaccurate references to the now non-existent DOE having primary responsibility for making TPOs and processing applications for works to protected trees. It has not been updated to reflect the fact that these powers now sit primarily with the local councils.
2. **The guides are aimed at members of the public rather than the councils** – although the Department highlighted these documents as being guidance which they provide to support local councils, it is clear the guides are primarily written for members of the public³¹ and developers rather than councils. Given the intended reader is the general public, it is even more concerning that the information presented is inaccurate.

²⁹ Tree Preservation Orders - A Guide to Protecting Trees (infrastructure-ni.gov.uk)

³⁰ Trees and Development - A Guide to Best Practice (infrastructure-ni.gov.uk)

³¹ The 2011 guidance opens with the statement, 'This leaflet is intended to provide advice for tree owners, conservation groups and the general public on protected trees.'

The Department's failure to provide an updated guide, providing clear information on the current roles and duties of the Department and councils, has the potential to cause confusion. It may further risk creating a perception that it does not view the protection of trees as an area of priority within the planning system.

I note that both guides contain explanatory notes (dated 2019) that existing guidance within the documents will cease to have effect once the councils have adopted their Plan Strategies, yet only three councils have adopted their strategies to date. Adoption across the remaining councils is likely to take some time yet. Notwithstanding that the current guides may cease to have effect, I am of the view that given its oversight and monitoring remit, the Department should have a continued role to develop best practice guidance in this area to support councils.

I also note that the Department has not developed any internal procedural guidance specific to its own responsibilities and duties within the regime to supplement the legislative framework, for e.g., should the Department be asked to revoke or amend a TPO. Nor did it issue procedures by which a council must seek consent from the Department for works, an area of concern which I discuss further within [Section 4](#).

I encourage the Department to consider how it could work more closely with the councils to provide a greater level of support and establish mechanisms for sharing good practice and expertise. A number of councils referred to participating in a council-wide Tree Forum or 'working group' following its establishment in 2017 until 2019 when meetings were postponed due to the COVID- 19 pandemic and a redirection of resources. I have been advised that a meeting of this group has been recently reconvened. I welcome this development and consider that a regional Tree Forum with representatives from both the Department and the councils may be beneficial in strengthening relationships and knowledge sharing.

(ii) Regional planning guidance and policies

In addition to the 2003 and 2011 guides outlined, the Department also provided my Office with a number of wider regional guidance documents and policies in respect of land use and planning development. Most of the councils referred to using these guidance and policy statements to assist them in setting planning conditions to protect trees. It is worth noting that some of these documents will also cease to have effect once the councils adopt their Plan Strategies whereas others will remain in force.³²

³² Guidance which will cease to have effect:-

- [PPS 2: Natural Heritage \(infrastructure-ni.gov.uk\)](#) (2013)
- [Planning Policy Statement 6 \(PPS 6\): Planning, Archaeology and the Built Heritage \(infrastructure-ni.gov.uk\)](#) (1999)
- [PPS 6 Addendum: Areas of Townscape Character \(infrastructure-ni.gov.uk\)](#) (2005)

Guidance which will remain in force:-

- [best_practice_guidance_pps23.pdf \(infrastructure-ni.gov.uk\)](#) (2014)
- [Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside \(infrastructure-ni.gov.uk\)](#) (2012)
- [Creating Places - Achieving Quality in Residential Environments \(infrastructure-ni.gov.uk\)](#) (2000)

In responding to my investigation proposal, the Department also referred to the Strategic Planning Policy Statement³³ (SPPS) for Northern Ireland which aims to consolidate existing planning policies and provides further information in relation to the transitional arrangements which are in place pending councils adopting their Plan Strategies.

Whilst the wider regional guidance documents do refer to the need to protect trees and woodland areas, they are very broad in scope and do not go into the specifics of how trees can be protected. Similarly to the 2003 and 2011 guidance referred to above, the wider regional guidance documents are dated and, when read in isolation from the SPPS, they do not reflect the transfer of planning powers to the local councils.

(iii) Enforcement Practice Notes

The Department has also published four enforcement practice notes which are designed to guide planning officers through the enforcement process.³⁴ These practice notes deal primarily with procedural matters whilst also setting out good practice. They are not specific to the protection of trees but they do provide councils with general guidance which can be applied to the investigation of alleged tree protection breaches. Enforcement Practice Note 3 is particularly useful as it provides guidance in relation to the stages which councils should follow when carrying out enforcement investigations.³⁵ The guidance was developed in 2016 and I note there are no enforcement practice notes, or guidance issued, which outlines the procedural steps that should be taken when the planning authority (council or the Department) is suspected of the breach. I will discuss this issue further in [Section 4](#).

³³ [Strategic Planning Policy Statement for Northern Ireland \(SPPS\) \(infrastructure-ni.gov.uk\) \(2015\)](#)

³⁴ [Enforcement Practice Notes | Department for Infrastructure \(infrastructure-ni.gov.uk\)](#)

³⁵ [Enforcement Practice Note 3 Investigative Approaches \(infrastructure-ni.gov.uk\)](#)

Section 1 Recommendations: Strategies, Policies and Procedures

Recommendation 1: All councils should develop and implement tree strategies which ensure the relevant functions across the council are aligned to the agreed objectives. Councils which already have tree strategies in place should review their strategies to ensure that they are comprehensive.

Recommendation 2: Councils should review their schemes of delegation for planning to ensure that decision making processes in respect of TPOs are being given the appropriate level of priority and are in line with the objectives set out within tree strategies. Councils should also ensure that their schemes of delegation are clear and accurate, including specifying exactly what matters are presented to, and decided by, Committee in this area.

Recommendation 3: Councils should ensure that they have their own procedural guidance in place to supplement the legislative framework around trees which are subject to TPOs and conservation area protection. Given the difference in the level of protection afforded, the guidance should also set out clearly the circumstances TPOs should be used instead of planning conditions to best secure the long term protection of trees.

Recommendation 4: The Department should update and issue guides regarding the protection of trees, to reflect the current roles and responsibilities of the Department and the councils. The Department should also develop its own procedural guidance on areas in which it has retained responsibilities.

Recommendation 5: The Department should consider how it could work more closely with the councils to provide a greater level of support and establish mechanisms for sharing good practice and expertise. This could include issuing best practice guidance for councils in relation to developing effective Tree Strategies and supporting a regional Tree Forum. The Department and councils should also utilise the agreed mechanism to consider my report and recommendations, and collectively develop an action plan.

Section 2: Tree Preservation Orders

The 2011 Act provides a discretionary power for councils to make a TPO to protect a specific tree or woodland from deliberate or wilful damage. Members of the public can submit requests for TPOs to their local councils. TPOs can also be initiated by the councils themselves and the Department has the power to make TPOs in consultation with the appropriate council.³⁶

From my enquiries I have established that across the region there are variations in how TPO records are maintained by councils, and the level of information is made available to the public. There are also variations in the processes to request a TPO and in the rates of requests received.

This section will set out my observations in respect of:

- TPO records (The Orders, Registers and Mapping);
- TPO requests and approval rates across the councils;
- Criteria for making TPOs; and
- Processes for requesting TPOs.

2.1 TPO records

THE ORDERS

It is imperative that councils make and maintain accurate TPO records so that they can easily identify protected trees to process applications for works, investigate potential breaches and monitor their overall approach to tree preservation.

The 2015 Regulations³⁷ set out the form that an Order must take. When a TPO is made it should include the following information:

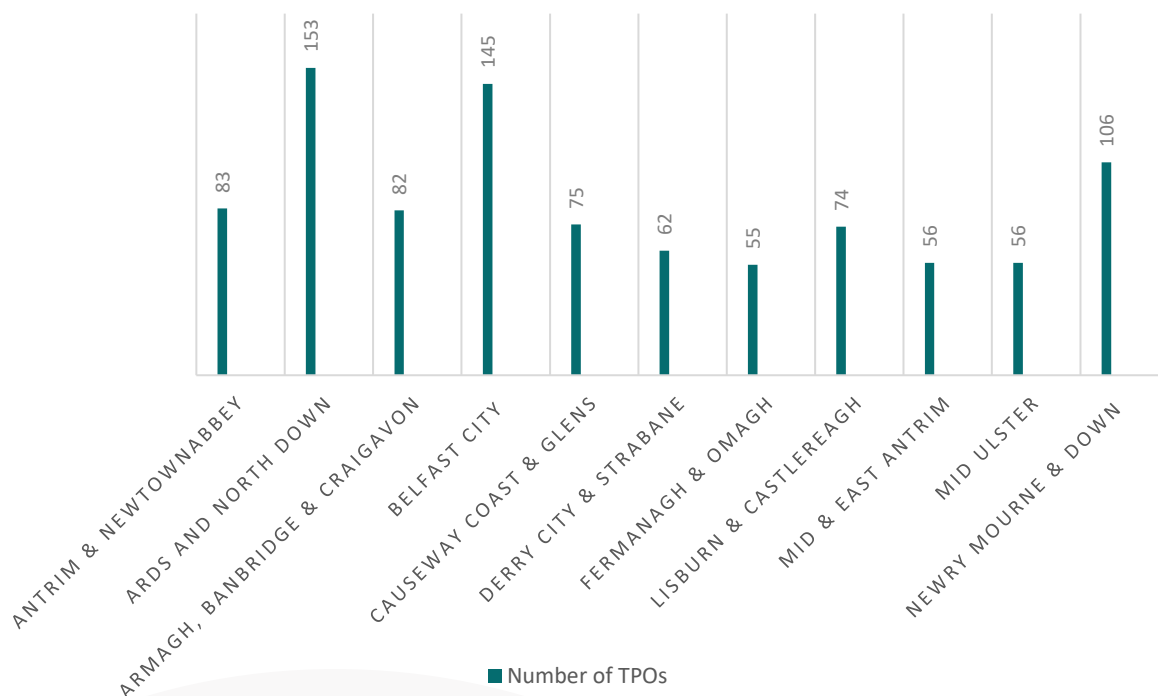
- The total number of tree(s) protected by an order; and
- A map showing the precise location of the protected tree(s).

It is also good practice to regularly review the TPOs in place and evidence that the tree(s) still requires protection, for example, with an up-to-date health and condition survey.

I established from my enquiries that there were 947 TPOs in place throughout Northern Ireland in July 2022. The numbers varied across the councils, ranging from 55 in one council area to 153 in another.

³⁶ [Planning Act \(Northern Ireland\) 2011, s.124\(1\)](#)

³⁷ [The Planning \(Trees\) Regulations \(Northern Ireland\) 2015, s.2](#)

Figure 4: The number of TPOs in place across the council areas in July 2022

As part of my investigation proposal, I also asked each of the councils to clarify how they maintain their TPO records. Most of the councils indicated that they maintain their records on their TPO registers. It is a requirement under the 2011 Act for all councils to keep registers containing information in relation to the TPOs within their council areas.

The councils were also asked to confirm how often they review their TPO records. There was variation in the responses received with some councils appearing to be more proactive in their reviews than others.

- **One council did not refer to carrying out any reviews** of its TPO records.
- **Two councils** stated that they **only review individual TPO records upon receipt of specific requests** such as applications to carry out works.
- **Eight councils** indicated that they have **carried out wider, proactive reviews** of all of their TPO records however the majority of these reviews appear to have been one-off exercises rather than part of a rolling review programme.

Within their responses to my investigation proposal, two councils raised concerns in relation to whether some of the TPOs which they inherited from the former DOE were legally sound. It has been suggested that some inherited TPOs had not been confirmed by the DOE. One of the two councils advised it has now rectified the issues it identified, and the other council remains in the process of doing so. This highlights the importance of ensuring there is clear procedural guidance to follow in respect of making TPOs and that records are subject to regular review.

I am concerned that the issues identified by the two councils around inherited TPOs may be a wider problem and I am not satisfied this matter has been adequately addressed at a regional level. A failure to tackle this issue has the potential to negatively impact on the regulation of works to protected trees and taking enforcement action against breaches.

I would strongly encourage all councils to carry out detailed reviews of their TPO records to ensure that all TPOs in place remain valid. Councils should also ensure that their reviews of TPO records are not stand-alone exercises and that they form part of an ongoing programme of review and monitoring of their approach to tree preservation. Councils should support the regular review of records, and adequacy of information available, by carrying out site visits to check on the health of the protected trees, or indeed whether they have been subject of harm since the order was put in place.

TPO REGISTERS AND MAPPING

It is a requirement under the 2011 Act for all councils to keep registers containing information in relation to the TPOs within their council areas. A council's TPO register must also be available for inspection by the public at all reasonable hours.³⁸ When responding to my investigation proposal, the majority of councils confirmed that they have physical TPO registers which can be made available for public inspection at their offices.

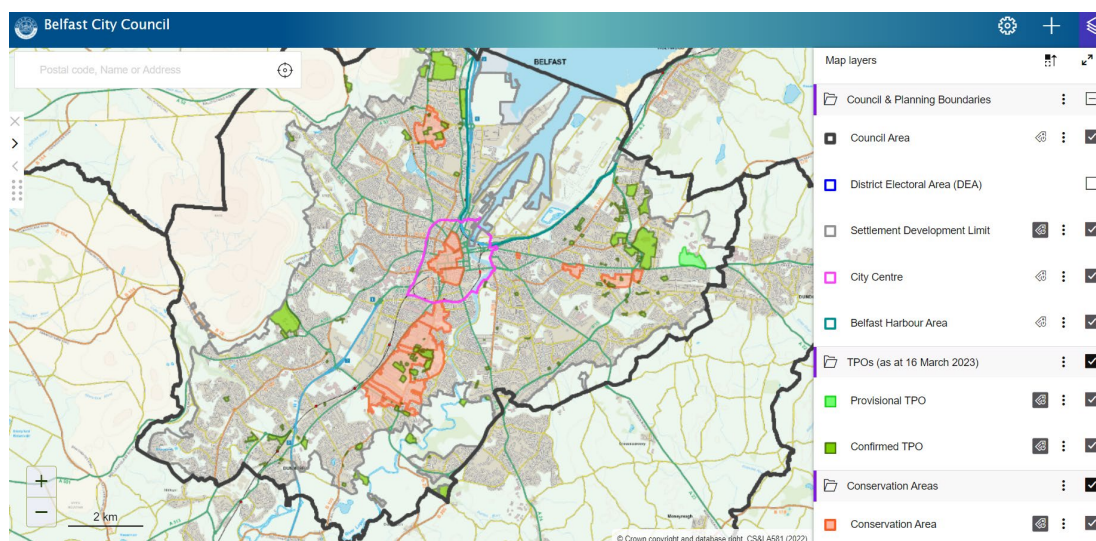
I also made enquiries to establish if councils had mapped the TPOs within their area and what information they make available online. It should be noted that the 2004 Environmental Information Regulations made it a statutory requirement for public authorities to progressively make environmental information that they hold available by electronic means which are easily accessible.³⁹ Accessibility of this information to the public is critical in making sure they are alert to the protections that are in place, both to ensure that they do not carry out unauthorised works and to support the reporting of breaches.

Nine out of the eleven councils have created interactive Geographic Information System (GIS) maps which display the locations of TPOs within their council areas. Six of these nine councils signpost to their maps within the tree preservation sections of their websites however the other three councils do not. Two out of these three councils advised my Office that they do not make their maps available to the public as they are for internal use only. Of the two councils which do not currently have GIS maps, one has advised that it hopes to develop one at some stage this year.

³⁸ It is a requirement under s.242 of the 2011 Act that councils keep a planning register(s). Most of the councils set out how their registers can be accessed within their Statements of Community Involvement.

³⁹ [The Environmental Information Regulations 2004, s.4 \(1\)](#)

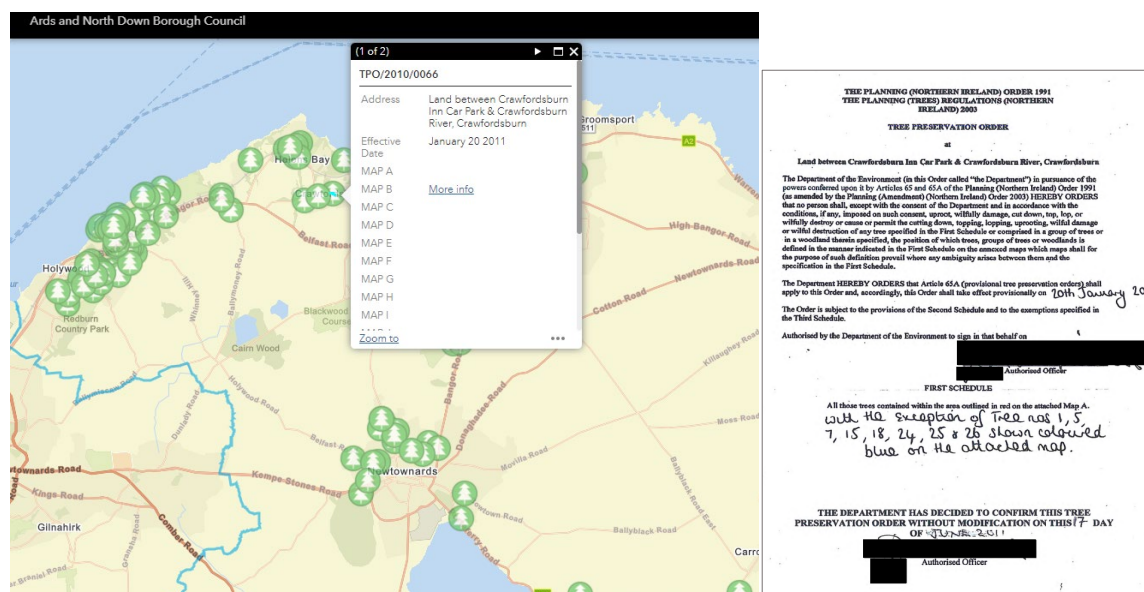
Figure 5: Belfast City Council's GIS Map (accessed 23/05/23)



There is also some variation across the councils in the information which they include within their interactive maps. Whilst all of the maps display the locations of TPOs within the council area, only three also highlight conservation areas.

I note however that only one council's map includes the facility to review the original documentation and maps associated with each TPO. The provision of this documentation online is an example of good practice. I am of the view that it would be beneficial for all councils to electronically map the TPOs within their area and provide online access to the TPO register and associated documentation.

Figure 6: Ards and North Down Borough Council's GIS Map (accessed 20/07/23)

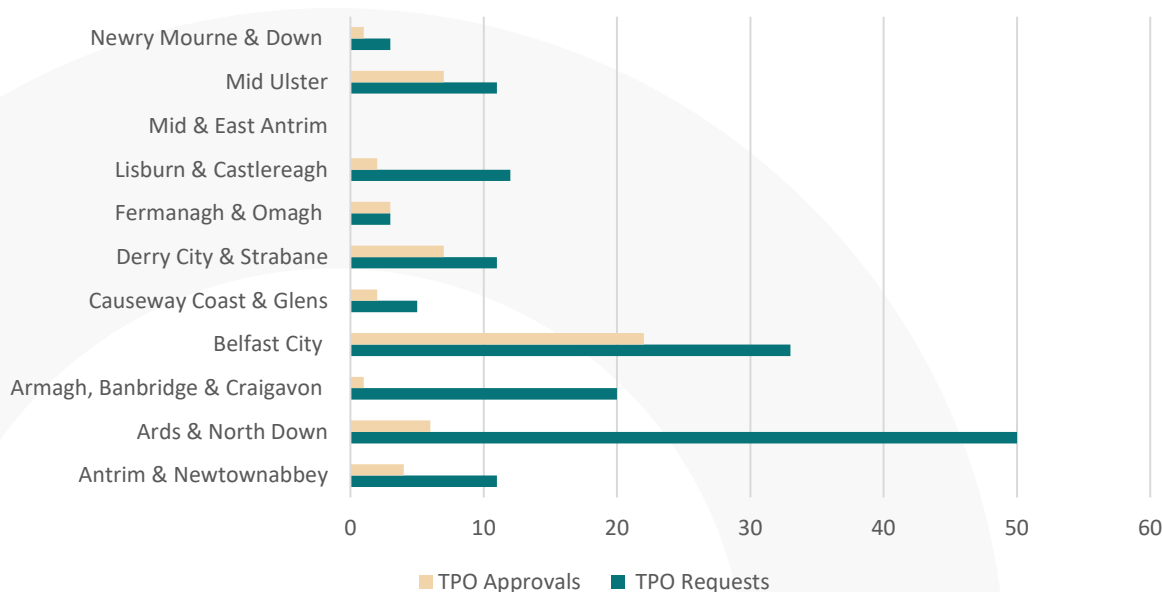


I am further of the view that a regional map may also be beneficial. I have been advised by the Department that it has engaged with the Woodland Trust on this matter. Working with interested parties, the Department as the duty bearer should take the lead in developing a regional map which displays the locations of all TPOs in Northern Ireland. The regional map should be regularly updated and easily accessible to the public in an online format.

2.2 TPO requests and approval rates across the councils

There is variation across the councils regarding the number of TPO requests which are received; one council reported receiving 50 requests within the last three years whilst another council did not receive any. Differences have also been identified in relation to council approval rates for TPO requests ranging from 10% to 88%. Although variation across the councils is to be expected and not in itself a cause for concern, the level of variation may benefit from having increased scrutiny and guidance at regional level.

Figure 7: Council TPO requests and approvals over a 3-year period during 2019-2022



2.3 Criteria for making TPOs

The 2011 Act provides councils with the power to make TPOs where they feel it is 'in the interests of amenity'. The term 'amenity' is not defined in the legislation and the Department has not provided any recent guidance in relation to how it should be interpreted. The former DOE did however publish a list of criteria for assessing the merits of imposing TPOs as part of its 2011 guidance.⁴⁰

⁴⁰ See [Tree Preservation Orders - A Guide to Protecting Trees](#) (<https://www.defra.gov.uk>), pg.4

Figure 8: Criteria published by the DOE in 2011 for assessing the merits of imposing TPOs

Within their responses to my investigation proposal, most of the councils referred to using this criteria when assessing whether or not to impose TPOs. Whilst the criteria remains valid, I note there is limited guidance provided about the factors to consider under each criterion. It may therefore be beneficial for councils to work together to further develop and document the methodology (including the potential use of valuation software⁴¹) that they use to assist in assessing the 'amenity' value of trees.

I consider that the Department also has an important role to play in providing further guidance for councils in relation to the definition of the term 'amenity' so that an appropriate methodology to assess trees is developed and applied by councils. When responding to the Department's Call for Evidence regarding its Review of the Implementation of the 2011 Planning Act, a number of councils highlighted the need for further guidance from the Department in relation to the term 'amenity'. In its response, the Department committed to considering whether there is a need for it to provide further guidance in relation to 'certain TPO terms'.⁴² The Department has not published any further guidance or provided an update in relation to its progress.

⁴¹ Some of the councils are already familiar with this type of software and methodology. In its 2022 study of Belfast's Urban Forest Belfast City Council, for example, made use of i-tree software & the CAVAT methodology – see [Belfast Technical Report](#) (treeconomics.co.uk)

⁴² [Review of the Implementation of the Planning Act \(NIPSO Report January 2022\)](#) (infrastructure-ni.gov.uk), pg.65-66

2.4 Processes for Requesting TPOs

Some of the councils do not provide any information on their websites detailing the processes which should be followed by members of the public who wish to submit requests for TPOs. It is notable that the councils with no information on their websites about how to request a TPO are those which received the lowest number. Other councils do provide information however, in some cases, the detail provided is limited and does not outline the type of evidence which is required to support a request for a TPO. Only one of the councils has the facility for online submission of TPO requests via its own website and it is worth noting that this facility was only recently introduced.

None of the councils currently include any information within the TPO sections of their websites on the use of Northern Ireland's new planning portal for the online submission of TPO requests.⁴³ The new planning portal was launched by the Department in December 2022 and is currently being used by all of the councils apart from Mid Ulster. It has the functionality to accept online requests for TPOs. This development should help to standardise the TPO request process across the councils however it is disappointing that none of the councils have updated their websites to include information in relation to this new process. I would encourage all of the councils to review the content of their websites to ensure that clear and accurate information is being provided in relation to the processes which members of the public can follow when requesting TPOs. All methods for requesting TPOs, including the new online process, should be highlighted.

Councils should also ensure that, as well as dealing with requests from members of the public for TPOs, appropriate consideration is given to the initiation of TPO requests by council officers with responsibilities in this area. A proactive approach should be taken by councils to identifying trees which could benefit from protection and a strategy for identifying appropriate trees could be set out within a council's wider tree strategy.

⁴³ Northern Ireland's new planning portal launched on 5 December 2022. It replaces the old planning portal and is currently being used by 10 out of the 11 councils. Mid Ulster launched its own separate portal in June 2022.

Section 2 Recommendations: Tree Preservation Orders

Recommendation 6: Councils should carry out detailed reviews of their TPO records to ensure that all of the TPOs which are in place remain valid. Councils should also ensure that they develop and implement processes for the regular review of their TPO records which should also be supported by carrying out site visits.

Recommendation 7: All councils should electronically map TPOs and conservation areas within their area and provide the public with online access to the TPO register and associated documentation.

Recommendation 8: The Department should take the lead in developing a regional GIS map showing the locations of all TPOs and conservation areas in Northern Ireland. The regional map should be regularly updated and easily accessible to the public in an online format.

Recommendation 9: Councils should develop and document the methodology (including the potential use of valuation software) used to assess the 'amenity' value of trees.

Recommendation 10: In its 2022 Review of the Implementation of the 2011 Act, the Department committed to considering whether there is a need for it to provide further guidance for councils in relation to certain TPO terms. My report also supports the need for further guidance on key terms, and I recommend the Department proceeds to issue this.

Recommendation 11: All councils should review the content of their websites to ensure that they provide clear and accurate information in relation to the processes which members of the public can follow when requesting TPOs. In addition to ensuring the process to request TPOs is accessible to the public, councils should also consider what mechanisms are in place internally to initiate TPO requests effectively.

Section 3: Applications for Works to Protected Trees

If a tree is protected by a TPO it is necessary to apply to the relevant council or, in certain circumstances, the Department for consent to carry out any felling or pruning work. The council or the Department has a range of options which are:

- grant full permission for the works;
- grant permission subject to conditions; or
- refuse consent.

There are however some exemptions to seeking consent, for example, it is not necessary to seek permission for works to trees which are dead or have become dangerous.⁴⁴ The owner must however ensure they have proof that the tree is dead or dangerous, and it is recommended that they make the relevant planning authority aware of the proposed works prior to them being carried out.

The process is also slightly different for trees located in conservation areas as notice of any proposed works must be served on the council or, in some cases, the Department; if the council or the Department objects to the proposed works, a TPO can be made to protect the tree(s).

I have identified examples of both good practice and concern in this area. This section will set out my observations in respect of:

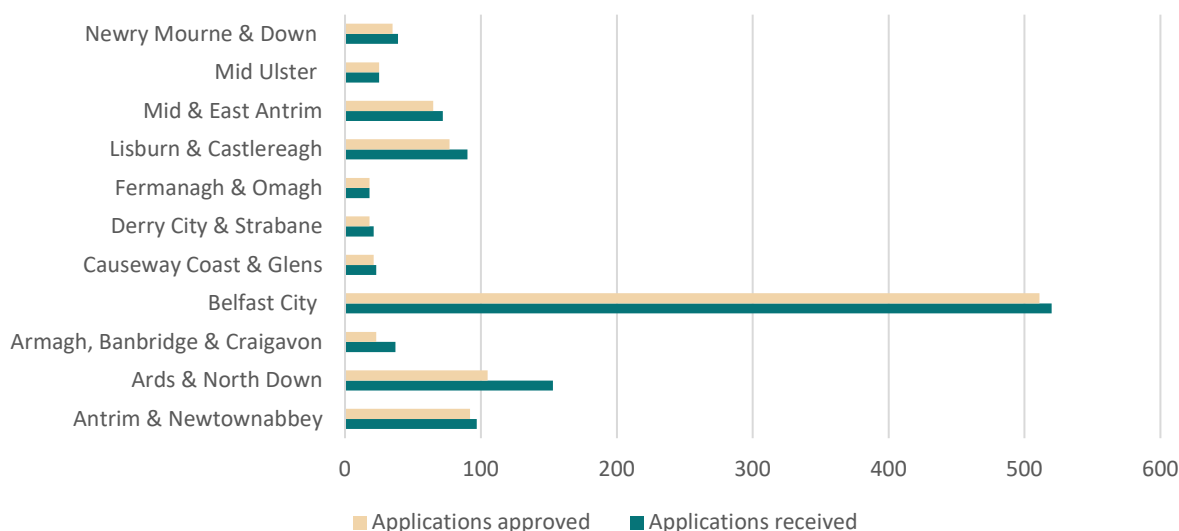
- Level of applications and approval rates across the councils;
- Processes for applying for works to protected trees;
- The use of independent evidence to support applications for works to protected trees; and
- Publication and notification procedures.

3.1 Level of applications and approval rates across the councils

There is variation across the councils in relation to the number of applications for works to protected trees which they are receiving with some councils receiving far greater numbers than others. One council reported receiving 520 applications within the last three years whereas another council received just 18. There is less disparity in relation to approval rates for these applications as these are high across the majority of the councils, ranging from 73% to 100%.

⁴⁴ [Planning Act \(Northern Ireland\) 2011, s.122 \(5\)](#)

Figure 9: Applications for works to protected trees which were received and approved by councils over a three-year period during 2019-2022



The following key trends have been identified from the figures reported by the councils over a three year period during 2019-22:

- **Four councils** reported **approval of all** of their decided applications.
- **Five councils** reported **approval of 90% and over** of their decided applications.
- The remaining **two councils** reported **approval of more than 70%** of their decided applications.
- The **average approval rate** across the councils during this time period was **93%**.

3.2 Processes for applying for works to protected trees

Decision making on works to protected trees is a delegated function⁴⁵ which means that for the most part council officers, and not the planning committee, will grant or refuse the applications. Within the responses to my investigation proposal, the councils provided information in relation to how they process applications for works to protected trees. Further information was also obtained from the council websites. I have identified some concerns about the variation of the level of information made available to the public on the need to apply for works to protected trees and the accessibility of the process.

⁴⁵ 8 councils clearly state within their schemes of delegations that this is a delegated function. The other 3 councils don't directly comment within their schemes of delegation.

Whilst most of the councils provide information on their websites detailing the processes which members of the public should follow when submitting applications for works to protected trees⁴⁶ some councils provide more detail than others. For example, some provide information in relation to the different procedures which apply dependent upon whether a tree is protected by a TPO or located within a conservation area whereas others do not highlight any differences. It is disappointing to note that two councils do not publish any information on their websites in respect of this matter.

Nine of the councils have developed their own application forms which applicants are required to complete when applying to carry out works to protected trees, however only seven councils make these forms available online. Furthermore, only two councils currently have facilities on their websites for online submission. Whilst it is encouraging that these councils have this facility, it is surprising that none of the other councils provide this as an option. It is also notable that only one council website directs applicants to the new planning portal which has the functionality to accept online applications for works to protected trees.

3.3 The use of independent evidence to support applications for works to protected trees

Concerns have also been raised with my Office in relation to councils approving applications for works to protected trees (including the felling of trees) without independent evidence to support the need for the works. Evidence to support an application could include for example, an arboricultural report assessing the health and condition of a tree, if reported to be of risk to the public or surrounding property.

The responses to my investigation proposal indicate that there is variation in the approaches being taken by the councils in this area.

- **Two councils** indicated that they **always require independent evidence** in support of applications for works to protected trees.
- **Two councils** stated that **they require independent evidence in the majority of cases**.
- The remaining **seven councils did not address** this within their responses to my investigation proposal.

⁴⁶ 9 of the 11 councils provide information on their websites in relation to submitting applications for works to protected trees.

A review of the different application forms for works which are currently being used by the councils provides some further insight into the varied approaches being taken.

- **Five** of the application forms list the circumstances in which independent evidence **'must be provided'**.
- **One** application form lists the circumstances in which independent evidence should **'usually'** be provided.
- **One** application form states that independent evidence **'may be requested'**.
- **One** application form states that independent evidence is **'strongly encouraged'**.
- One application form **does not make any reference** to independent evidence.

Whilst the information available indicates that there may be some variation in the approaches councils are taking to the use of independent evidence, it has not been possible to reach any firm conclusions in relation to how the councils are acting in practice. It is my view that the councils need to review and provide clarity in relation to the circumstances in which they require independent evidence to be provided in support of applications for work to protected trees. Councils should also clarify whether the onus to provide independent evidence is always placed on the applicant or whether there are situations in which the councils themselves will obtain their own independent evidence whilst assessing applications.

Given the lack of clarity about the gathering and use of independent evidence to support applications, the high approval rates for works are a matter of concern. In my view, works to protected trees should be fully supported by independent evidence to ensure it is in the wider public interest.

3.4 Publication and notification procedures

PUBLICATION

Whilst I note that there is no statutory requirement to publish pending or concluded applications for works, I would encourage councils to explore the potential of making this information publicly available in an accessible format. It is common practice for local authorities in England to publish applications for works to protected trees via their online planning registers.⁴⁷ This enables members of the public to view copies of application forms, supporting evidence and details of decisions. If local councils published similar information, it might serve to increase transparency around decision making in this area.

⁴⁷ Of a sample of 10 local authorities in England, 9 published applications for works on their online planning registers. It is worth noting that s.12 of the [The Town and Country Planning \(Tree Preservation\)\(England\) Regulations 2012](#) places a duty on local authorities to keep planning registers which include 'details of every application under an order and of the authority's decision'. The former Ministry of Housing, Communities and Local Government published guidance in 2014 which encouraged local authorities to make their registers available online: [Tree Preservation and its application in conservation areas - GOV.UK \(www.gov.uk\)](#) (para 77).

I welcome the recent motion⁴⁸ passed by Ards and North Down Council 'for transparency and in response to growing public interest' for regular reports to be made to the Planning Committee to include:

- The number of applications for works to protected trees;
- Whether granted or refused; and
- The basis for the decision making.

Consideration was also to be given by the Council to uploading these details to the planning portal or its website to ensure public access. I note reports have since been submitted to the Planning Committee and are available on the website⁴⁹, however navigating access is difficult. The details do not appear to have been uploaded on the planning portal. The reports also do not outline the basis for the decision made.

I note that none of the other councils publish any details of pending or concluded applications for works to protected trees.

NOTIFICATION

It is also notable that none of the councils have processes in place for notifying local residents of pending applications for works to protected trees. Whilst it is a statutory requirement to notify any affected persons of the making of a TPO, there is no statutory requirement to notify affected persons of proposed works to protected trees.⁵⁰ Councils should explore whether it would be possible to introduce community notification procedures for residents likely to be affected by proposed works to protected trees. In England, whilst there is no statutory notification procedure for proposed works to protected trees, the government has issued guidance which recommends that local authorities consider displaying site notices or notifying affected residents where they are likely to be affected by an application or where there is likely to be significant public interest.⁵¹

Notifying local residents of proposed works which are likely to impact upon them could increase transparency and bolster community engagement in the application process. There has been considerable criticism of the lack of community engagement in Northern Ireland's planning system⁵² and the Department itself has recognised that reform is required.⁵³ The Department potentially has a role to play in producing best practice guidance for councils around notification procedures.

⁴⁸ Ards & North Down Planning Committee Minutes, 1 March 2022

⁴⁹ Planning Committee (06/12/2022) (ardsandnorthdown.gov.uk), p77-78. Planning Committee (07/03/2023) (ardsandnorthdown.gov.uk), p52-53.

⁵⁰ s.3 of the 2015 Regulations places an obligation on councils to notify interested persons of the making of a TPO and allow a 28 day period during which objections and representations can be submitted.

⁵¹ Tree Preservation Orders and trees in conservation areas - GOV.UK (www.gov.uk), para 77.

⁵² In its 2022 report, the Open Government Network was critical of the NI planning system's lack of meaningful engagement with local communities, describing it as a system 'which has evolved to prioritise efficiency and growth above community needs or environmental sustainability' (pg.5) NIOGN-OLG-REPORT.pdf (opengovernment.org.uk).

⁵³ In its 2022 report, the DFI's Planning Engagement Partnership set out 8 recommendations to enhance the quality and depth of community engagement in both local and regional planning – see [Planning Your Place: Getting Involved - March 2022](#) (infrastructure-ni.gov.uk).

Section 3 Recommendations: Applications for Works to Protected Trees

Recommendation 12: Councils which do not currently use application forms for processing applications for works to protected trees should develop standard application for works forms.

Recommendation 13: Councils should review the content of their websites to ensure adequate information is provided to members of the public about the requirement to apply for works to protected trees, how to apply and that the application process is accessible.

Recommendation 14: Councils should provide clarity in relation to the use of independent evidence to support applications for works to protected trees. The circumstances in which independent evidence is required and the parties responsible for obtaining it should be clarified.

Recommendation 15: Councils should explore the potential to publish details of applications for works to protected trees in an accessible format.

Recommendation 16: Councils should explore the potential to introduce community notification procedures for residents likely to be affected by proposed works to protected trees.

Recommendation 17: The Department should consider issuing best practice guidance in relation to publication and notification procedures (this could sit within the wider guidance recommended in Recommendation 5).

Section 4: Protected Trees on Council Owned Land

If a protected tree is located on council owned land, this can result in a situation where the council itself is the applicant in a tree works request or suspected of a tree protection breach. It is crucial that cases where the council is in this position are dealt with transparently and that conflicts of interest are avoided or adequately managed. The processes and decision making in these cases must also be perceived as fair to ensure that public confidence is not negatively impacted.

I have identified a number of concerns in respect of:

- Cases in which the council is the applicant in a tree works request; and
- Cases in which the council is suspected of a breach of tree protection.

4.1 Cases in which the council is the applicant in a tree works request

If a council wishes to carry out work to a protected tree on land which it owns, it must seek consent from the Department rather than approving an application for works itself. This is a statutory requirement under Regulation 10 of the Planning General Regulations (Northern Ireland) 2015 which states that councils cannot seek consent from themselves.⁵⁴

The responses to my investigation proposal highlighted that there is variation across the councils in relation to their awareness and interpretation of Regulation 10. Whilst some councils do appear to be aware of the need to refer, others seem to have been either unaware of or not applying Regulation 10 correctly.

- **One council does not appear to be aware of Regulation 10** and advised that it refers applications for works to protected trees on council owned land to its own senior officers or the Planning Committee.
- **Two councils** were aware of Regulation 10 but their responses to my proposal indicate that they are **not applying it correctly in practice**. One of these councils incorrectly referred to the fact that Regulation 10 only applies if a protected tree is located within a conservation area.
- **Six councils** do seem to have the **correct understanding** of the implications of Regulation 10. However, it is notable that one council stated that it only recently became aware of Regulation 10 when the Department highlighted it in connection with a high-profile case in which the council was seeking to remove a number of trees within a conservation area on council owned land.
- **Two councils did not address the approach** which they take to Regulation 10 within their responses to my investigation proposal.

⁵⁴ Regulation 10 states - *Where an interested council is seeking a consent of a council under Parts 3, 4 (except chapters 1 and 2 of that Part) or 5 (except sections 157 to 163) of the 2011 Act other than planning permission to develop land or a consent to display an advertisement pursuant to regulations made under section 130 and that council is itself the council by whom such consent would be given, it shall make an application for such consent to the Department.* [The Planning General Regulations \(Northern Ireland\) 2015 \(legislation.gov.uk\)](https://legislation.gov.uk)

This variation in council approaches is concerning and supports the need for the Department to provide clarity. It further demonstrates the importance, as outlined in [Section 1](#), of having clear procedural guidance that underpins the legislative framework. The Department should work with the councils on developing clear procedural guidance in relation to the processes which councils should follow when they wish to carry out works to protected trees on their own land.

4.2 Cases in which the council is suspected of a breach of tree protection

The councils were also asked to clarify whether they followed any different processes if the council itself was suspected of involvement in a tree protection breach. Whilst a number of the councils did not clearly address this within their responses to my investigation proposal, amongst those that did, the majority referred to following the same processes regardless of who was suspected of the breach. Only two of the councils made reference to referring enforcement cases involving the council to the Department.

- **Six councils** stated that they **follow the same processes** regardless of who is suspected of the breach.
- **Two councils** made reference to **referring these cases to the Department** however it was notable that only one of these councils indicated that this was common practice; the other council suggested that referral to the Department was optional.
- **Three councils did not clearly address** this issue within their responses.

Whilst there is no statutory requirement for enforcement cases involving the councils to be referred to the Department, I recognise and support the introduction of a mechanism to investigate these cases to manage potential conflicts of interest, whether real or perceived. I consider that there is a need for the Department to explore with the councils how best independent investigation of a reported or suspected breach by councils of tree preservation could be achieved. There is also the need for the Department to consider and set out the procedures to be followed where the Department is suspected of a breach, and how to introduce a mechanism to manage conflict of interests in such circumstances.

Section 4 Recommendations: Protected Trees on Council Owned Land

Recommendation 18: The Department and councils should agree and issue clear procedural guidance in relation to the processes which councils should follow when they seek to carry out works to protected trees on their own land.

Recommendation 19: The Department should develop a best practice approach on the independent investigation of reported breaches of tree protection by councils. It should update its enforcement practice notes to include the procedural steps that should be taken when the planning authority (council or the Department) is suspected of the breach. The Department should also consider whether further legislation is required in this matter to provide the necessary clarity and independence in the decision making process.

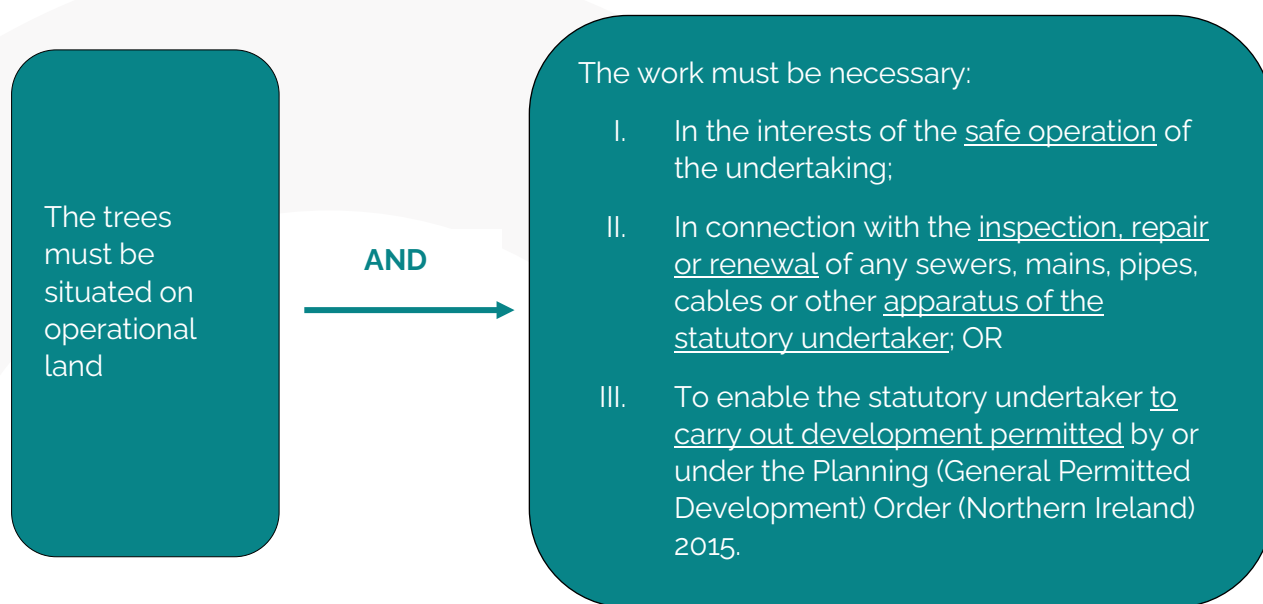
Section 5: Statutory Undertakers

Statutory undertakers are bodies and organisations which have been given statutory powers to carry out certain public functions. Examples include transport providers and utility companies.⁵⁵ Concerns have been raised with my Office in relation to statutory undertakers removing protected trees and the oversight of their actions.

5.1 Statutory undertakers: the legislation

There are legislative provisions which enable statutory undertakers to remove protected trees without consent in certain circumstances. Schedule 3 of the 2015 Regulations enables statutory undertakers to carry out works to protected trees without council consent in specific circumstances. The trees must be situated on operational land and the work must be necessary for either safety reasons, in connection with the inspection, repair or renewal of apparatus or to enable a statutory undertaker to carry out permitted development.⁵⁶

Figure 10: The circumstances in which statutory undertakers can carry out work to protected trees without consent



⁵⁵ s.250 of the 2011 Planning Act provides a definition of a statutory undertaker - [Planning Act \(Northern Ireland\) 2011 \(legislation.gov.uk\)](#)

⁵⁶ 2015 Regulations – Sch 3, s.2(b) (i)-(iii)

Whilst the legislative framework sets out the circumstances in which statutory bodies can act, I am concerned there may be a lack of guidance between statutory undertakers and planning authorities to underpin this important area. I consider that effective engagement in this matter is critical as the work carried out by statutory undertakers is often significant in scale with the potential to adversely impact on the biodiversity of an area and public confidence. For example, it was reported that Translink proposed to remove 141 trees, including some protected trees, at Carnalea train station, Bangor for safety reasons.⁵⁷ There is therefore an onus on public bodies to examine and consult on how they can best carry out work which may necessitate the removal of trees and how any harmful impact may be mitigated.

5.2 Guidance and monitoring

I note that the Department has not issued any guidance for statutory undertakers in relation to how the Schedule 3 exemptions should be interpreted. Whilst I recognise that there are situations in which statutory undertakers are justified in removing protected trees, I consider that there is a need for direction from the Department in relation to best practice in this area. It is notable that guidance has been issued in other jurisdictions. In England, the former Ministry of Housing, Communities and Local Government included guidance on exceptions for tree works carried out by statutory undertakers within its 2014 guidance document on tree protection. This guidance is fairly brief but it does advise statutory undertakers to liaise with local authorities prior to carrying out any work to protected trees.⁵⁸

The Department should also consider whether it could play a role in the oversight and monitoring of the activities of statutory undertakers in relation to the removal of protected trees across the region.

5.3 Engagement and co-operation

Councils also have a role to play in ensuring that they engage with statutory undertakers in relation to tree protection issues. It is unclear to what extent engagement and co-operation takes place, in particular where a statutory undertaker considers consent is not required for works, and I would encourage the councils and statutory undertakers to consider how it can be better facilitated. I welcome the fact that Belfast City Council has set out a number of actions aimed at increasing co-operation with utilities providers within its tree strategy. The actions put forward include the setting up of engagement workshops, the provision of training and the implementation of a tree charter.⁵⁹ This type of co-operation is to be encouraged as it provides councils with a good opportunity to promote the importance of tree protection to statutory undertakers.

⁵⁷ [Reaction to the removal of 141 trees in Carnalea \(greenparty.org\)](https://www.greenparty.org.uk/news/2018/05/18/reaction-to-the-removal-of-141-trees-in-carnalea)

⁵⁸ [Tree Preservation Orders and trees in conservation areas - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/684443/Tree_Preservation_Orders_and_trees_in_conservation_areas.pdf) – para 85

⁵⁹ [Belfast City Council Tree Strategy - Utilities Cooperation](#)

Section 5 Recommendations: Statutory Undertakers

Recommendation 20: The Department should issue best practice guidance on the exemptions for statutory undertakers which are contained within Schedule 3 of the 2015 Regulations.

Guidance should include that statutory undertakers liaise with the relevant planning authorities prior to carrying out work to a protected tree and comply with best arboricultural practice in undertaking the work. Statutory undertakers should also report when work has been carried out without notification and review whether the work carried out was necessary and undertaken in a way that was least damaging.

Recommendation 21: Councils should introduce mechanisms to facilitate increased levels of engagement and co-operation with statutory undertakers in relation to the protection of trees.

Section 6: Enforcement Activity

Planning authorities have a duty to investigate reports of alleged breaches of planning control and take formal enforcement action where it is appropriate to do so. Under the 2011 Act, local councils have primary responsibility for planning enforcement within their council areas. The Department retains certain reserve enforcement powers and is also responsible for monitoring the performance of the councils.

It is important to note that the powers available to planning authorities to take enforcement action are discretionary, and where a breach is established, the authority must consider whether it is 'expedient' to take formal action. Whilst 'expediency' in planning is not defined, the concept is described within departmental guidance as a test of whether the activity is '*causing unacceptable harm to the environment and/or public amenity, having regards to the provisions of the local development plan and to any other material considerations*'.⁶⁰

Taking enforcement action which is proportionate to the seriousness of the breach, including the extent of the harm caused, is central to the effectiveness and credibility of the planning system. Whilst planning enforcement is intended to be remedial rather than punitive, it is critical that it is robust in its response and that the interests of the environment and the public are not marginalised. It is also important to highlight that unlike some other breaches of planning control, where unauthorised works to protected trees are carried out, including removal, it is not possible for the breach to be fully rectified.

It is of note that over recent years, a number of local authorities in Great Britain, have pursued significant prosecutorial action in respect of breaches of tree protection. This has included considering how the offenders (landowners and contractors) benefited from the proceeds of the crime, as well as the harm caused by the planning breach.⁶¹ In contrast if enforcement is not taken seriously by local councils, or is perceived as not being taken seriously, both the effectiveness and public confidence in the planning system is undermined.

Concerns were raised with my Office that local councils appear to be reluctant to take enforcement action where tree protection breaches have been identified. I requested that all eleven councils provide relevant data on the action taken over a three year period in respect of reported tree protection breaches. This section will set out my observations and recommendations in respect of:

- Council enforcement powers in tree protection cases;
- Recent trends in tree protection enforcement cases;
- Cases closed as 'Not Expedient';
- Council enforcement strategies and procedures; and
- Monitoring of Tree Protection Enforcement Activity by the Department.

⁶⁰ [Enforcement Practice Note 1 Introduction to Planning Enforcement \(infrastructure-ni.gov.uk\)](https://infrastructure-ni.gov.uk/enforcement-practice-note-1-introduction-to-planning-enforcement/)

⁶¹ See [Landowner and contractor fined £255,000 for tree destruction | Enfield Council](#) and [Homeowner Fined Under Proceeds Of Crime Act For Cutting Back Tree - Timms Solicitors \(timms-law.co.uk\)](#)

6.1 Council enforcement powers in tree protection cases

The councils have various strong enforcement powers available to them under the 2011 Act and this section will briefly outline the main enforcement powers which can be used in tree protection cases.⁶²

TPOs

Councils can pursue prosecutions against individuals found to be in breach of TPOs. Contravention of a TPO by undertaking unauthorised works is identified within planning enforcement guidance as a 'direct offence'. It is a criminal offence which is punishable by a fine of up to £100,000 on summary conviction or an unlimited fine on indictment.

Councils also have the responsibility to enforce measures, subject to a TPO, for the landowner to replace trees by planting a tree or trees of a specified size and species. Where this is not complied with within the specified period, councils have the power to enter onto land to replant trees subject of the TPO and recover costs.

CONSERVATION AREA PROTECTION

Councils can also pursue prosecutions for breaches of conservation area protections. Breach of a conservation area protection by undertaking unauthorised works is also identified within planning enforcement guidance as a 'direct offence'. It is a criminal offence punishable by the same penalties which apply to TPO breaches.

Councils also have the responsibility to serve a notice on a landowner to replant a tree or trees of an appropriate size and species in the same space in a conservation area.

PLANNING CONDITIONS

Breach of a planning condition which protects trees is not a criminal offence in itself. If a breach has been identified, a council can take formal enforcement action by issuing a breach of condition notice. Failure to comply with the requirements of a breach of condition notice is a criminal offence which is punishable by a fine of up to £1000 on summary conviction.

6.2 Recent trends in tree protection enforcement cases

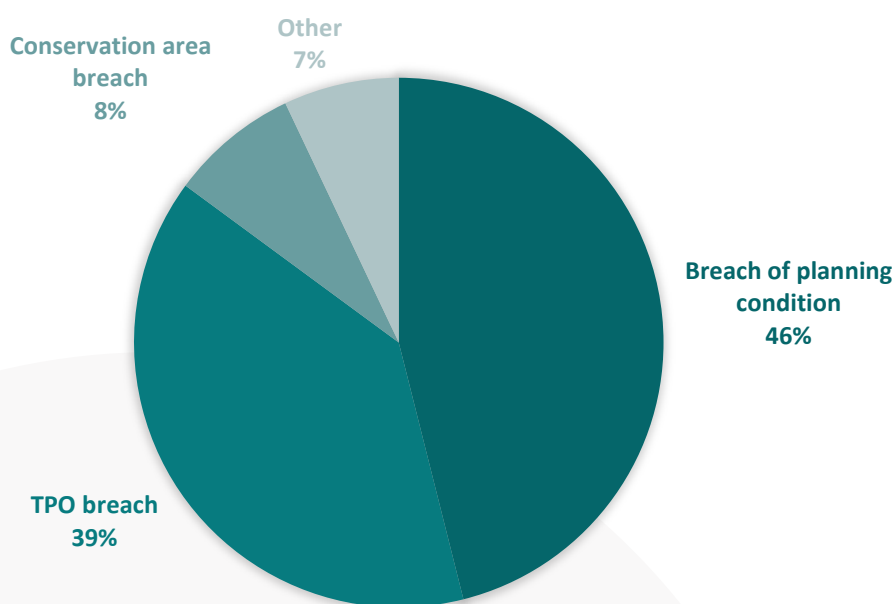
The responses to my investigation proposal highlighted a number of trends in relation to the type and outcome of tree protection enforcement cases which were reported to the councils over a three year period, during 2019-2022. It should be noted that this data is not available centrally and had to be collated from each of the councils individually.

⁶² [Planning Act \(Northern Ireland\) 2011, s.126, 127, 152, 153, 156 & 160](#)

TYPES OF CASES

From the data provided to my Office, it was identified that 369 tree protection breaches were reported to the councils over the three year period. The most commonly reported breaches were in relation to alleged contraventions of planning conditions with 170 reported in total. 144 of the cases which were reported related to alleged breaches of TPOs and 29 were in relation to alleged breaches of conservation area protections.

Figure 11: Breakdown of type of tree protection cases opened by councils over the three-year period during 2019-2022



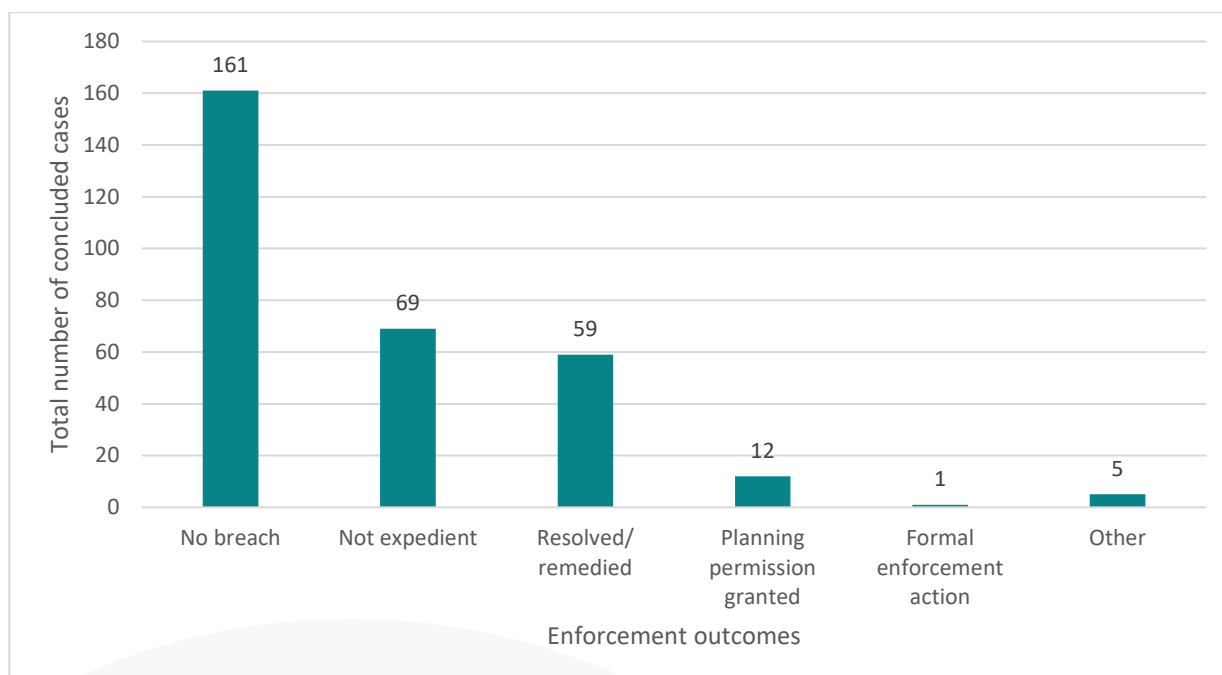
OUTCOMES

The most frequently reported outcome in tree protection enforcement cases was a finding of no breach which was reported in 52% of cases. The second most common outcome which was reported in 22% of cases was a conclusion that it would not be 'expedient' to investigate the alleged breach any further. This was followed closely by 18% of cases which were classified as remedied or resolved.

Formal enforcement action⁶³ was only reported to have been taken in one case (a breach of condition notice was issued) and none of the councils have pursued any prosecutions within a three year period. The fact that only one council has taken formal enforcement action has the potential to support concerns about the approach of councils in this area, however this cannot be determined without review of the casework.

⁶³ The issuing of an Enforcement Notice or the service of a Breach of Conditions Notice. Failure to comply with either constitutes an offence.

Figure 12: Breakdown of council enforcement outcomes in tree protection cases over a three-year period during 2019-2022



6.3 Cases closed as 'Not Expedient'

When considering the overall outcome trends, it is worth noting that nearly one fifth of the overall number of tree protection cases were closed as 'not expedient', with percentage variation between the type of breaches reported.

Over a three year period:

- 15% of reported planning conditions breaches;
- 22% of reported TPO breaches; and
- 42% of reported conservation area breaches resulted in a 'not expedient' outcome.

This area is of particular interest, as having determined this category of outcome, it is indicative the council has established a breach but having applied the expediency test has decided not to take further action. The level of tree protection cases determined as 'not expedient' appears to sit somewhat at odds with the priority outwardly stated by councils to be given to the protection of trees. I consider that it would be valuable for the Department and councils to examine the recorded considerations and develop an analysis of whether the reasoning is in keeping with best practice in enforcement guidance and council priorities.

Furthermore, given the 'direct offence' nature of TPO and conservation area breaches, it would be useful to establish the extent to which 'expediency' should be applied and whether there are repeat issues that could be identified and acted upon. For example, whether the maintenance of records including identifying that orders had not been confirmed by the DOE (as outlined in [Section 2](#)), or a potential lack of public knowledge about the processes to apply for works to trees (as outlined in [Section 3](#)) are repeat factors.

I also consider that it would be valuable to include analysis of the small number of 'other' outcomes, in which various descriptions of outcomes were presented. It was concerning that in one reported TPO breach, the closure category of 'immune' was used when this is not an outcome that is applicable to a 'direct offence'.

There is also a notable variation across the councils in relation to the proportion of cases with the outcome 'not expedient'. One council reached this outcome in 38% of its cases whereas 3 others reported a significantly smaller proportion of 'not expedient' outcomes at just 12%. Given this level of variation I recommend that when examining the recorded reasoning and overall analysis for 'not expedient' outcomes, that the Department and councils consider whether there are differences in council approaches to apply the expediency test.

The analysis of 'not expedient' and 'other' outcomes in reported breaches of tree protection cases may also contribute to work recommended by the NIAO in the area of planning enforcement. Within its 2022 review of planning in Northern Ireland, the NIAO examined overall trends in all enforcement cases across Northern Ireland between 2015-2020.⁶⁴ It noted a substantial variation in percentages of outcome type across councils (including non-expedient cases) and recommended that the Department and the councils carry out further investigations to ensure that enforcement cases are being processed consistently in Northern Ireland.

6.4 Council enforcement strategies and procedures

As outlined in [Section 1](#), all councils have planning enforcement strategies in place and have the autonomy to set local priorities. In addition to identifying areas of concern from the data provided on enforcement activity, I note several issues that require further consideration in respect of council enforcement strategies and procedures, specific to tree protection and wider enforcement policy and practice.

FACTORS TO BE TAKEN INTO ACCOUNT WHEN ASSESSING EXPEDIENCY

Expediency is a key concept within planning enforcement as councils only take enforcement action when they consider that it is expedient to do so. Within the enforcement strategies reviewed by my Office, it is noted that some of the councils refer to factors taken into account when assessing expediency, whereas others do not. I would encourage all councils to review their strategies to ensure clear information is provided on the expediency test, including the range of factors taken into account when assessing whether or not to take enforcement action.

SIGN OFF PROCEDURES FOR 'NOT EXPEDIENT' DECISIONS

None of the councils include any detail within their enforcement strategies in relation to their sign off procedures for 'not expedient' decisions. It is not clear if senior or other verifying council officers are involved in signing off or reviewing these decisions. Given the level of discretion in this area, I would encourage all councils to consider whether there is sufficient oversight of 'not expedient' decisions within their strategies and procedures.

Although not specific to breaches of tree protection, it is of note that I reported earlier this year on an enforcement planning case in which I found that the council did not document full and accurate reasons on why it did not consider it expedient to take enforcement action which I considered was maladministration.⁶⁵

TREE SPECIFIC ENFORCEMENT POLICIES

The local council enforcement strategies are broad in scope and cover all areas of planning enforcement. I note that some local authorities in England have implemented enforcement policies specific to tree protection to supplement the main council planning enforcement strategy and I would encourage local councils to consider whether it may be beneficial to implement similar policies.

REPORTING TREE PROTECTION BREACHES

Despite having these significant enforcement powers to protect trees, I note that only five of the councils reference within their tree preservation sections that it is a criminal offence to carry out works to protected trees without consent, whereas others do not make any reference to the consequences of breaches. Furthermore, none of the councils publish any information within the tree preservation sections of their websites regarding the processes which members of the public should follow when reporting suspected tree protection breaches. Whilst most of the councils do publish information in relation to the reporting of general planning breaches within the planning enforcement sections of their websites, I consider that it is important to also include or signpost this information within the tree preservation sections of their websites.

I also note that the new planning portal has the functionality to accept online planning enforcement complaints⁶⁶ and some councils do refer to this within the planning enforcement sections of their websites. I would encourage all of the councils to ensure that they highlight or signpost this functionality within the tree preservation sections of their websites.

⁶⁵ [NIPSO s44 Investigation Report ref 202002188 – 30 March 2023](#)

⁶⁶ [Northern Ireland Public Register \(planningsystemnir.gov.uk\)](#)

6.5 Monitoring of Tree Protection Enforcement Activity by the Department

As part of its oversight and monitoring role, the Department currently publishes quarterly and annual statistical bulletins which contain data in relation to a number of aspects of planning including the following data on enforcement cases⁶⁷:

- The number of enforcement cases opened by councils;
- The number of enforcement cases closed by councils;
- The number of enforcement cases concluded by councils;
- Enforcement case conclusion times;
- The percentage of enforcement cases closed by councils within 39 weeks; and
- The number of court actions taken by councils (including a breakdown of prosecutions and convictions).

This data is broken down by council area and, whilst it is useful for identifying broad overall trends, it is limited by the fact that it is not broken down by types of enforcement case. The Department do not collate or publish enforcement data which is specific to tree protection cases. I note that an Assembly Question seeking to establish regional enforcement figures on reported tree protection breaches was not answered, as the figures were available only at council level.⁶⁸

The Department should consider routinely collating and publishing enforcement data which is specific to tree protection cases. As well as making it easier for the Department to carry out its monitoring role, the availability of this data may also serve to increase public confidence that enforcement in this area is being taken seriously.

⁶⁷ [Planning activity statistics | Department for Infrastructure \(infrastructure-ni.gov.uk\)](#)

⁶⁸ See AQW6798/12-22 - [Written Questions Search Results | Assembly \(ni.gov.uk\)](#)

Section 6 Recommendations: Enforcement Activity

Recommendation 22: The Department and councils should examine the reported tree protection breaches closed as 'not expedient' and 'other', to establish if factors relied upon within the recorded reasoning are in keeping with enforcement guidance and council priorities, and whether there are repeat issues that can be acted upon to prevent future breaches. This should include examining the rigour of the investigation and whether sufficient effort was made to establish a breach.

Recommendation 23: Councils should review their enforcement strategies to ensure clear information is provided on the expediency test and that oversight procedures for 'not expedient' decisions are robust.

Recommendation 24: Councils should consider developing specific Tree enforcement policy to supplement the overall council planning enforcement strategy.

Recommendation 25: Councils should update the tree preservation sections of their websites to highlight that it is a criminal offence to carry out works to protected trees without consent. The websites should also contain clear information on how members of the public can report suspected tree protection breaches.

Recommendation 26: The Department should collate, monitor and publish enforcement data which is specific to tree protection enforcement cases.



Northern Ireland
Public Services
Ombudsman

**Northern Ireland Public
Services Ombudsman**

Progressive House
33 Wellington Place
Belfast BT1 6HN

Telephone: 02890 233821
Freephone: 0800 34 34 24
Email: nipso@nipso.org.uk
Freepost: Freepost NIPSO

www.nipso.org.uk

This page is intentionally left blank

Addendum Report 4	
Application ID: LA04/2022/1861/F LA04/2022/1867/DCA LA04/2022/1860/A	Date of Committee: 14 th November 2023
Proposal: Replacement facade to active facade to facilitate the display of internally illuminated moving images.	Location: 1-3 Arthur Street Belfast BT1 4GA
Referral Route: Referral to the Planning Committee under section 3.8.1 of the Scheme of Delegation (request from Elected Member)	
Recommendation: Refusal	
Applicant Name and Address: Alterity Investments Limited 4 Annadale Avenue BT7 3JH	Agent Name and Address: Pragma Planning Scottish Provident Building 7 Donegall Square West Belfast BT1 6JH
Background <ol style="list-style-type: none"> 1. These applications were previously reported to the Committee in April, August and October 2023. At the October meeting, the Committee resolved to grant temporary planning permission, Conservation Area Consent and Advertisement Consent, for a period of five years, to be reviewed in year three, and delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions. 2. The applications are reported back to the Committee following legal advice in order to clarify the duration of the temporary permissions, ahead of the decisions being issued. 3. This Addendum Report 4 should be read in conjunction with Addendum Reports 1, 2 and 3 and the original report to the April 2023 Committee, appended. Late item to the October Committee <ol style="list-style-type: none"> 4. At the October Committee, officers reported HED's consultation response to the amended plans that removed the Castle Lane element of the proposal. HED maintained their objection, advising that '<i>...the proposed illuminated signage does not respect the character of the setting of the listed buildings listed above; the illuminated and moving signage would create a competing focus to the listed buildings which form the attractive historic perimeter of Arthur Square; the signage would draw the eye to the building at 1-3 Arthur Square which, as highlighted in the Conservation Report submitted, is of a lesser design quality to that of the historic buildings in its vicinity. HED does not consider that the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the adjacent listed buildings.</i>' Clarification of the duration of the permissions <ol style="list-style-type: none"> 5. The Committee resolved to grant a temporary five-year temporary permission for the signage with a review after three years. The purpose of the review is to assess the impact of the proposal on the historic environment after the three year period. However, following legal advice, officers have concerns about the review mechanism after year 3 	

of a 5-year permission. This is because there is no clear means to require removal of the signage after year 3 should the signage be found to be unacceptable.

6. Possibly, the only recourse would be for the Council to apply to formally revoke the temporary consent at that point, however, that is a complex and involved process, which also potentially involves compensation to the applicant. Normally, reviews to test the impact of a proposal take place at the end of the temporary permission period. Accordingly, the officer advice to the Committee is that the temporary permission should be for three years rather than five years.

Planning conditions

7. Following the October Committee meeting, officers have been engaging with the applicant around the conditions to be attached to each of the three permissions. Initially, the applicant sought that the three temporary permission begins at the point the signage is installed. However, officers advised the applicant that this would be problematic in terms of how to frame the condition and the end point at which the temporary permission expires. The applicant has pointed out that there will be a lead in time in implementing the signage in respect of design, costings, tendering, carrying of the works and installation. With this in mind, the applicant has sought a 3.5 year temporary permission. Officers considered this to be reasonable.

Recommendation

8. Whilst the officer opinion has not changed in respect of the recommendation set out in Addendum Report 3, appended, the Committee is asked to confirm the duration of the temporary permission and planning conditions as set out below.
9. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and deal with any other matters that arise, provided that they are not substantive.

Draft Conditions

LA04/2022/1861/F

1. The replacement façade hereby permitted shall be removed and the building restored to its former condition on or before **[3 years and 6 months from the date of the permission]**.

Reason: The development has only been granted temporary permission to allow the council to assess the impact on the Conservation Area and surrounding Listed Buildings.

LA04/2022/1867/DCA

1. The demolition hereby granted must be begun by **[3 years and 6 months from the date of the permission]**.

Reason: As required by Section 105 of the Planning Act (Northern Ireland) 2011.

2. No demolition shall commence on site unless a contract has been let to carry out the works in accordance with planning permission LA04/2022/1861/F and install the advertisement in accordance with Advertisement Consent LA04/2022/1806/A.

Reason: As required by Sections 91(6) and 105 of the Planning Act (Northern Ireland) 2011, to preserve or enhance the character or appearance of the Conservation Area.

3. The demolition applies only to the walls shown in red shows in drawing no. **[insert]** uploaded to the NI Planning Portal on the 24th October 2024.

Reason: To protect the character of the City Centre Conservation Area.

LA04/2022/1860/A

1. The advertisement hereby permitted shall be removed and the building restored to its former condition on or before **[3 years and 6 months from the date of the consent]**.

Reason: The development has only been granted temporary permission to allow the council to assess the impact on the Conservation Area and surrounding Listed Buildings.

2. The advertisement hereby approved shall not be operated or in use unless an Advertising Schedule has been submitted to and agreed in writing by the Council. The Advertising Schedule shall include a minimum of 5% screen time allocated to Belfast City Council, or other public bodies, for public messaging purposes and shall set out how this shall be achieved, monitored and reported to the Council. The advertisement shall not be operated or in use unless in accordance with the approved Advertising Schedule.

The approved Advertising Schedule may be varied from time subject to prior written approval from the Council.

Evidence that the requirements of this condition are being met shall be made available to the Council on written request.

Reason: To ensure sufficient screen time is provided to Belfast City Council as per the applicant's supporting statement.

Addendum Report 3	
Application ID: LA04/2022/1861/F LA04/2022/1867/DCA LA04/2022/1860/A	Date of Committee: 17 th October 2023
Proposal: Replacement facade to active facade to facilitate the display of internally illuminated moving images.	Location: 1-3 Arthur Street Belfast BT1 4GA
Referral Route: Referral to the Planning Committee under section 3.8.1 of the Scheme of Delegation (request from Elected Member)	
Recommendation: Refusal	
Applicant Name and Address: Alterity Investments Limited 4 Annadale Avenue BT7 3JH	Agent Name and Address: Pragma Planning Scottish Provident Building 7 Donegall Square West Belfast BT1 6JH
Background <p>These applications for full planning permission, Conservation Area Consent, and Advertisement Consent were originally reported to the April 2023 Planning Committee when they were deferred for a Committee Site Visit. The Site Visit took place on 28th June.</p> <p>The applications were then due to be considered at the 29th June Committee. However, the applications were withdrawn from the agenda following correspondence from the applicant who stated that they were unable to make arrangements to address the Committee and that they had insufficient time to address the relevant policies in the adopted Belfast LDP Plan Strategy.</p> <p>The applications were then considered at the 15th August Committee. The Committee resolved to defer the applications to allow further engagement between the applicant and officers.</p> <p>This Addendum Report 3 should be read in conjunction with Addendum Reports 1 and 2, and the original report to the April 2023 Committee, which are appended.</p> Updated Assessment <p>Following further engagement, the applicant has amended the applications to remove the proposed replacement façade/screen along the Castle Lane elevation. The façade/screen onto Arthur Square would remain.</p> <p>The removal of the advertisement on Castle Lane is beneficial for this street and setting of Nos. 1-5 Castle Lane (Grade B2 Listed) when approaching Arthur Square from the Cornmarket and Ann Street. However, the most prominent screening facing onto Arthur Square would remain and would continue to have a harmful impact on the setting of other Listed Buildings, as well as Nos. 1-5 Castle Lane from other viewpoints, including from Arthur Street and the Victoria shopping centre.</p> <p>Similarly, the proposal would continue to have an adverse impact on the character and appearance of the Conservation Area.</p>	

Conservation advice was sought on the amendments from the Plans and Policy unit. The Conservation advice states that the effect on the south north vista along Arthur Street terminated by 1-5 Castle Lane would be diminished through focal shift to the sign and the sign would adversely impact the perception, understanding and appreciation of the space and its setting as a historic square, thereby undermining the historicity of the listed buildings therein. The advice therefore remains as per before that the proposal would have a harmful impact on the character and appearance of the Conservation Area.

DfC Historic Environment Division have been consulted on the amendments. Officer's opinions in the impact of the Listed Buildings remains unchanged for the reasons explained. It is expected that HED's response will be provided in advance of the Committee meeting and will be reported to members by means of an update.

Recommendation

The recommendation remains to refuse permission and consents for the reasons set out in Addendum Report 1, appended.

Addendum Report 2

Application ID: LA04/2022/1861/F LA04/2022/1867/DCA LA04/2022/1860/A	Date of Committee: 15 th August 2023
Proposal: Replacement facade to active facade to facilitate the display of internally illuminated moving images.	Location: 1-3 Arthur Street Belfast BT1 4GA
Referral Route: Referral to the Planning Committee under section 3.8.1 of the Scheme of Delegation (request from Elected Member)	
Recommendation: Refusal	
Applicant Name and Address: Alterity Investments Limited 4 Annadale Avenue BT7 3JH	Agent Name and Address: Pragma Planning Scottish Provident Building 7 Donegall Square West Belfast BT1 6JH
<p>Background</p> <p>These applications for full planning permission, Conservation Area Consent, and Advertisement Consent were originally reported to the April 2023 Planning Committee when they were deferred for a Committee Site Visit. The Site Visit took place on 28th June.</p> <p>The applications were then due to be considered at the 29th June Committee. However, the applications were withdrawn from the agenda following correspondence from the applicant who stated that they were unable to make arrangements to address the Committee and that they had insufficient time to address the relevant policies in the adopted Belfast LDP Plan Strategy. However, no information has since been submitted by the applicant on the Plan Strategy.</p> <p>This Addendum Report 2 should be read in conjunction with Addendum Report 1 and the original report to the April 2023 Committee which are appended.</p> <p>For clarification, the Committee is considering three separate but related applications. An application for full planning permission for active façade to the front and side elevations of the building. An application for Conservation Area Consent for demolition of a section of the existing façade. Finally, an application for Advertisement Consent for the active façade with internal illuminated moving images.</p> <p>The recommendation remains to refuse permission and consents for the reasons set out in Addendum Report 1.</p>	

Addendum Report 1

Application ID: LA04/2022/1861/F LA04/2022/1867/DCA LA04/2022/1860/A	Date of Committee: 29 th June 2023
Proposal: Replacement facade to active facade to facilitate the display of internally illuminated moving images.	Location: 1-3 Arthur Street Belfast BT1 4GA
Referral Route: Referral to the Planning Committee under section 3.8.1 of the Scheme of Delegation (request from Elected Member)	
Recommendation: Refusal	
Applicant Name and Address: Alterity Investments Limited 4 Annadale Avenue BT7 3JH	Agent Name and Address: Pragma Planning Scottish Provident Building 7 Donegall Square West Belfast BT1 6JH
<p>Background</p> <p>These applications for full planning permission, Conservation Area Consent, and Advertisement Consent were previously reported to the April 2023 Planning Committee. The applications were deferred for a Committee Site Visit.</p> <p>This addendum report should be read in conjunction with the original report to the April committee which is appended.</p> <p>Since the application was deferred, the Belfast Local Development Plan: Plan Strategy has been adopted (as of 02 May 2023). This provides a new policy framework for decision-making.</p> <p>The proposal involves three separate applications. An application for full planning permission for active façade to the front and side elevations of the building. An application for Conservation Area Consent for demolition of a section of the existing façade. Finally, an application for Advertisement Consent for the active façade with internal illuminated moving images.</p> <p>Updated Policy Context</p> <p>Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p> <p>Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.</p> <p>The Belfast Local Development Plan (LDP), when fully completed, will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was</p>	

adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.

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

Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.

Relevant Planning Policies

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

- Policy BH1 – Listed Buildings
- Policy BH2 – Conservation Areas
- Policy DES4 – Advertising and Signage

Supplementary Planning Guidance

Advertisements and Signage

Updated Assessment

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

Consultation Responses

No additional consultations have been necessary following adoption of the Plan Strategy.

Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the equivalent policies in the Plan Strategy are either the same or sufficiently similar to not require the consultees to re-evaluate the proposal in the context of the Plan Strategy.

Impact on the character and appearance of the City Centre Conservation Area

Policy BH2 of the Plan Strategy contains 9 criteria that apply to alterations to buildings within Conservation Areas. The application for full planning permission is to be assessed under this policy. For the reasons set out in the original Committee report, appended, the proposal is considered to fail to accord with the following criteria:

- a. the proposal would neither preserve nor enhance the character and appearance of the Conservation Area;
- b. the proposal would not respect the built form of the area by way of height, scale, form, legibility, materials and detailing)
- c. key views within, into or out of the Conservation Area would be negatively impacted;
- e. the proposal is contrary to the Belfast City Centre Conservation Area Guide; and

- f. the proposal does not use traditional or sympathetic materials found in the surrounding area, and the materials are not in keeping with those found in the surrounding area

It is considered that there is no conflict with criterion d. (impact on trees, archaeological or other landscape features). Criteria f., g. and h. are not considered relevant.

In terms of the proposed advertisement, for the reasons set out in the original Committee report, it is considered that the proposal is in conflict with the following criteria in Policy DES4:

- a. the proposal is not of good design quality, nor located sensitively within the streetscape;
- b. the proposal would result in clutter when read in addition to existing advertising and signage in the area; and
- c. the proposal would adversely impact on the Conservation Area.

The Plan Strategy introduces new guidance namely Supplementary Planning Guidance for Advertisements and Signage and this replaces the guidance contained within PPS 17.

Paragraph 4.5.1 of the SPG provides general good practice in relation to signage which impacts the setting of heritage assets. It would not be expected that any proposed signage should be designed to be historic given the nature of the modern building, however, there is a presumption against illumination and it is acknowledged that illumination can have a significant adverse impact on listed buildings. As set out in the original Committee report, the scale of the advertisement and illumination will accentuate the negative impact of the proposal on the Conservation Area as well as the surrounding listed buildings.

Impact on the setting of Listed Buildings

Policy BH1 of the Plan Strategy contains 5 criteria for new development affecting the setting of listed buildings. Criteria (a), (c) and (d) are similar to the criteria contained within Policy BH 11 in PPS 6 and the substantive issues are set out in the original Committee report. It is considered that the proposal is in conflict with the following criteria in Policy BH1:

- a. The proposal is not sympathetic to the essential characteristics, scale, height, massing and alignment of the adjacent Listed Buildings by way of its scale, form, materials and detailing;
- b. The proposal would result in a competing focus to the Listed Buildings, drawing the eye away from them and diluting their prominence and importance in the street-scene;
- c. The nature of the proposal does not respect the character of the setting of the Listed Buildings;
- d. The proposal would have a detrimental impact on the setting of the Listed Buildings.

There is no supplementary planning guidance to take account of in respect of this policy and therefore there is no conflict with criteria e.

The proposal is in conflict with criterion c. of Policy DES4 as the proposal will adversely affect the adjacent Listed Buildings.

Suitability of Demolition

Policy BH2 of the Plan Strategy contains two criteria in relation to demolition. Demolition of a building will only be permitted where the building to be demolished (whole or in part) makes either a negative or no material contribution to the character and appearance of the Conservation Area. In this case, the existing building/structure is not considered to make a material contribution. However, approval of Conservation Area Consent will normally be conditional on prior agreement for the redevelopment of the site. The proposed development is not acceptable and therefore demolition consent cannot be granted due to the unsuitability of what is proposed to be put back following the demolition.

Recommendation

The recommendation remains that planning permission, Conservation Area Consent and Advertisement Consent should be refused with delegated authority given to the Director of Planning and Building Control to finalise the wording of the refusal reasons.

The draft refusal reasons are below.

LA04/2022/1861/F

1. The proposal, by reason of its character, size, position and design, would be a highly incongruous feature in Arthur Square and would have a detrimental impact on the character and appearance of the Conservation Area. The proposal is contrary to paragraph 6.18 of the SPPS; criteria (a) (b) (c) and (e) of Policy BH2 of the Belfast Local Development Plan: Plan Strategy 2035; and City Centre Conservation Area Design Guide; and is unacceptable.
2. The proposal, by reason of its character, size, position and design, would visually compete with and adversely affect the setting of adjacent Listed Buildings. The proposal is contrary to paragraph 6.12 of the SPPS and criteria (a) (b) (c) and (d) of Policy BH1 of the Belfast Local Development Plan: Plan Strategy 2035; and is unacceptable.

LA04/2022/1867/DCA

1. An acceptable replacement scheme following demolition has not been achieved through the full planning application under reference LA04/2022/1861/F. The proposed demolition would therefore fail to preserve to enhance the character or appearance of the Conservation Area. The proposal is therefore contrary to paragraph 6.12 of the SPPS and criterion (k) of Policy BH2 of the Belfast Local Development Plan: Plan Strategy 2035.

LA04/2022/1860/A

1. The proposal, by reason of its character, size, position and design, would be a highly incongruous and insensitive feature in the street-scene, would result in clutter and adversely affect amenity and the Conservation Area. The proposal is therefore contrary to paragraphs 5.57 to 5.60 of the SPPS and criteria (a) (b) and (c) of Policy DES4 of the Belfast Local Development Plan: Plan Strategy 2035 and is unacceptable.

Committee Report

Development Management Report	
Application ID: LA04/2022/1861/F LA04/2022/1867/DCA LA04/2022/1860/A	Date of Committee: 18 th April 2023
Proposal: Replacement facade to active facade to facilitate the display of internally illuminated moving images.	Location: 1-3 Arthur Street Belfast BT1 4GA
Referral Route: Referral to the Planning Committee under section 3.8.1 of the Scheme of Delegation (request from Elected Member)	
Recommendation: Refusal	
Applicant Name and Address: Alterity Investments Limited 4 Annadale Avenue BT7 3JH	Agent Name and Address: Pragma Planning Scottish Provident Building 7 Donegall Square West Belfast BT1 6JH
Executive Summary: This report relates to three separate, but related applications described as follows. LA04/2022/1861/F: application for planning permission for replacement facade to active facade to facilitate the display of internally illuminated moving images (temporary permission for 5 years). LA04/2022/1860/A: application for Advertisement Consent for active façade to facilitate the display of LED internally illuminated moving images (temporary consent for 5 years). LA04/2022/1867/DCA: application for Conservation Area Consent for part demolition of façade to facilitate replacement façade. The key issues are: <ul style="list-style-type: none"> • Impact on the character and appearance of the City Centre Conservation Area • Impact on the setting of Listed Buildings • Suitability of the demolition • Impact on amenity • Impact on public safety The site is located at Nos. 1-3 Arthur Street. It is within the City Centre Conservation Area. Of the buildings which face onto Arthur Square, the host building is the only building that is not listed. The Conservation Officer and DfC Historic Environment Division were consulted and both object to the proposal in that the proposal would neither preserve or enhance the Conservation Area and would provide a competing focus to the surrounding listed buildings, to the detriment of their setting. It is recommended that the permission and consents are refused for these reasons. No objections were received from third parties.	

The applications are brought before the Committee under paragraph 3.8.1 of the Scheme of Delegation at the request of Councillor Dorrian. The planning grounds for the request to refer the application to the Planning Committee are:

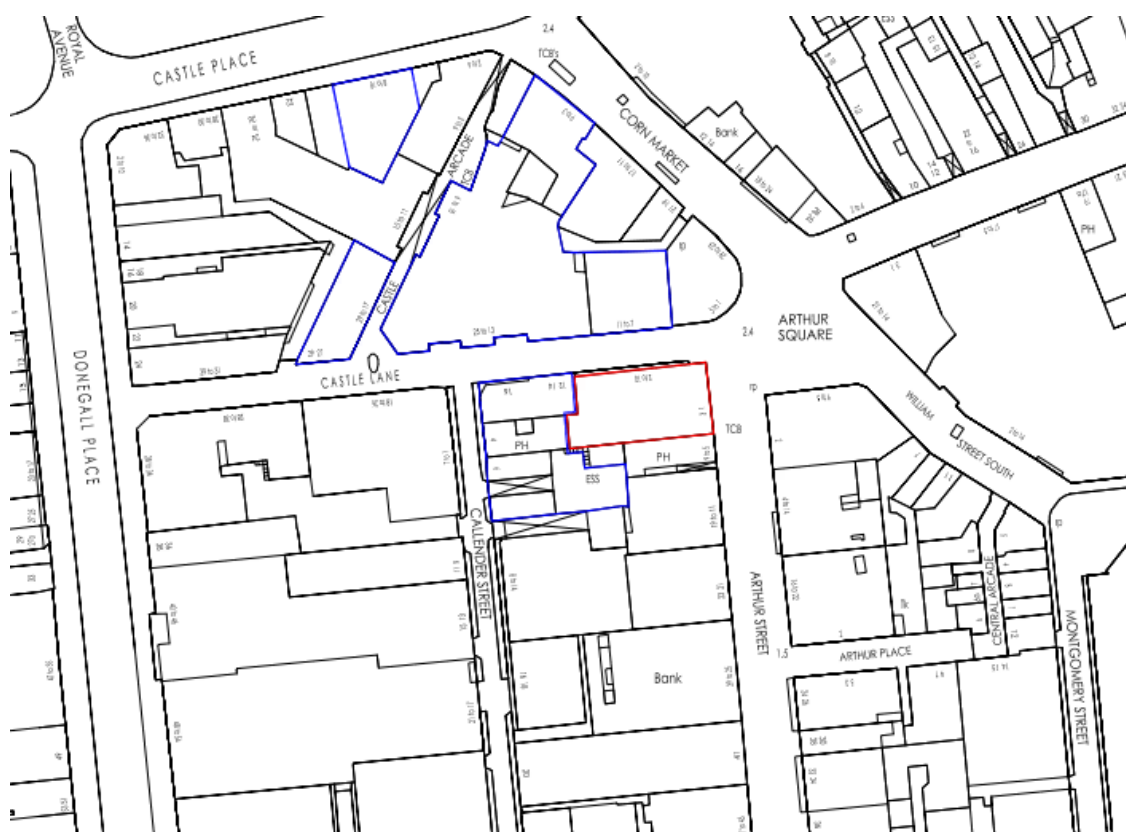
- Need for traditional and modern infrastructure to co-exist with the historic environment;
- Impact on the setting of the listed buildings should be considered acceptable given the precedents already established in the city, e.g. Shaftesbury Square and the advertising sign next to the orange hall on the Albertbridge Road.

Recommendation

It is recommended that permission and consents are refused with delegated authority given to the Director of Planning and Building Control to finalise the wording of the refusal reasons.

Case Officer Report

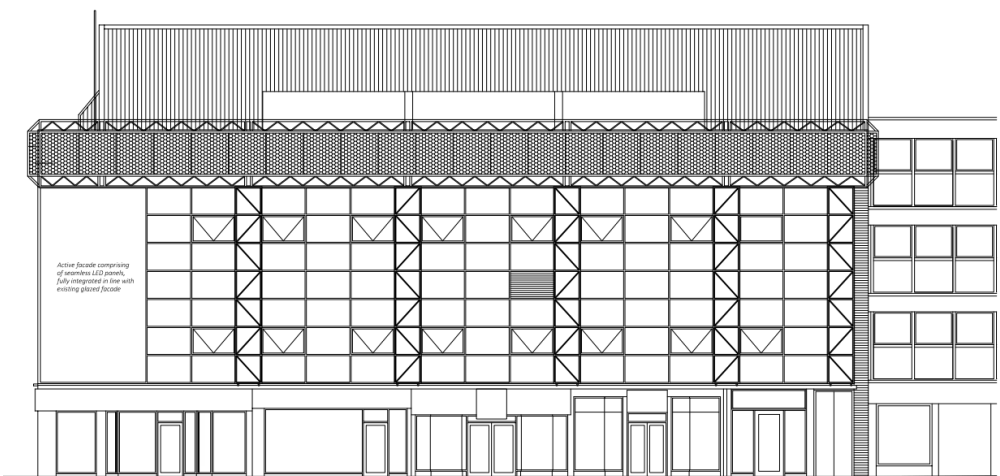
Site Location Plan



Proposed Elevations



Proposed Elevations



Characteristics of the Site and Area	
1.0	<p>Description of Proposed Development</p> <p>This report relates to three separate, but related applications described as follows.</p> <p>LA04/2022/1861/F: application for planning permission for replacement facade to active facade to facilitate the display of internally illuminated moving images (temporary permission for 5 years).</p> <p>LA04/2022/1860/A: application for Advertisement Consent for active façade to facilitate the display of LED internally illuminated moving images (temporary consent for 5 years).</p> <p>LA04/2022/1867/DCA: application for Conservation Area Consent for part demolition of façade to facilitate replacement façade.</p>
2.0	<p>Description of Site</p> <p>The site is located at Nos. 1-3 Arthur Street. The building is located in a prominent location fronting onto Arthur Square which is a pedestrianised area forming the junction of five streets. The square contains a centrepiece of modern art and the site is a prominent building between Arthur Street and Castle Lane. The building itself is a 3 storey non-historic glass curtain wall building.</p> <p>The proposal is located within the City Centre Conservation Area and of the buildings which face onto Arthur Square, the host building is the only building to not be listed.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <p>LA04/2016/1284/F, Proposed relocated electronic big screen, to replace existing screen (currently at roof level) and reposition it at 1st floor level on Arthur Street facade. PERMISSION REFUSED. 07.09.2016.</p> <p>LA04/2016/0223/A, Proposed advertising screen 5 x 3m, PERMISSION REFUSED, 07.09.2016.</p>
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	<p>Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014)</p> <p>Following the Court of Appeal decision on BMAP, the extant development plan is 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. It is considered that significant weight should be afforded to the latest version of Draft BMAP (v2014) given its advanced stage in the Development Plan process, save for retail policies relating to Sprucefield, which remain contentious.</p>
4.3	<p>Belfast Local Development Plan Draft Plan Strategy 2035</p> <p>The LDP 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</p>

	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 of the 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 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	Planning Policy Statement 6: Planning, Archaeology and The Built Heritage
4.6	Planning Policy Statement 17: Outdoor Advertisements
5.0	Statutory Consultees Responses DfC Historic Environment Division – objection (see main report)
6.0	Non Statutory Consultees Responses Conservation Officer – objection (see main report)
7.0	Representations The full application was advertised on the 21 st October 2022 and neighbour notified on 12 October 2022. The demolition consent was advertised on the 21 st October 2022. No publicity is required for applications for Advertisement Consent. No representations have been received from third parties.
8.0	Other Material Considerations Belfast City Centre Conservation Area Guide
9.0	Assessment
9.1	The proposal is considered to be contrary to the development plan.
9.2	Assessment The key issues to be considered are: <ul style="list-style-type: none"> • Impact on the character and appearance of the City Centre Conservation Area • Impact on the setting of Listed Buildings • Suitability of the demolition • Impact on amenity • Impact on public safety
9.3	Impact on the character and appearance of the City Centre Conservation Area With regards to development in Conservation Areas, Section 104(11) of the Planning Act (Northern Ireland) 2011 states that special regard must be had to the desirability of; <ul style="list-style-type: none"> (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise
9.4	In relation to the application for full planning permission, paragraph 6.18 of the SPPS states that: <i>'In managing development within a designated Conservation Area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. Accordingly, there will be a general presumption against the grant of planning permission for development or</i>

	<p>conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest. In the interests of protecting the setting of designated Conservation Areas, new development in proximity needs to be carefully managed so as to ensure it respects its overall character and appearance. Important views in and out of the Conservation Area should be retained.'</p>
9.5	Policy BH 12 of PPS 6 provides criteria for assessing proposals for new development in a Conservation Area.
9.6	The proposal contains essentially two active, digital advertisements measuring 3.84m x 7.46m on the east and north façades of the host building.
9.7	The proposed active façade would be located in a very prominent location within the Conservation Area facing onto Arthur Square. As described within the Conservation Area Guide: <i>'Arthur Square provides a central node to the pedestrian environment, and is contained by a variety of different styled buildings of architectural quality.'</i>
9.8	The scale of the proposal is considered excessive and would neither preserve or enhance the character and appearance of the area. The active facade/advertisement would not be of a scale that is not in sympathy with the characteristic built form of the area, neither do the scale, form, materials and detailing of the proposal respect the characteristics of the listed adjoining buildings in the area. The active, digital nature of the proposal would accentuate its impact. It is considered that the scale of the façade/advertisement would fail to protect important views into/out of the Conservation Area. The proposal would be prominent and dominating when viewed from Arthur Square, negatively impacting an important node within the Conservation Area as well as detracting from neighbouring listed buildings.
9.9	The host building itself forms one side of Arthur Square and while the building itself is non-historic and of limited architectural value the scale of the advert itself would dominate views of the building and surrounding area. The proposal would be viewable on the approach to Arthur Square, most notably on the approach from Ann Street from which the building visually terminates the vista. Obscure views of the proposal would be from Castle Lane and Arthur Street and, although less direct, would still place an emphasis onto an unsympathetic façade and advertisement.
9.10	Paragraph 7.15 of PPS 6 states that signage on upper floors or buildings and the internal illumination of signs will not normally be acceptable. Similarly, the <i>Belfast City Centre Conservation Area Design Guide</i> states that only in exceptional circumstances where they are essential to the use of the upper floor, will advertising signs be permitted above ground floor fascia level. Furthermore, the Design Guide states that advertising panels have a particularly detrimental effect on visual character and only in exceptional circumstances will they be permitted. The proposal occupies the first to second storey of the building contrary to the Design Guide and would not relate to the building itself.
9.11	The Conservation Officer was consulted and objects to the proposal stating that the proposed sign would have a harmful effect on the character and appearance and visual amenity of the Conservation area. Such signage is not historic / traditional to the Conservation Area. Furthermore, the Conservation Officer states that the proposal would have the visual appearance of a large sheet/advertising hoarding attached to the building and occupying a substantial proportion of the façade.
9.12	It is considered that the proposal fails to accord with Section 104(11) of the Planning Act (Northern Ireland) 2011, paragraph 6.18 of the SPPS and Policy BH 12 of PPS 6 in that

	the proposal does not preserve or enhance the character and appearance of the Conservation Area.
	Impact on the setting of Listed Buildings
9.13	Section 91 (2) of the Planning Act (Northern Ireland) 2011 states that ‘the Department must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’
9.14	Paragraph 6.12 of the SPPS states Listed Buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.
9.15	Policy BH 11 of PPS 6 provides criteria for assessing proposals that affect the setting of a Listed Building.
9.16	<p>The proposal faces onto Arthur Square which contains the following Listed Buildings:</p> <ul style="list-style-type: none"> • HB26/50/039 - Masonic Building 13-14 Arthur Square Belfast County Antrim BT1 4FF – Grade B+ • HB26/50/096 - Mayfair Building Arthur Square Belfast County Antrim BT1 4FE – Grade B1 • HB26/50/178 - Arthur Chambers 4-14 Arthur Street Belfast Co Antrim BT1 4GD – Grade B2 • HB 26/50/304 - 1- 5 Castle Lane & 23-29 Cornmarket Belfast Co Antrim BT1 4FB – Grade B2
9.17	DfC Historic Environment Division has been consulted and objects to the proposal, stating that the illuminated and moving signage would create a competing focus to the listed buildings which form the attractive historic perimeter of Arthur Square.
9.18	Having regard to HED's advice, officers advise that the proposal fails to respect the surrounding listed buildings by reason of its location, scale and design. The scale of the proposal would detract from setting of the listed buildings by dominating Arthur Square and detracting from views of the surrounding listed buildings. The host building appears pinched between two listed buildings when viewed from Ann Street, William Street South and Castle Lane. The proposal would bring undue prominence to the building which is of less architectural merit than those surrounding and will detract from the adjacent listed buildings. The proposal is of a modern and untraditional design with internal illumination and would dominate the surrounding listed buildings. The nature of the use of an advertisement on the façade fails to respect the character of the setting of the listed buildings which do not contain advertisements on the upper floors. The proposal is considered to fail to accord with the Strategic Planning Policy Statement and Policy BH 11 of PPS 6 and is unacceptable.
	Other considerations
9.19	The applicant has submitted supporting documents including a Planning Summary, Conservation Impact Assessment and a letter responding to the consultation responses from DfC HED and the Conservation Officer.
9.20	It is noted that the proposal is for temporary permission for a period of 5 years. As per the Planning Summary this is to allow an assessment of the benefits and actual impact. However, officers advise that the impacts of the proposal on the Conservation Area and

	<p>setting of nearby Listed Buildings would be obvious and harmful and do not need to be tested. The proposal fails the legislative requirements and relevant planning policies by failing to preserve the character or appearance of the Conservation Area and harming the setting of surrounding listed buildings, it is therefore not necessary for temporary approval to be granted to test the impact the proposal will have.</p>
9.21	<p>The applicant proposes through a Section 76 planning agreement that a proportion of airtime would be made available to Belfast City Council as well as providing interpretative information on the Conservation Area and listed buildings to mitigate any conflict created by the screen with these buildings. However, officers advise that the content of the advertising screen would not mitigate the impact of the screen itself, which would remain harmful to the historic environment. Providing content and information on the Conservation Area and listed buildings would in itself attract attention to the advertising screen impacting the listed buildings which should remain the main focus.</p>
9.22	<p>The Planning Summary refers to previous refusals on the site and states that they are not comparable to a temporary application nor to this application which is to incorporate the screen into the façade of the building. The application LA04/2016/0223/A was for an advertisement screen on the upper floors of the building, while not incorporated into the façade the policy considerations remains similar to this application. The current proposal is for a larger scale screen on two facades of the building and would have an even greater harmful impact. The Planning Statement also refers to planning application LA04/2020/0558/A for an advertising screen at 112 Ann Street. However, the application is not comparable to this proposal as it is not within a Conservation Area and is not surrounded by listed buildings to the extent of this proposal.</p>
9.23	<p>A Conservation Impact Assessment has been submitted and has been addressed by the Conservation Officer. The Conservation Officer agrees with the visibility analysis but considers that the proposed signage would be visually obtrusive in a key civic set piece with high pedestrian footfall, drawing the eye from listed heritage assets. The Conservation Officer disagrees with the analysis at paragraph 7.09.1 in that the LED active façade element would introduce a more visually diverse element between two listed structures. The opinion of the Conservation Officer is that visual prominence/ perceptual significance should remain with the heritage assets and non-historic elements not given emphasis. The Conservation Officer disagrees with the commentary on 1-5 Castle Lane/ 1-3 Arthur Lane in that the proposal would cause visual competition and with the assessment at paragraph 7.09.2 as the proposal frames a vista along Castle Lane terminated by the Masonic Building from which the proposed signage would set up visual competition. In relation to paragraph 7.10, the Conservation Officer considers the proposal to be detrimental to the setting of a number of listed buildings and the appreciation/ perception/ experience of the place as an historic node.</p>
9.24	<p>A letter from the applicant with a response to the consultees was submitted on the 14th February 2023. The applicant refers to the airtime to be provided to the Council to highlight the surrounding listed buildings. As previously stated, this by its nature will attract attention to the advertising screen rather than the listed buildings. It does not mitigate the harmful impacts of the proposal on the setting of the Listed Buildings. The applicant refers to Policy BH 11 and use of the word 'normally' which allows the Council to make a balanced planning judgement. The applicant states that the airtime and digital content should carry significant determinative weight. While the word 'normally' does allow a degree of flexibility, officers are clear that the proposal would be harmful and contrary to planning policy. The content of the screen does not have significant weight as the screen itself is contrary to policy regardless of the content. The applicant states that the Conservation Officer is incorrect and there are no vistas terminated by listed buildings in which the proposed active façade is visible. However, on the approach to Arthur Square from Ann Street the vista is terminated by both the</p>

	neighbouring building at 1- 5 Castle Lane/23-29 Cornmarket and the host building, the proposed active façade will be particularly viewable and appear to dominate the neighbouring listed building.
9.25	The applicant states that <i>'it is hard to see how the proposed alteration to the façade of a building deemed as having low significance in terms of architectural or historic merit can detract from the prominence of Listed Buildings which are facing it across from or obliquely to it.'</i> While the building itself is of low significance in terms of architectural or historic merit, the active façade would bring prominence to the building. The proposal would dominate Arthur Square detracting from both the Conservation Area and the Listed Buildings. As described when viewing the host building from towards Ann Street and William Street South, it appears pinched between two listed buildings, the proposal would detract from views of these listed buildings.
9.26	The applicant states that the existing corner feature within the building protrudes from the façade and is therefore more obtrusive than the proposed active façade. While the existing structure protrudes it does not impact on views of the building. The proposed active façade with its proposed illuminated screen would impact views of the host building as well as impact views of the Conservation Area and surrounding listed buildings. The statement sets out that the active façade can have a positive impact by giving life and interest to a building of limited/low heritage significance. It states the introduction of the active façade would encourage visitors to look up and draw the eye to appreciate the historic facades which complete Arthur Square, the active façade would to some degree illuminate the surrounding facades and highlight them. However, officers consider that the proposal would bring prominence to the building and detract from the surrounding character and setting of the listed buildings. An active façade/advertisement by its very nature is designed to attract attention and this would detract from the surrounding area and listed buildings regardless of the content of the advertisement. The argument that the active façade would illuminate the surrounding listed buildings demonstrates the potential detrimental impact the proposal will have.
9.27	<p>Suitability of the Demolition</p> <p>An application for Conservation Area Consent has been submitted for demolition of the section of the façade to be replaced under the reference LA04/2022/1867/DCA. The proposed demolition is considered under paragraph 6.15 of the SPPS and Policy BH 14 of PPS 6. The host building itself makes no material contribution to the character and appearance of the Conservation Area. While the proposed demolition would not in itself impact on the Conservation Area, it has been considered that the proposed active façade/advertisement is contrary to policy. Policy BH 14 states that where Conservation Area Consent for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site. The proposed development is not acceptable and therefore demolition consent cannot be granted due to the unsuitability of what is proposed to be put back following the demolition. The proposed demolition is therefore contrary to Policy BH 14 of PPS 6 and is unacceptable.</p>
9.28	<p>Impact of the Advertisement on Amenity</p> <p>Paragraph 6.57 of the SPPS states that Advertisement Consent should be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality.</p>
9.29	Paragraph 6.59 further states that care must be taken to ensure that all proposals will not detract from the place where advertising is to be displayed or its surroundings. In particular, it is important to prevent clutter, to adequately control signs involving illumination and to protect features such as listed buildings, and conservation areas from the potential adverse effects of advertising.

9.30	Paragraph 6.14 of the SPPS states ' <i>Consent for the display of advertisements or signs on a listed building should only be forthcoming where these are carefully designed and located to respect the architectural form and detailing of the building, and meet the requirements of strategic policy on the Control of Outdoor Advertisements.</i> '
9.31	Policy AD1 (i) of PPS 17 echoes that of paragraph 6.57 of the SPPS and states that consent will be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality. Amenity in relation to advertisements is usually understood to mean its effect upon the appearance of the building or structure or the immediate neighbourhood where it is displayed, or its impact over long distance views.
9.32	The proposal is considered to be contrary to the SPPS and Policy AD1 of PPS 17. With respect to Part (i) Amenity it is considered that the proposed advert is of a size, scale and design which would appear unduly prominent. The site is within a sensitive location surrounded by a number of listed buildings and within the City Centre Conservation Area. Given the sensitive location the advertisement would be overly dominant. As per the SPPS, it is important to adequately control signs involving illumination and to protect features such as listed buildings, and conservation areas from the potential adverse effects of advertising. The scale of the advertising fails to protect the listed buildings and conservation area. Guidance within PPS 17 states that high level signs will generally only be appropriate where they relate to the scale and primary use of the host building, the advertisement in this case would not. Furthermore, the guidance states that only the lettering should be illuminated, the level and type of illumination display in this case will further make the advertisement prominent and unduly dominant.
9.33	It is also considered that the proposed advertisement would result in clutter. The surrounding area contains signage which in the main relates to the retail uses at ground floor level, there is also an LED screen at ground floor level. The area contains low level signage or higher level signage of a modest scale. The proposal would be at a scale which would dominate the surrounding area and is located on the upper floors of the building giving concerns that this would lead to the appearance of clutter in a conservation area.
9.34	The proposal fails to accord with the Strategic Planning Policy Statement, Policy AD 1 of PPS 17 and Policy BH 13 of PPS 6, and is unacceptable.
	Impact of the Advertisement on Public Safety
9.35	Arthur Square is not routinely used by vehicle traffic and it is considered that the proposal would not have an adverse impact on highway or public safety.
10.0	<p>Summary of Recommendation:</p> <p>It is recommended that permission and consents are refused with delegated authority given to the Director of Planning and Building Control to finalise the wording of the refusal reasons.</p>

11.0	<p>Draft Refusal Reasons</p> <p>LA04/2022/1861/F</p> <p>3. The proposal is contrary to paragraph 6.18 of the SPPS and Policy BH 12 criterion (a) (b) (c) (e) (g) of PPS 6: Planning, Archaeology and The Built Heritage in that the scale, form and design of the proposal would fail to preserve or enhance the character of the City Centre Conservation Area.</p> <p>4. The proposal is contrary to paragraph 6.12 of the SPPS and Policy BH 11 criterion (a) and (c) of PPS 6: Planning, Archaeology and The Built Heritage in that the scale, height, massing, design and nature of the proposed active signage would visually compete with and adversely affect the setting of surrounding Listed Buildings.</p> <p>LA04/2022/1867/DCA</p> <p>2. The proposal is contrary to paragraph 6.12 of the SPPS and Policy BH 14 of Planning Policy Statement 6: Planning, Archaeology and Built Heritage in that an acceptable scheme has not been achieved through the full planning application under reference LA04/2022/1861/F. The proposed demolition would therefore fail to preserve to enhance the character or appearance of the Conservation Area.</p> <p>LA04/2022/1860/A</p> <p>2. The proposal is contrary to paragraphs 6.57 to 6.59 of the SPPS, Policy AD1 criterion (i) of PPS 17: Control of Outdoor Advertisements and Policy BH 13 of Planning Policy Statement 6: Planning, Archaeology and The Built Heritage in that the proposed advertisement, by reason of its unsympathetic design, location and excessive scale, would fail to respect amenity and would adversely affect the character of the Conservation Area.</p>
<p>Notification to Department (if relevant)</p> <p>The application for Conservation Area Consent would have to be notified to the Department for Infrastructure were the Planning Committee to resolve to grant consent.</p>	

This page is intentionally left blank

Addendum Report 1	
Application ID: LA04/2022/1203/F	Date of Committee: 14 th November 2023
Proposal: Relocation of 5 No. allotments approved under LA04/2020/0042/F. Introduction of an additional No. 8 allotments, a sensory garden and support hub building for day care of young adults (Amended application site boundary, proposal description and drawings)	Location: Glenriver Lands adjacent to 78 Cloona Park Belfast.
Referral Route: Referred to the Planning Committee under Section 3.8.7 of the Scheme of Delegation (i.e. at the discretion of the Director of Planning and Building Control given the balanced consideration of the issues and level of public interest in the application)	
Recommendation: Approval with conditions	
Applicant Name and Address: Glenriver Lands adjacent to 78 Cloona Park Belfast	Agent Name and Address: C. McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
Background This application was due to be considered by the Committee at its October 2022 meeting. However, the application was deferred for a Committee site visit. The site visit is scheduled for Monday 13 th November 2022. This addendum report should be read in conjunction with the original report to the Committee, appended. The officer assessment and recommendation remain as per that report. Recommendation Having regard to the Development Plan and relevant material considerations above, the proposal is, on balance, considered acceptable. It is recommended that planning permission is granted. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.	

Committee Report

Development Management Report	
Application ID: LA04/2022/1203/F	Date of Committee: 17 th October 2023
Proposal: Relocation of 5 No. allotments approved under LA04/2020/0042/F. Introduction of an additional No. 8 allotments, a sensory garden and support hub building for day care of young adults (Amended application site boundary, proposal description and drawings)	Location: Glenriver Lands adjacent to 78 Cloona Park Belfast.
Referral Route: Referred to the Planning Committee under Section 3.8.7 of the Scheme of Delegation (i.e. at the discretion of the Director of Planning and Building Control given the balanced consideration of the issues and level of public interest in the application)	
Recommendation: Approval with conditions	
Applicant Name and Address: Glenriver Lands adjacent to 78 Cloona Park Belfast	Agent Name and Address: C. McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
Executive Summary: <p>The application seeks full planning permission for a single storey day care building, allotments and sensory garden with associated car parking. The applicant is a private healthcare group who intend to use the site as a support hub for the care of vulnerable young adults.</p> <p>Access to the site would be through sliding gates via Cloona Park to the south. The gates open onto a car park in the corner of the site.</p> <p>The site is mostly open space with overgrown grassland. Most of the trees in the site are along its boundaries. Site levels generally fall to the south-east of the site.</p> <p>To the west and south of the site is a residential area. To the east of the site is open space which is part of Colin Glen and Suffolk Community Centre.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • Principle of development • Impact on the character and appearance of the area • Compatibility with adjacent uses • Impact on Built heritage • Access and parking • Drainage • Waste-water infrastructure • Contamination • Noise, odour and other environmental impacts • Climate change • Natural heritage 	

In terms of the Development Plan, in the BUAP 2001, the site is zoned for Landscape, Amenity or Recreation Use. In dBMAP (v2014), the site is within the Colin Glen (Lisburn) Urban Landscape Wedge, designated as ML 21. In dBMAP (v2004), the site is within the Colin Glen (Lisburn) Urban Landscape Wedge, designated as ML 23.

The site area is 0.31ha. The majority of the site (0.17ha) has previous approval for allotments and an ancillary storage/changing facility/kitchenette (permission LA04/2020/0042/F).

There are no objections from statutory consultees. The Plans and Policy Unit has raised issues regarding protection of the landscape wedge. The Council's Landscape and Development team has raised concerns about landscape impact.

433 objections have been received as detailed in the main report.

The proposal would encroach upon the landscape wedge. This has to be weighed alongside the significant community benefits that the scheme would bring in terms of providing a day care facility, allotments and sensory garden for vulnerable young people.

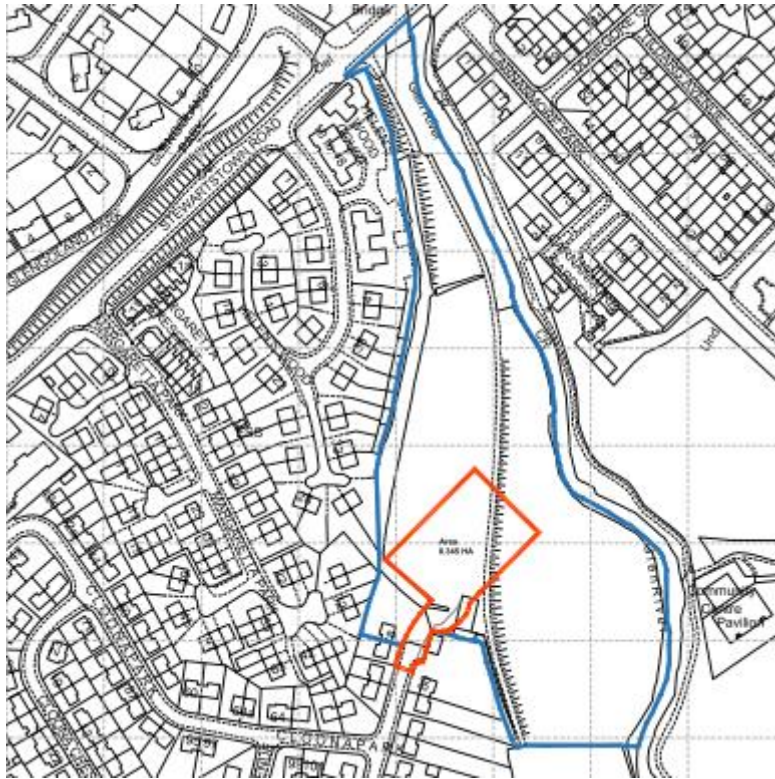
Recommendation

Having regard to the Development Plan and relevant material considerations above, the proposal is considered, on balance, acceptable. It is recommended that planning permission be granted.

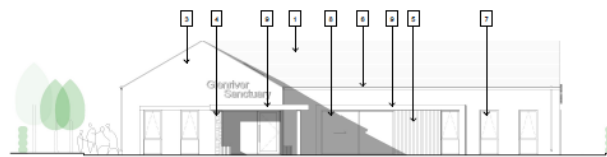
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.

Case Officer Report

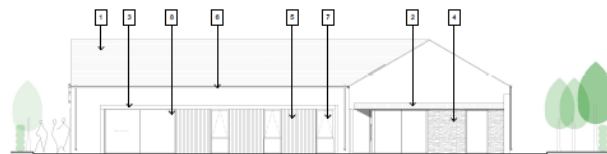
Site Location Plan and Site Layout



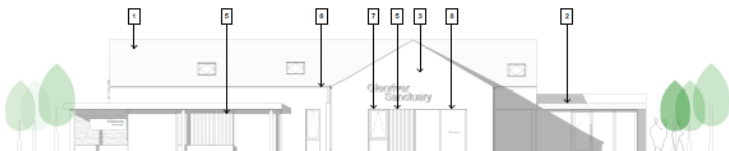
Floor Plans and Elevations



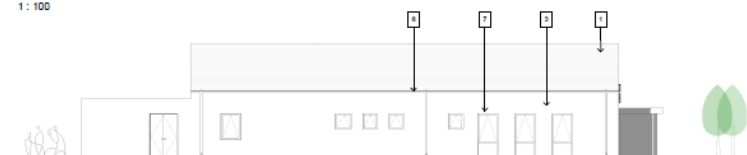
Proposed Front Elevation
1 : 100



Proposed Rear Elevation
1 : 100



Proposed Side Elevation
1 : 100



Proposed Side Elevation.
1 : 100



Proposed Floor Plan
1 : 100



- PHD: Dissertation submitted
- PHD: Dissertation submitted
- PHD: Thesis received and read
- PHD: Thesis received and read
- PHD: Thesis received and read

CGI Views



Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The application seeks full planning permission for a single storey day care building, allotments and sensory garden with associated car parking. The applicant is a private healthcare group who intend to use the site as a support hub for the care of vulnerable young adults. The applicant states that the building would be used by no more than 10/15 visiting adults at a time with an additional 5no. trained, support staff and transport being provided primarily by the trust minibus. The operating hours would be Monday to Friday 9 until 5.30pm and occasionally at weekends for one-off events.
1.2	Access to the site would be through sliding gates via Cloona Park to the south. The gates open onto a car park in the corner of the site.
1.3	The proposed building would have activity rooms, a lounge, kitchen, office and changing facilities. It would be finished in smooth render, natural stone and timber cladding. There would be 13no. allotments along the northern and eastern site boundaries. A sensory garden would be situated immediately adjacent the northern elevation of the building.
1.4	The site would have native hedgerows planted along its boundaries, with additional trees planted along the northern boundary and the corners of the site. A 2.4m high mesh green panel fence would enclose the whole site.
2.0	Description of Site
2.1	The site is located at land north of No. 78 Cloona Park. It is located at the end of a residential cul-de-sac, rectangular in shape and 0.31 ha in size. The site was grassed and contained a number of trees but has since been cleared. The majority of the site (0.17 ha) has previous approval for allotments and an ancillary storage/changing facility/kitchenette, approved under application LA04/2020/0042/F.
2.2	To the west and south of the site is a residential area comprised of detached and semi-detached dwellings. Three dwellings were approved to the south of the site under the reference LA04/2018/2072/F and an amendment to the road layout approved under the reference LA04/2020/0178/F. To the east of the site is open space which is part of Colin Glen and Suffolk Community Centre.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	<p><u>Application Number: LA04/2020/0042/F</u> Decision: Permission Granted</p> <p>Proposal: Proposed 5no. allotments, with associated parking and ancillary accommodation (storage/kitchenette and changing area/toilets), adjacent to no.78 Cloona Park, Belfast.</p> <p>Decision Date: 07 December 2021</p> <p>Surrounding Site History</p> <p><u>Application Number: LA04/2018/2072/F</u> Decision: Permission Granted</p>
3.2	<p>Adjacent to, 78 Cloona Park, Dunmurry, BT17 0HF, 3 new dwellings with associated vehicular access, parking and landscaping. (amended plan).</p> <p>Decision Date: 24 May 2019</p>

3.3	<p>Application Number: LA04/2020/0178/F Decision: Permission Granted</p> <p>Amendment to planning approval LA04/2018/2072/F for 3 dwellings, to provide alterations to the road layout and visitor parking.</p> <p>Decision Date: 7 December 2021</p>
4.0	Policy Framework
4.1	<p>Development Plan – operational policies</p> <p>Belfast Local Development Plan, Plan Strategy 2035.</p> <ul style="list-style-type: none"> • SP1A Managing growth and supporting infrastructure delivery • DES1 Principles of urban design • HC1 Promoting healthy communities • CI1 Community infrastructure • BH5 Archaeology • TRAN1 Active travel - walking and cycling • TRAN6 Access to public roads • TRAN8 Car parking and servicing arrangements • TRAN10 Design of car parking • ENV1 Environmental quality • ENV2 Mitigating environmental change • ENV3 Adapting to environmental change • ENV4 Flood risk • ENV5 Sustainable drainage systems (SuDS) • OS1 Protection of open space • NH1 Protection of natural heritage resources • TRE1 Trees • LC1 Landscape • LC1D Landscape wedges • TRE1 Trees
4.2	<p>Development Plan – zoning, designations and proposals maps</p> <p>Belfast Urban Area Plan (2001) (BUAP) Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p>
4.3	<p>Regional Planning Policy</p> <p>Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p>
4.4	<p>Other Material Considerations</p> <p>Creating Places Belfast Agenda (Community Plan)</p>
4.5	<p>Any other supplementary guidance</p> <p>Sustainable Urban Drainage Systems Trees and Development</p>

5.0	Statutory Consultees Responses DfI Roads – No objection (advises conditions) DfC Historic Environment Division (HED) – No objection (advises conditions) NI Water – No objection DAERA NIEA (NED) – No objection Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the equivalent policies in the Plan Strategy are either the same or sufficiently similar to not require the consultees to re-evaluate the proposal in the context of the Plan Strategy.
6.0	Non-Statutory Consultees Responses BCC Environmental Health – no objection (advises conditions) BCC Tree Officer – no objection (advises conditions) BCC Landscape and Development – policy issues raised (see main report) BCC Plans & Policy team – concerns raised (see main report)
7.0	Publicity and Representations 7.1 The application has been advertised and neighbours notified. 7.2 The Council has received 433 (including 2no. petitions). Concerns raised include: <ul style="list-style-type: none"> • Nature and scale of the development • Importance of the Urban Landscape Wedge • Loss of Open Space • Impact on the environment • Impact on amenity (noise) • Measurements in the Contamination Assessment • Traffic and Road Safety 7.3 These issues are addressed in the main report.
8.0	Assessment
8.1	Development Plan Context
8.1.1	Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
8.1.2	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
8.1.3	The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.

8.1.4	Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
8.1.5	Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.
8.1.6	<u>Belfast Urban Area Plan 2001 (BUAP)</u> The site is located on land zoned for ‘Landscape, Amenity or Recreation Use’ within the development limits of Belfast.
8.1.7	<u>Draft BMAP (v2004 and v2014) designations</u> In draft BMAP (v2004), the site is zoned as an Urban Landscape Wedge (Zoning ML23). In draft BMAP (v2014), the site is also zoned as an Urban Landscape Wedge (Zoning ML21).
8.2	Principle of development <i>Description of the proposal</i>
8.2.1	The application site is located at the end of a residential cul-de-sac and 0.31 ha in size. The majority of the site (0.17 ha) has previous approval for allotments and an ancillary storage/changing facility/kitchenette under permission LA04/2020/0042/F. The principal of allotments, ancillary storage and car parking has been established on just over half of the application site.
8.2.2	The current proposal would extend the site area by 0.14a with a larger day centre building rather than ancillary storage. The number of allotments would also be increased from 5 to 13. Given the scale and function of the proposed building, it is not considered ancillary to the use of the land but an operative community use in its own right in conjunction with the proposed allotments and sensory garden.
8.2.3	The proposed building would have a floorspace of approximately 380 sqm, covering around 11% of the overall site. The site is larger than that under the previous permission and would have an additional 8 no. allotments and more substantial landscaping scheme than before. The allotments would cover around 39% of the site. <i>Loss of open space</i>
8.2.4	The site is zoned for landscape, amenity and recreation use in the BUAP. It is zoned an urban landscape wedge in both versions of draft BMAP 2015. The site currently comprises green open space, which is protected by Policy OS1 of the Plan Strategy. The total area of existing open space which would be lost as a result of the proposed development is approximately 0.31 ha (or net loss of 0.14 ha when taking account of the previous planning permission).
8.2.5	Policy OS1 states that the council will support the retention and improvement of existing open space throughout the district area. There will be a general presumption in favour of retaining all such lands and uses, including protecting any character and amenity value, whether specifically identified in the LDP or not, unless the lands are identified in the LDP for an alternative use. Development resulting in the loss of open space on

	lands specifically identified for these uses in the LDP and/or the council's Open Spaces Strategy and/or GBIP will only be considered in exceptional circumstances where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.
8.2.6	The applicant is a private healthcare group who intend to use the site as a support hub for the care of vulnerable young adults. The building would support the therapeutic aspect of the allotments, especially in poor weather. The applicant states that they have experience of operating a similar facility for people with learning difficulties and autism at Kilcreggan, Magherafelt. At that location, people have the opportunity to spend their day in a therapeutic outdoors setting, with associated support buildings. The applicant says this is the aim of the proposal and such a facility would be a significant community benefit for West Belfast.
8.2.7	The applicant goes on to state that the proposed allotments re-purpose the existing open space to allow access for those with learning disabilities. Allotments themselves are defined as open space, therefore, the applicant argues that there would not be a loss of open space overall.
8.2.8	Officers recognise that the proposal could provide a facility of significant value to the local community. The applicant's statement sets out why the site was selected (quiet, secure location with open space for allotments and sensory gardens) and that no alternative suitable sites were found.
8.2.9	It is considered that the proposal would bring about substantial community benefits that decisively outweigh the loss of open space in providing a unique facility and amenity for vulnerable young people. Regard is also had to the existing permission for allotments and the open space elements of the proposed use. In these regards, the proposal is considered compliant with Policy OS1.
8.2.10	Regard is also had to Policy CI1, which seeks to provides development opportunities for the community, health and educational facilities based on the local need in line with the projected population over the plan period. Planning permission will be granted for the provision of new and improved community infrastructure at appropriate and accessible locations within the urban area, subject to consideration of the nature and location of any proposals. All proposals shall ensure that there is no unacceptable impact on residential amenity or natural/built heritage and satisfactory arrangements are provided for access for all, including for pedestrians, cyclists and public transport. These detailed requirements are considered in more detail in the following sections of the report.
8.3	Impact on the character and appearance of the area
8.3.1	The site is located at land north of 78 Cloona Park, at the end of a residential cul-de-sac. The site consists of overgrown grassed and contained a number of trees but has since been cleared. To the west and south of the site is a residential area comprised of detached and semidetached dwellings. To the north and east of the site is open space.
8.3.2	The proposed building would be finished in smooth render, natural stone and timber cladding. There would be 13no. allotments along the northern and eastern boundaries. A sensory garden would be immediately adjacent the northern elevation of the building. The site would have native hedgerows planted along its boundaries, with additional trees planted along the northern boundary and the corners of the site. A 2.4m high mesh panel fence would enclose the whole site. Access to the site would be through sliding gates via Cloona Park to the south. The gates would open onto a car park in the corner of the site.

8.3.3	The site is zoned an Urban Landscape Wedge in both versions of dBMAP 2015. Policy LC1 of the Plan Strategy (Landscape) states that new development should seek to protect and, where appropriate, restore or improve the quality and amenity of the landscape. The policy goes on to say the council will adopt the precautionary approach in assessing development proposals in any designated landscape and lists eight policy considerations/requirements.
8.3.4	<p>Policy LC1D (Landscape wedges) also applies. It states that in addition to complying with the above requirements, within designated urban and rural landscape wedges, planning permission will only normally be granted for outdoor recreational uses and only provided all the following criteria are met:</p> <ul style="list-style-type: none"> a) the open nature of the landscape is retained and no coalescence of urban areas results; b) buildings are ancillary to the open space/ recreational use and are integrated into the landscape; and c) long and short range views are protected.
8.3.5	BCC Landscape and Development team has concerns that the proposal could have a significant adverse landscape impact on the character and features of the Urban Landscape Wedge. They believe that the building is a significant intrusion of the semi-naturalised, relatively open landscape and has the potential to impact adversely on the amenity and biodiversity value of the designated landscape.
8.3.6	The Plans and Policy unit also had concerns that building would be of a significant scale and not considered to be wholly ancillary to the outdoor use and would therefore undermine the objectives of the landscape wedge to prevent urban coalescence at this location.
8.3.7	Whilst the proposal would encroach upon the landscape wedge to a greater degree than the previously approved scheme – which comprised a smaller site area with smaller building – it is considered that the impact would not be significant nor excessive, when balanced alongside the community benefits derived from the proposal as previously described in the report.
8.3.8	The site would be bounded by a natural hedge with tree planting on the north-east boundary. This would help to soften its visual impact. The proposed building would be single storey, finished in render with stone and timber cladding elements, again assisting to reduce its visual dominance. Final materials would be controlled by means of condition. The principal landscape impacts would be from the north and the CGI shows that the proposed building and site would nestle into its landscape setting. It is considered that the landscape can accommodate this change without overriding visual harm to the urban landscape wedge.
8.3.9	Approximately 10 of 60 existing trees are proposed to be removed. These are noted as being in poor or in fair health within the tree survey and report. The proposed landscaping plan proposes replacement planting which would further soften the visual impact of the proposal. The Tree Officer was consulted and offers no objection. They recommended mitigation measures to protect existing trees during construction and this can be secured by appropriate conditions. In these regards, the proposal is considered to satisfy Policy TRE1.
8.3.10	In conclusion, whilst the proposal is in conflict with Policies LC1 and LC1D, the overall landscape impact is not considered to be significant and are outweighed by the substantial community benefits that the proposal would provide.

8.4	Compatibility with adjacent uses
8.4.1	The proposed layout of the allotments would be sensitive to the surrounding residential area. The building is approximately 6 metres high, but the proposed landscaping would create a visual buffer and screen the site from public views.
8.4.2	Environmental Health has been consulted and offers no objection to the proposal.
8.4.3	It is recommended that the use of the building and land is controlled by condition.
8.4.4	The proposed use is considered compatible with its surroundings including adjacent residential area. The proposal is considered to comply with Policies DES1 and ENV1.
8.5	Impact on Built heritage
8.5.1	The site contains a former beetling mill (IHR 07415) and its associated millrace. DfC HED has been consulted and offers no objection, advising conditions.
8.5.2	In this regard, the proposal is considered to comply with Policy BH5 (archaeology).
8.6	Access and parking
8.6.1	The proposed development is to be accessed off the turning head at the end of the residential cul-de-sac. There are similar access arrangements under the previous permission. Nine parking spaces are proposed including one disabled space. DfI Roads offers no objection to the proposal subject to conditions.
8.6.2	The proposed access and parking arrangements are considered acceptable. The proposal is considered compliant with Policies TRAN4, TRAN6, TRAN8 and TRAN10 of the Plan Strategy.
8.7	Drainage
8.7.1	The Glen River is to the east of the site. The site is bounded at the south-west by an undesignated watercourse. The site is not shown as being an area at risk of flooding in the flood maps. NIW and NIEA have not objected to the proposal.
8.8	Waste-water infrastructure
8.8.1	NI Water has offered no objection to the proposal, therefore, the proposal is considered acceptable having regard to Policy SP1A.
8.9	Land Contamination
8.9.1	A Contamination Assessment and Remediation Strategy has been submitted. Environmental Health recommend measures to manage the risk from ground gas and from contaminated soils in allotment areas. These can be dealt with by planning conditions. The proposal will not have an unacceptable effect regarding the risks around contaminated land. The proposal complies with Policy ENV1.
8.10	Noise, odour and other environmental impacts
8.10.1	Environmental Health offers no objections in terms of potential environmental or amenity impacts. Similarly, NIEA has offered no objections in terms of ground water impacts. In these regards, the proposal is considered compliant with Policy ENV1.

8.11	Climate change
8.11.1	Policy ENV2 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. All new development proposals will maximise opportunities to incorporate sustainable design features where feasible (such as grey water recycling, green roofs, maximising use of recycled materials, orientating buildings to optimise solar gain, energy efficiency). Development proposals should, where appropriate, demonstrate the highest feasible and viable sustainability standards in the design, construction, and operation.
8.11.2	Whilst the building is orientated to optimise solar gain, the proposal does not include other sustainable design features listed in ENV2 (Mitigating environmental change). However, in view of the longevity of the application and nature of the proposal, it is considered that suitable design measures can be secured by condition.
8.11.3	In terms of SuDS and adapting to climate change, the proposal includes allotments, tree planting scheme and other vegetation throughout the site. Further specific SuDS measures can be controlled by condition. The proposal is considered acceptable having regard to Policies ENV3 and ENV5.
8.12	Natural heritage
8.12.1	An Ecological Appraisal and site surveys have been submitted. DAERA NIEA offers no objection. It is considered that the proposal would not have an unacceptable effect on natural heritage and that the proposal accords with Policy NH1.
9.0	Summary and Recommendation
9.1	The proposal would encroach upon the urban green wedge and have an adverse impact on the landscape. However, the proposal would provide an important facility for vulnerable adults, which would potentially have substantial benefits for the community. In the planning balance, the proposal is considered acceptable.
9.2	Having regard to the Development Plan and relevant material considerations above, the proposal is considered, on balance, acceptable. It is recommended that planning permission be granted.
9.3	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.
10.0	Draft Conditions
1.	The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted. Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011.
2.	The building and use of the land hereby approved shall be restricted to day care facilities for vulnerable young people as defined in the applicant's supporting statement provided with the application, and shall not be used for any other purpose. Reason: The development has been approved on the basis of it providing a valuable community facility which decisively outweighs other planning concerns.

	<p>3. No development shall commence until details of energy conservation and other measures to mitigate and adapt to climate change including SuDS have been submitted to and approved in writing by the Council. The building shall not be constructed unless in accordance with the approved details.</p> <p>Reason: To ensure that the development mitigates and adapts to climate change.</p> <p>4. Notwithstanding the submitted details, no construction shall take place until details and samples of the external finishes including walls, roofs and fenestration have been submitted to and approved in writing by the Council. The material samples shall be provided on site and shall remain in situ for the duration of the construction. The development shall not be carried out unless in accordance with the approved details.</p> <p>Reason: To minimise landscape impact and ensure that the proposal is in keeping with the character and appearance of the area.</p> <p>5. No part of the development hereby permitted shall become operational until the roadworks shown on drawing 03d have been completed.</p> <p>Reason: To ensure adequate vehicular access to the adopted road network.</p> <p>6. The access gradient to the approved building shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>7. The building hereby approved shall not be occupied until the vehicular parking spaces have been provided in accordance with the approved drawings. The approved vehicle parking spaces shall not be used other than for the parking of vehicles associated with the development and shall be retained at all times.</p> <p>Reason: To provide sufficient parking to support the development.</p> <p>8. No development or works shall commence on site (other than that required to fulfil this condition) unless a programme of archaeological work has been implemented in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the Council.</p> <p>Reason: To ensure that archaeological remains and features are preserved in situ. Approval is required upfront because archaeological remains and features could be damaged or permanently lost.</p> <p>9. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 8. These measures shall be implemented, and a final archaeological report shall be submitted to the Council within 3 months of the completion of archaeological programme of works.</p> <p>Reason: To ensure that the archaeological remains and features are properly analysed and recorded.</p>
--	--

10. Prior to the occupation of the proposed development, a Remediation Verification Report shall be submitted to and approved in writing by the Council. This must demonstrate that the remediation measures outlined in the Pentland McDonald report entitled 'Updated Contamination Assessment and Remediation Strategy Proposed Allotments and Day Care Centre, Cloona Park, Dunmurry for Brooklands Healthcare Ltd Planning Ref: LA04/2022/1203/F Pentland Macdonald Ltd Report No. PM23-1001. Dated February 2023'.

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

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, protective barriers (fencing) and ground protection shall be erected or installed as specified in British Standard 5837: 2012 (section 6.2) on and around any trees / hedging to be retained within the site. The 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 tree roots are accidentally damaged the council must be notified immediately in writing and given the opportunity to inspect the damage before it is covered over.

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

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

Reason: To avoid damage to trees.

15. 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

	<p>Informatives</p> <ol style="list-style-type: none"> 1. This decision relates to the following approved drawing numbers: 01b, 02d, 03d, 04d, 05, 06, Mda Glenriver Landscape Plan 23 10 100 1, Mda Glenriver Landscape Plan 23 10 101 1b 2. Please make sure that you carry out the development in accordance with the approved plans and any planning conditions listed above. Failure to do so will mean that the proposal is unauthorised and liable for investigation by the Council's Planning Enforcement team. If you would like advice about how to comply with the planning permission, you are advised to contact the Planning Service at Belfast City Council at planning@belfastcity.gov.uk. 3. This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project. 4. The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer.
--	---

This page is intentionally left blank

Development Management Report Committee Application

Summary	
Application ID: LA04/2023/2709/F	Committee Meeting Date: 14 th November 2023
Proposal: Demolition of existing buildings and erection of social housing development comprising 30 no. apartments across 3 buildings with amenity space, landscaping, car parking and associated site works	Location: Lands at Apartment Blocks 1-3 Clonaver Drive Belfast BT4 2FB
Referral Route: Through 3.8.2 of the Scheme of delegation where a representation has been received which conflicts with the Planning Officer's recommendation	
Recommendation:	Approval subject to conditions and a S.76 Planning Agreement.
Applicant Name and Address: Choice Housing Association Ireland Ltd Leslie Morrell House 37-41 May Street Belfast BT1 4DN	Agent Name and Address: Turley Hamilton House 3 Joy Street BELFAST
<p>Executive Summary: This application seeks full planning permission the demolition of existing buildings and erection of social housing development comprising 30 no. apartments across 3 buildings with amenity space, landscaping, car parking and associated site works.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • Principle of development • Design, scale, layout and impact upon the character and appearance of the area • Impact on Amenity • Affordable Housing and Housing Mix • Accessible and Adaptable Accommodation • Climate Change • Drainage • Traffic, Movement and Parking • Waste-water Infrastructure • Noise, odour and other environmental impacts including contamination. <p>Recommendation Having regard to the development plan and other material considerations, the proposal is considered on balance acceptable. It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement being entered into to secure affordable housing.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions, Section 76 planning agreement, and deal with any other matters that arise prior to issuing the decision, provided they are not substantive.</p>	

Planning Report	
1.0	Drawings
1.1	Fig 1. Site Location Plan
1.2	 <p>Fig.2 Proposed Site Layout</p> 
2.0	Characteristics of the Site and Area
2.1	<p>The proposed development site is located at lands adjacent to Clonaver Drive, East Belfast. The area is predominately residential, and the site sits between Norwood Court and Clonaver Park. The land has a sloping topography with a significant level change of up to 6 metres from the western site boundary to the east, and 5 metres from the southern site boundary to the north. The western site boundary is defined by the existing public</p>

2.2	<p>footpath along Clonaver Drive and a row of mature/semi-mature trees. The northern site boundary is enclosed with security fencing, with mature trees and hedgerows defining the eastern and south site boundaries.</p> <p>The land is currently owned by Choice Housing and is occupied by 24 social housing apartments, arranged in 3, 2 storey buildings. The site is within walking distance to local shops and services and is served well by public transport links located on the Circular Road and the Hollywood road.</p>
3.0	Description of Proposal
3.1	This application seeks full planning permission for the demolition of existing buildings and erection of social housing development comprising 30no. apartments across 3 buildings with amenity space, landscaping, car parking and associated site works.
4.0	Planning Policy and Other Material Considerations
4.1	Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035
4.2	Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)
4.3	Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	Other Policies Developer Contribution Framework (BCC) Belfast Agenda Creating Places (DfI)
4.5	Relevant Planning History
4.6	LA04/2019/2279/F Blocks 4, 5, 6 Clonaver Drive Demolition of existing buildings on site and erection of 29 no. apartments across 4 buildings (4 no. apartments in Block No. 1, 8 no. apartments in Block 2, 8 no. apartments in Block 3 and 9 no. apartments in Block 4) with associated landscaping and car parking (Amended Description and Drawings) PERMISSION GRANTED
5.0	Consultations and Representations
5.1	Statutory Consultations DfI Roads – Outstanding DfI Rivers – Content subject to conditions NI Water – Recommended refusal DAERA NIEA – Content subject to conditions Shared Environmental Services (SES)- Content subject to conditions
5.2	Non-Statutory Consultations BCC Environmental Health – Content subject to conditions BCC Plans & Policy team – Advice. Senior Urban Design Officer- Advice. Trees and Landscape Officer- Advice

5.3	Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the equivalent policies in the Plan Strategy are either the same or sufficiently similar to not require the consultees to re-evaluate the proposal in the context of the Plan Strategy.
5.4	Representations
5.5	The application has been advertised and neighbours notified. The Council has received two objections and on representation in support of the application.
5.6	Objections: 2 Support: 1
5.7	The objections raised the following issues: <ul style="list-style-type: none"> • Parking arrangements • Sewerage and Drainage • Wildlife and loss of habitat • Loss of privacy • Loss of Trees
5.8	These issues have been fully assessed within the planning assessment section of the report, however the application is considered acceptable for the reasons set out in the below assessment.
6.0	PLANNING ASSESSMENT
	Development Plan Context
6.1	Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
6.2	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
6.3	The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.
6.4	Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
6.5	Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its

	advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.
6.6	<p>Relevant Planning Policies</p> <p>The following policies in the Plan Strategy are relevant to consideration of the application.</p> <p><i>Strategic Policies</i></p> <p>Policy SP1A – managing growth and supporting infrastructure delivery</p> <p>Policy SP2 – sustainable development</p> <p>Policy SP3 – improving health and wellbeing</p> <p>Policy SP5 – positive placemaking</p> <p>Policy SP6 – environmental resilience</p> <p>Policy SP7 – connectivity</p> <p>Policy SP8 – green and blue infrastructure network</p> <p><i>Spatial Development Strategy</i></p> <p>Policy SD1 – Settlement hierarchy</p> <p>Policy SD2 – Settlement Areas</p> <p><i>Shaping a Liveable Place</i></p> <p>Policy HOU1 – Accommodating new homes</p> <p>Policy HOU2 – Windfall housing</p> <p>Policy HOU4 – Density of Residential Development</p> <p>Policy HOU5 – Affordable Housing</p> <p>Policy HOU6 – Housing Mix</p> <p>Policy HOU7 – Adaptable and Accessible Accommodation</p> <p>Policy DES1 – Principles of Urban Design</p> <p>Policy RD1 – New Residential Developments</p> <p><i>Transport</i></p> <p>Policy TRAN1 – Active travel – walking and cycling</p> <p>Policy TRAN 2 – Creating an accessible environment</p> <p>Policy TRAN4 – Travel plan</p> <p>Policy TRAN6 – Access to public roads</p> <p>Policy TRAN8 – Car parking and servicing arrangements</p> <p><i>Building a Smart Connected and Resilient Place</i></p> <p>Policy ENV1 – Environmental Quality</p> <p>Policy ENV2 – Mitigating Environmental Change</p> <p>Policy ENV3 – Adapting to Environmental Change</p> <p>Policy ENV4 – Flood Risk</p> <p>Policy ENV5 – Sustainable Drainage Systems (SuDS)</p> <p><i>Promoting a Green and Active Place</i></p> <p>Policy OS1 – Protection of Open Space</p> <p>Policy OS3 – Ancillary Open Space</p> <p>Policy TRE1 – Trees</p> <p>Policy LC1 – Landscape</p>
6.7	<p><u>Supplementary Planning Guidance</u></p> <p>Affordable Housing and Housing Mix</p> <p>Residential Design</p> <p>Placemaking and Urban Design</p>

	<p>Sustainable Urban Drainage Systems Transportation Trees and Development</p>
6.8	<p>Key Issues</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • Principle of development • Design, scale, layout and impact upon the character and appearance of the area • Impact on Amenity • Affordable Housing and Housing Mix • Accessible and Adaptable Accommodation • Climate Change • Drainage • Traffic, Movement and Parking • Waste-water Infrastructure • Noise, odour and other environmental impacts including contamination
6.9	<p>The adoption of the Plan Strategy requires the following updated assessment.</p> <p><u>Additional Information</u></p> <p>Officers requested that the applicant provides a “Plan Strategy Statement” that sets out how the proposal complies with the relevant policies in the Plan Strategy. Where the proposal does not meet the policy requirements, the applicant was asked to either modify the proposal or justify why they are not proposing to change the proposal. The applicant has subsequently provided a Plan Strategy Statement, which seeks to demonstrate compliance with the relevant policies.</p>
6.10	<p>The Planning Service’s Plans and Policy team has been consulted on the applicant’s Plan Strategy. No further consultations have been considered necessary following adoption of the Plan Strategy.</p>
6.11	<p><u>Principle of development</u></p> <p>The site is located within the development limit in the Belfast Urban Area Plan 2001 and both versions of the draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014). The proposal site is identified as whiteland within BUAP 2001 and whiteland within both versions of the draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014). The presumption is therefore in favour of development subject to planning considerations detailed below.</p>
6.12	<p>The proposal is compliant with Policy HOU1, accommodating new homes as it will meet the delivery of housing supply in the Belfast City Council area. Policy HOU2, Windfall Housing is also met as the proposal is situated on previously developed land and is currently white land within the dBMAP 2004 and 2015 versions. The proposed scheme is a suitable site for an apartment scheme in principle, it is accessible and convenient to public transport and walking and cycling infrastructure.</p>
6.13	<p><u>Design, scale, layout and impact upon the character and appearance of the area</u></p> <p>Policy RD1 seeks to promote quality residential development that creates places that are attractive, locally distinctive, and appropriate to their surroundings. The proposal is compliant with Policy RD1 of the Plan Strategy 2035 and meets the below criteria:</p> <p>a. <i>Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential area:</i></p>

	<p>The addition of 30 apartments will not conflict with the adjacent land use which is primarily residential. The scheme is considered to take account of the specific circumstances of the site, acknowledging the steep level change to the south of the site and ensuring the 3 apartment blocks tie in with the adjacent approval LA04/2019/2279/F. The proposed development aims to reference the local housing typology of the surrounding built context, by establishing a streetscape rhythm of two storey frontages with pitched roofs. The rear elevation extends to three storeys with the lower ground floor apartments taking advantage of the significant level change across the site.</p>
6.14	<p>The ridge height of Block C drops from 7.94m at the front of the site to 12.40m to the rear of the site. Likewise, the ridge heights for blocks A and B increase towards the rear of the site, taking into account the level changes. Although the height increases to the rear, the sloping site characteristic ensures that impacts are minimised to the properties at Norwood Court and Edgecumbe Drive. This minimises the impact on the immediate street scene.</p>
6.15	<p>The proposed finish of the apartments is red brick which aims to be sensitive to the existing residential context and also the adjacent approved development. There is also grey facing brick within the central circulation cores which aims to reduce the visual impact of the massing of each building. The mix and contrast of finishes is considered to meet policy requirement DES1 part (b) in that the local distinctive features have been identified, incorporated, and enhanced where appropriate.</p>
6.16	<p>The proposed development, by reason of its form, scale, layout, design and materials, is in keeping with the site and its surrounding area.</p>
6.17	<p><i>b. Does not unduly affect the privacy of amenity of neighbouring residents, including overlooking, loss of light, overshadowing, dominance, noise or other disturbance:</i></p> <p>The layout/aspect of the building within the site is such that there will be no significant overlooking into neighbouring properties. In addition, there is sufficient separation distances to existing neighbouring properties at to ensure that dominance and overshadowing will not occur to an unacceptable degree. Concerns were received regarding overlooking from a neighbouring resident. The separation distance from Apartment Block A to the properties at Edgecumbe Drive is between 14.44m (No.10), 18.03m (No.12) and 24.30m (No.16) which meets the recommended distance as outlined in paragraph 7.16 of Creating Places, there are also existing trees to the south and east of the site to separate the apartment block from the closest neighbouring dwellings.</p>
6.18	<p>The separation distance between proposed block B and C is approximately 13.07m and 14.98m between Block C and Block A. Taking into account the urban context, this distance is considered acceptable, and it will not result in a significant loss of privacy or overlooking due to the layout and alignment of the proposed blocks.</p>
6.19	<p>It is considered that the design, layout and separation distances proposed are acceptable and will not impinge on residential amenity via overlooking, dominance, loss of light or overshadowing.</p>
6.20	<p><i>c. Makes provision for, or is accessible and convenient to public transport and walking and cycling infrastructure</i></p> <p>The development site located adjacent to the Hollywood Road, with regular bus services to Belfast on Clonaver Drive. External cycle parking facilities are also included within the proposal. The council are awaiting a response from DFI Roads to consider whether the level of provision acceptable.</p>

6.21	<p><i>d. Provides adequate open space:</i> There is approximately 540.45 sqm of private communal open space which equates to around 18sqm per unit. This is in the form of communal green spaces provided between the 3 apartments blocks and benched seating areas throughout the site. The recommended amount of amenity space within Creating Places for apartment developments ranges from a minimum of 10sqm per unit to around 30sqm per unit. On balance, it is considered that there is an appropriate amount of private and private communal space to create a quality residential environment.</p>
6.22	<p><i>e. Keeps hard surfacing to a minimum</i> Car parking is considered to take up a large part of the front of the site, however through amendments the amount of hard standing has been reduced. There is a hedge proposed along the western boundary and the front of the site will be supplemented by 3 existing trees and 18 new specimen trees.</p>
6.23	<p><i>f. Creates a quality and sustainable residential environment in accordance with the space standards set out in appendix C.</i> The proposed scheme is in keeping with the space standards as set out in appendix C. The proposed housing mix is as follows:</p> <ul style="list-style-type: none"> - 20 no. 3-person 2 Bed Cat 1 apartments: approximately 65.23sqm, - 4no. 3-person 2 Bed Wheelchair accessible apartments: approximately 84.01sqm - 6no, 2-person 1 Bed Cat 1 apartments: 55.84sqm
6.24	<p><i>g. Does not contain units which are wholly in the rear of the property, without direct, safe and secure access from the public street; and</i> All of the proposed apartments have been designed to be accessible with direct, safe and secure access from the public street and acceptable aspect/outlook.</p>
6.25	<p><i>h. Ensures that living rooms, kitchens and bedrooms have access to natural light</i> All apartments have been designed to ensure living rooms, kitchens and bedrooms have access to natural light.</p>
6.26	<p>The proposal responds positively to the local context and character through addressing matters such as height, scale, massing, proportion, plot width, building lines, rhythm, roofscape and materials. The three proposed apartment buildings are considered to tie in with the immediate context and the surrounding residential dwellings. In conclusion, the proposal complies with the criteria set out in A-K of Policy DES 1- Principles of Urban Design in that the scheme is of a high quality, sustainable design and makes a positive contribution to placemaking.</p>
6.27	<p><u>Climate change</u> Policy ENV2 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. All new development proposals will maximise opportunities to incorporate sustainable design features where feasible (such as grey water recycling, green roofs, maximising use of recycled materials, orientating buildings to optimise solar gain, energy efficiency). Development proposals should, where appropriate, demonstrate the highest feasible and viable sustainability standards in the design, construction, and operation.</p>
6.28	<p>The proposal involves the demolition of three, two storey apartment buildings. The applicant has provided justification regarding the demolition and viability of the existing</p>

	<p>building. The buildings have been vacated with only a small number of apartments still occupied by residents. The existing apartments do not meet the Disability Discrimination Act (DDA) or Lifetime Home (LFT) requirements. The pedestrian access to the apartments is non-compliant with DDA standards and no level access is provided to first floor apartments. The applicant has stated that the apartments are no longer fit for purpose. Whilst asbestos has been found in the buildings, opportunities to recycle material from the buildings for use as hardcore or fill will be explored during the construction phase.</p>
6.29	<p>On balance, the council are satisfied that the existing building is not fit for the purpose of a new residential apartment scheme. In conclusion, the existing building is not viable or suitable for redevelopment. The proposed demolition is necessary to facilitate the proposal.</p>
6.30	<p>The applicant has submitted a Climate Change Statement setting out that the following features are incorporated into the design:</p> <ul style="list-style-type: none"> - Photovoltaic solar panels are proposed to each of the apartment building roofs. In addition to this, additional forms of renewable energy sources and the associated technologies will be explored within the RIBA Stage 4 Technical Design. This will include the potential use of Air/Ground Source Heat Pumps and MVHR Ventilation Systems. - Each dwelling will be designed using a 'Fabric First' approach to Energy Performance, with a key focus on reducing the short- and long-term environmental impacts of the development and the operational energy costs for homeowners. This will be achieved by upgrading the air tightness and thermal performance of all building elements, which will be in excess of the current NI Building Regulations June 2022. - The drainage is designed to limit run off to greenfield rates through a hard SuDS solution comprising oversized pipes and a hydrobake and the infrastructure is designed to incorporate climate resilience in accordance with Sewers for Adoption NI standards. - Additional trees and landscaping will be planted within the development and existing flora retained where possible. -
6.31	<p>The proposal is considered on balance to satisfy the requirements as set out in ENV2, ENV3 and ENV5 of the Plan Strategy. A pre commencement condition is proposed to ensure delivery of the above measures and that soft landscaping within the site introduces SuDS measures to partially meet ENV3 and comply with ENV 5.</p>
6.32	<p>Existing trees are being retained where possible within the site. The Tree Officer was consulted and was concerned with the loss of trees to the front of the site. However, the site will have a net gain in permeable surfaces due to the introduction of green spaces throughout to replace existing hardstanding/buildings and there will a net gain of 41 trees. Therefore, on balance the proposal is considered to mitigate and adapt to climate change and comply with Policy TRE1.</p>
6.33	<p><u>Density of Residential Development</u> Policy HOU4 sets density bands to be used as a guide to inform proposed developments within the relevant settlement/character areas and states development proposals outside of these broad bands will be considered on their merits, subject to meeting all other policy requirements.</p>
6.34	<p>Whilst the Settlement Areas are yet to be fully established in advance of the LPP, the site most logically aligns with the Outer Belfast character, to which a density band of 25-125 dwelling per hectare (dph) would apply. In this context and taking account of the site area</p>

	(determined as approximately 0.5ha of land) the provision of 30no. units represents a density of 60dph which is within the density parameters of Policy HOU4.
6.35	<p><u>Affordable housing and Housing Mix</u></p> <p>HOU5- Affordable Housing of the of the Plan Strategy 2035 states that planning permission will be granted for residential development on sites greater than 0.1 hectares and or more dwelling units where a minimum of 20% of units are provided as affordable housing.</p>
6.36	The proposed scheme includes thirty apartments, twenty 3-person 2 bed, four 4-person 2 bed wheelchair accessible apartments and six 2 person, 1 bed apartments. This exceeds the HOU5 minimum policy requirement. The applicant has included the Affordable Housing Proposal Form set out at Appendix 1 within the Affordable housing and housing mix SPG and has been liaising with Choice Housing, a registered housing association, regarding the housing need and design requirements. Northern Ireland Housing Executive (NIHE) were consulted on the application and support the proposal. Based on the recognised local need and informed by NIHE, all of the thirty units i.e., 100% will be allocated for social-rented accommodation.
6.37	The applicant has justified the provision of a single tenure social housing scheme through providing evidence and support from NIHE to meet the level of social housing need in the vicinity of the site and the availability of land to address such needs. This is compliant to the advice within Section 4.4.14 of the SPG. An email was also received on 6/11/2023 from Choice Housing confirming the final mix of units and proposed floor plans. Therefore, on balance, the distribution of housing arrangements is considered an exception as stated above and acceptable, in compliance with policy HOU5.
6.38	<p><u>Housing Mix</u></p> <p>With regards to housing mix, the proposal comprises a total of 30 residential units in the form of apartments. The applicant has provided a written submission to advise that they have had extensive correspondence with Choice Housing, and it has been clearly demonstrated that there is an unmet demand for over 55s tenure in this area. The design of the apartments has been informed by the correspondence with Choice Housing to their specific standards/requirements.'</p>
6.39	NIHE were consulted on the application and have indicated support from Choice Housing Association for the 30 Category 1 apartments. In this instance, given the general mix of accommodation in the broader area and the specific cat 1 social housing need being met by 100% of the proposed unit, the mix of units is deemed acceptable.
6.40	Therefore, the housing mix is considered acceptable having regard to policy HOU6 of the Plan Strategy 2035.
6.41	<p><u>Adaptable and Accessible Housing</u></p> <p>Policy HOU7 of the Plan Strategy states that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life, maximising the ability for occupants to remain in their homes and live independent lives for as long as possible. For schemes of 10 units or more, at least 10% of the units should be wheelchair accessible. The applicant has provided four designated accessible residential units alongside disabled parking spaces. The proposed living arrangements are considered to satisfy the accessibility requirements of Policy HOU7 and 10% threshold requirement of the policy.</p>
6.42	<p><u>Access, movement, and parking</u></p> <p>At the time of writing, a final consultation response from DfI Roads in relation to the travel plan and cycle parking was outstanding. It is not anticipated that any related issues would preclude the development of the site for the proposal.</p>

6.43	Delegated authority is therefore requested to the Director of Planning and Building Control to finalise the conditions and resolve any matters arising from the outstanding consultation response from DfI Rivers in the event this is not received prior to Committee.
6.44	The proposed parking falls short of the parking standards at approximately 0.8 of a space per apartment. However, the introduction of 24 spaces, 3 which are for disabled parking provides a substantial increase to the parking which is currently provided for the 3 existing apartment blocks. Alongside on-street parking there is ample space for future residents to park. Policy TRAN 8 outlines that beyond areas of parking constraint, a reduced level of car parking provision may be acceptable where it is demonstrated through a Travel Assessment where a package of measures is provided to promote alternative transport modes, and where the development is in a highly accessible location. The proposal is considered to meet the above requirements. It is considered that adequate parking has been provided for the proposal having regard to the location and sustainability of the site.
6.45	<p>Policy TRAN 10 has been met in that the design of car parking meets the following criteria:</p> <ol style="list-style-type: none"> It respects the character of the local townscape/landscape It will not adversely affect visual and residential amenity Provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site; and Provision has been made for accessible parking bays which facilitate safe, convenient access for people with a disability or impaired mobility.
6.46	The means of access to the development would also be safe.
6.47	It is also considered the proposal complies with Policies TRAN 4, TRAN 6 and TRAN 8.
6.48	<p><u>Drainage</u></p> <p>DfI Rivers were consulted and offer no objections to the proposal. The drainage assessment has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100-year event could be contained through the addition of an underground online attenuation system, when discharging at existing green field runoff rate, and therefore there will be no exceedance flows during this event. Further assessment of the drainage network will be made by NI Water prior to adoption. However, in order to ensure compliance with ENV 4 and the SPPS, DfI Rivers have requested that the potential flood risk from exceedance of the network, in the 1 in 100-year event, is managed by way of condition.</p> <p>It is therefore considered that the proposal complies with Policy ENV4.</p>
6.49	<p><u>Waste-water infrastructure</u></p> <p>NI Water has objected to the proposal on grounds of insufficient capacity at the local waste-water treatment plan. It advises that existing public waste-water infrastructure cannot currently support the proposal without significant risk of environmental harm, potential pollution, flood risk and harm to local amenity. However, no clear evidence has been provided to demonstrate specific harm resulting from the development. Moreover, NI Water has a duty to connect committed development across the city to its waste-water infrastructure. Such development, which includes significant levels of residential and commercial floor space across the city, will not all come forward at once and some may not come forward at all. For these reasons, it would be unreasonable for the Council to refuse planning permission on these grounds and the proposal is acceptable having regard to Policy SP1A of the Plan Strategy.</p>

6.50	<p><u>Ecological Impacts</u></p> <p>Belfast City Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for undertaking an Appropriate Assessment where a proposal is likely to have a significant environmental effect on Belfast Lough, an environmentally protected Special Protection Area (SPA), RAMSAR and Special Area of Conservation (SAC). Water quality of the lough is a key consideration. The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also “in combination” impacts with other development.</p>
6.51	<p>Whilst a precautionary approach applies to Habitats Regulations Assessment (HRA), SES confirms that the onus is on NIW to provide evidence of likely actual impacts, rather than hypothetical impacts. As the Competent Authority, the Council may take its own objective view on whether a proposal is likely to have a significant effect on water quality of the Lough. However, having regard to the precautionary approach, where there is clear intensification, the Council may need to consult SES and ask them to undertake a HRA Appropriate Assessment Screening to ascertain whether there would be a likely significant impact. This also triggers statutory consultation with DAERA NI Environment Agency.</p>
6.52	<p>In this case, it is considered that there would be clear intensification of the existing use of the site. Accordingly, it has been necessary to consult SES and DAERA. SES has advised following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, that the proposal would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. This conclusion is subject to mitigation in the form of a planning condition to prevent commencement of development until the method of sewage disposal has been agreed with NI Water.</p>
6.53	<p>Shared Environmental Services, DAERA Environment, Marine and Fisheries Group & NIEA has advised they have no objection to the proposal. Having regard to this advice, it is considered necessary to impose a condition to require details of foul drainage to be agreed prior to commencement of development. Subject to this condition, the proposal is considered compliant with Policy NH1 Protection of natural heritage resources and Policy ENV1 Environmental quality and the relevant provisions of the Strategic Planning Policy Statement.</p>
6.54	<p>Belfast City Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, should adopt the HRA report, and conclusions therein, prepared by Shared Environmental Service, 21st February 2023. This found that the project would not have an adverse effect on the integrity of any European site subject to imposition of the foul drainage condition.</p>
6.55	<p>DEARA Natural Environment Division (NED) were consulted and are content that the proposal is unlikely to significantly impact NI Priority/protected species or habitats. The proposal is therefore considered compliant with Policy NH1 and ENV1.</p>
6.56	<p><u>Noise, odour and other environmental impacts including Contamination.</u></p> <p>The proposed site has been assessed by Environmental Health in terms of noise, air pollution, general amenity, ambient air quality, contaminated land, and other considerations. Taking account of the response from Environmental Health, the application is therefore considered acceptable in relation to these issues.</p>

7.0	Recommendation
7.1	Having regard to the development plan and other material considerations, the proposal is considered on balance acceptable. It is recommended that planning permission is granted subject to conditions and a S.76 planning agreement to secure the affordable social housing.
7.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions, Section 76 planning agreement, and deal with any other matters that arise prior to issuing the decision, provided they are not substantive.
DRAFT CONDITIONS:	
<p>1. The development hereby permitted must be begun within five years from the date of this permission.</p> <p><i>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</i></p>	
<p>2. No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of foul and surface water drainage, including a programme for implementation of these works, have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.</p> <p><i>Reason: To ensure appropriate foul and surface water drainage of the site. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.</i></p>	
<p>3. 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 OSM Environmental Consulting Ltd Report Entitled Hall Black Douglas Architects Development of New Residential Apartments And Associated Site Works, Clonaver Drive, Belfast (Site 2) Remediation Strategy Ref: P1185v2 Dated: 7 September 2022 have been implemented.</p> <p>The Verification Report shall be completed by competent persons and demonstrate the successful completion of the remediation works and that the site is now fit for end-use (residential without home grown produce). It must demonstrate that the identified human health contaminant linkages are effectively broken. The Verification Report shall be in accordance with current Environment Agency CIRIA guidance and British Standards. In particular, the Verification Report must demonstrate that:</p> <ul style="list-style-type: none"> • The Hydrocarbon impacted soils at BH1 have been excavated and removed from site; The base and side-walls of this excavation must be proven suitable for the proposed end-use (residential without home grown produce). • This excavation has been backfilled with material that is demonstrably suitable for use (residential without home grown produce). • Characteristic Situation 2 gas protection measures have been installed within the development in accordance with BS 8485:2015+A1:2019. Gas protection measures shall be verified in accordance with the requirements of CIRIA C735. • Vapour protection measures have been provided within the development; these shall be installed and verified in accordance with the requirements of CIRIA C748. <p><i>Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.</i></p>	

4. In the event that any centralised combustion sources (boilers, CHP or biomass) are proposed and there is a risk of impact at relevant receptor locations as per the criteria detailed within the Environmental Protection UK and Institute of Air Quality Management, Land-use Planning & Development Control: Planning For Air Quality (January 2017), this Service would request that an updated Air Quality Impact Assessment be submitted in writing to the Planning authority for review and approval. Where the Air Quality Impact Assessment indicates exceedances of air quality objectives, appropriate mitigation measures shall be presented, and these mitigation measures shall be installed and retained thereafter.

Reason: Protection of human health

5. Prior to the construction of the drainage network, the applicant shall submit a Drainage Assessment, compliant with ENV 4 and the SPPS, to be submitted and approved by the agreed with the Council which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100-year event.

Reason: In order to safeguard against surface water flood risk.

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

Reason: In the interests of mitigating against environmental change.

7. All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the approved details.

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

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

Reason: In the interests of visual amenity

9. No works shall commence on site (including demolition and site clearance) unless a Tree Protection Plan ("TPP") to BS5837:2012 (or any standard that reproduces or replaces this standard) has been submitted to and approved in writing by the Council. The TPP shall detail the methods of tree/hedge protection and clearly detail the position and specifications for the erection of tree protective fencing and a programme for its implementation. The works shall

not be carried out unless in accordance with the approved details and the measures specified by the TPP shall remain in place until the completion of the construction.

Reason: To safeguard existing retained trees in the interests of visual amenity. Approval is required upfront to ensure that important trees are not permanently damaged or lost.


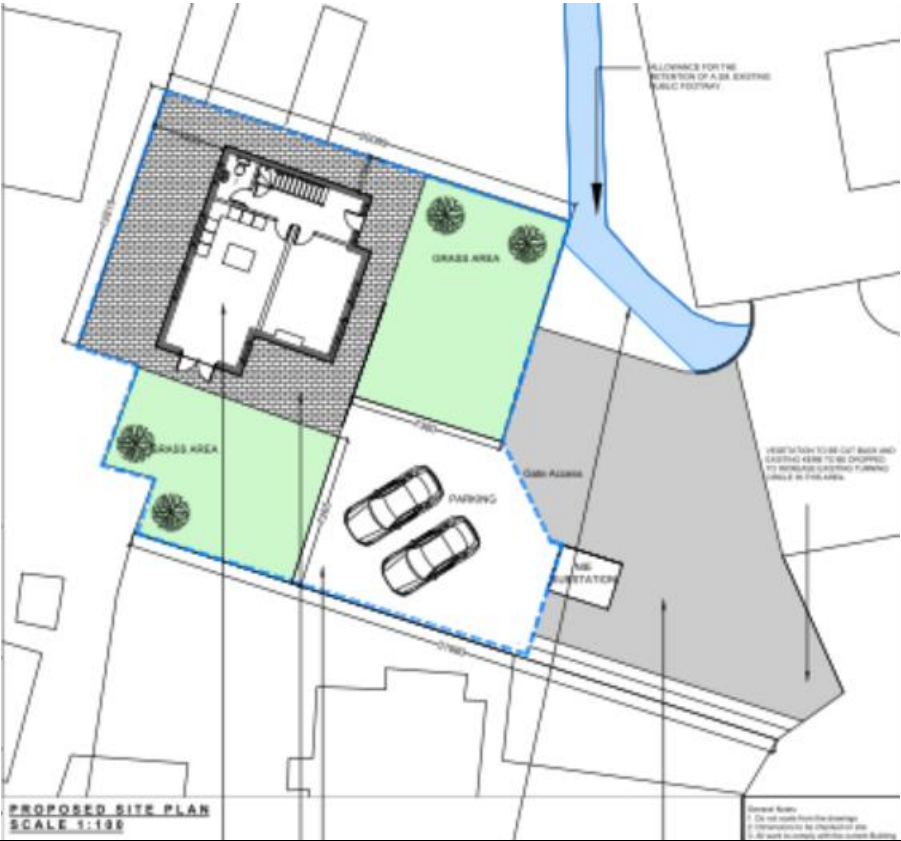
DRAFT INFORMATIVES:

1. This decision relates to the following approved drawing numbers uploaded to the planning portal: 01, 05B, 06A, 07A, 08B, 09B, 10B, 12B, 13B, 14A, 16C, 17B, 18A, 19A & 20A.
2. In the event that unexpected contamination is encountered during the carrying out of the development, all related works should cease, and the applicant should contact the Council. Investigation of the contamination, risk assessment and, if necessary, remediation work, should be undertaken and verified in accordance with current Environment Agency and CIRIA guidance and British Standards.
3. This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.
4. The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer.

ANNEX	
Date Valid	03/02/2022
Date First Advertised	03/03/2023
Date Last Advertised	03/03/2023
Details of Neighbour Notification (all addresses) 22 Neighbours were notified on 21/02/2023	

Development Management Officer Report Committee Application

Summary	
Application ID: LA04/2020/2285/O	Committee Meeting Date: 14 November 2023
Proposal: Two Storey detached dwelling with garden and associated parking.	Location: Land adjacent to 39 & 40 Stirling Road, Belfast, BT6 9LX
Referral Route: Paragraph 3.8.1 of the Scheme of Delegation (request from an Elected Member)	
Recommendation: Approve with conditions	
Applicant Name and Address: David Rowan 27 William Street Belfast BT23 4EH	Agent Name and Address: Simon Beattie 46 Oakdale, Ballygowan, BT23 5TT
<p>Executive Summary: This application seeks Outline planning permission, for a Two Storey detached dwelling with garden and associated parking. The site is Land adjacent to 39 & 40 Stirling Road, Belfast, BT6 9LX</p> <p>The site is located at the end of Stirling Road on an area of existing hardstanding. Stirling Road is characterised by semi-detached dwellings finished with render. To the rear of the site and to the North and South there are a mixture of residential properties including 3 storey apartment blocks to the North and to the rear and semi-detached dwellings to the South.</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> • Principle of development • Impact on Amenity • Impact on Character and Appearance • Flood Risk • Access and parking <p>DfI Roads, DfI Rivers, NIEA, Shared Environmental Services, NIE and BCC Environmental Health offer no objection to the proposal. Issues raised by Environmental Health and NI Water have been addressed with conditions and are discussed further in the main report.</p> <p>The Council has received 11 representations for the proposal. This includes 10 letters of objection and one letter of support. The objections and officer response to the issues raised are set out in the main report.</p> <p>Recommendation Having regard to the development plan and other material considerations the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided they are not substantive.</p>	

Officer Report	
1.0	Drawings
1.1	<div><div>Site Location Map:</div></div> <div><div>Proposed Site Plan</div></div>

	<p>Proposed Plans and Elevations</p> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <p>PROPOSED GROUND FLOOR PLAN - SCALE 1:50</p> </div> <div style="width: 50%;"> <p>PROPOSED FIRST FLOOR PLAN - SCALE 1:50</p> </div> <div style="width: 50%;"> <p>PROPOSED FRONTELEVATION - SCALE 1:50</p> </div> <div style="width: 50%;"> <p>PROPOSED REAR ELEVATION - SCALE 1:50</p> </div> <div style="width: 50%;"> <p>PROPOSED SIDE ELEVATION - SCALE 1:50</p> </div> <div style="width: 50%;"> <p>PROPOSED SIDE ELEVATION - SCALE 1:50</p> </div> </div>
2.0	Characteristics of the Site and Area
2.1	The application site is located at Land adjacent to 39 & 40 Stirling Road, Belfast. The site is an existing area of hardstanding located at the end of Stirling Road. The site is enclosed to the sides and rear by a mixture of metal fence and red brick wall approx. 2m in height.
2.2	To the north and West of the site are 2no three storey apartment blocks. To the South of the site there is a mixture of terrace and semi-detached dwellings. The site is bounded by a metal security fence at approximately 2m high to the North and South, with a 2m red brick wall enclosing the rear of the site to the West. Stirling Road is characterised by existing residential dwellings predominantly semi detached and finished in render. The dwellings typically have small amenity areas to the front of the dwelling, in the form of a small garden or a paved area. To the rear private amenity space is provided.
3.0	Description of Proposal
3.1	This application seeks Outline planning permission, for a Two Storey detached dwelling with garden and associated parking. The site is Land adjacent to 39 & 40 Stirling Road, Belfast, BT6 9LX
3.2	The proposal includes 2 grass amenity areas as well as an area of hardstanding for in curtilage parking.
4.0	Planning Policy and Other Material Considerations
4.1	Development Plan – operational policies
4.2	<p>Belfast Local Development Plan, Plan Strategy 2035</p> <ul style="list-style-type: none"> • Policy HOU1 • Policy HOU2

	<ul style="list-style-type: none"> • Policy HOU4 • Policy HOU7 • Policy DES1 • Policy RD1 • Policy HC1 • Policy TRAN8 • Policy ENV1 • Policy ENV2 • PolicyENV3 • PolicyENV4 • PolicyENV5 • TRE1
4.3	Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)
4.4	Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.5	Relevant Planning History No relevant planning history
5.0	Consultations and Representations
5.1	Statutory Consultations DfI Roads – no objection. DFI Rivers – no objection NIE – no objection NIEA – no objection NI Water - objection
5.2	Non-Statutory Consultations BCC Environmental Health – requested a contaminated land risk assessment. This matter has been addressed in the main body of the report. Shared Environmental Services – No objection
5.3	Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the equivalent policies in the Plan Strategy are either the same or sufficiently similar to not require the consultees to re-evaluate the proposal in the context of the Plan Strategy.
5.4	Representations The application has been advertised and neighbours notified.
5.5	The Council has received 11 representations of objections against the proposal. A summary of the objections with officer response to the issues raised is set out in the report below. One letter of support was also received.
6.0	PLANNING ASSESSMENT
6.1	Development Plan Context
6.2	Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the

	determination must be made in accordance with the plan unless material considerations indicate otherwise.
6.3	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
6.4	The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.
6.5	Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
6.6	Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.
	Key issues
6.7	The main issues relevant to consideration of the application are set out below. <ul style="list-style-type: none"> • Principle of development • Impact on Amenity • Impact on Character and Appearance • Flood Risk • Access and parking
6.8	Principle of development The site is located on whiteland within the development limit in the Belfast Urban Area Plan 2001 and both versions of the draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014).
6.9	The site is a sustainable location for new housing with good access to amenities, shops, services, employment, public transport, walking and cycling infrastructure. The proposed development is of an appropriate density to its location and context and makes effective use of previously developed land. Therefore the principle of development is acceptable subject to other material considerations.
6.10	The SPSS requires development to cause no demonstrable harm to interests of acknowledged importance. Interests of acknowledged importance in this case are the surrounding character of the area; neighbouring amenity, and traffic, access and parking.

6.11	Character of the area and design
6.12	This application seeks Outline planning permission, for a Two Storey detached dwelling with garden and associated parking. The detailed design of the elevations will be subject to a separate reserved matters application. However, proposed elevations have been submitted with the application for a two storey dwelling finished in white render with a hipped roof.
6.13	The proposed development, by reason of its form, scale, layout, design and materials, is in keeping with the site and its surrounding area. The dwelling is approx. 10m in width and has a depth of 8.3m. The overall height of the dwelling is 7.3m. This is considered an appropriate scale that will not be out of keeping with the surrounding area.
6.14	Whilst most of the dwellings in the surrounding area are semi-detached the proposal is located on a spacious plot and is deemed acceptable for a larger detached dwelling. The site will provide sufficient amenity space in the form of 2no gardens as well as in curtilage parking.
6.15	The character and appearance of the area would be preserved by way of the scale, layout and design of the dwelling. The dwelling is to be finished predominantly in white render, this would be in keeping with the character and appearance of the surrounding area. The hipped roof would also be in keeping with the roof profile of most dwellings along Stirling Road. There is also a single storey element to the front and side of the dwelling which will be finished with a flat roof. This is not considered a dominant feature that will impact the character of the area.
6.16	Appropriate open space is provided within the site in the form of a large side garden and a garden to the front of the site. The proposal would provide a quality and sustainable residential environment.
6.17	Impact on amenity The proposal is compatible with adjacent land-uses. It would not harm the amenity of adjacent and nearby residential properties, including unacceptable overlooking, overshadowing, overbearing, loss of outlook or daylight.
6.18	There are 3no first floor windows on the rear elevation. 2no of these windows serve an ensuite and bathroom, therefore will be obscure glazed and cause no overlooking.
6.19	The other window will serve the master bedroom and will overlook an area to the front of the apartment block to the rear of the site, therefore not impacting on the private amenity of neighbouring properties.
6.20	There is also 1no first floor window on the side elevation of the property facing south. Due to an existing mature tree on the boundary of the site as well as the separation distance of approx. 7m to the side boundary there is not considered to be any significant overlooking of the private amenity of properties to the South of the site. Additional landscaping is proposed to further screen any potential overlooking from this window. The details of the landscaping plan will be established under the reserved matters application.
6.21	The existing boundary treatment to the side and rear of the site will ensure there will be no overlooking from the ground windows of the proposed dwelling.
6.22	<i>Internal living space:</i> The proposal will provide circa 102sqm of floor space for the three bedrooms and associated lounges and bathrooms as well as the main reception rooms. The space

	standards require a minimum of 80sqm for a 3 bedroom/ 4 person dwelling. The proposal will therefore provide sufficient living space for future occupants.
6.23	<p><i>External amenity provision:</i></p> <p>The level of private open amenity space is exceeding the 70sqm as recommended by Creating Places. The proposal will have a private amenity space in the form of a side garden, that will be approx. 65 sqm and an area of paving to the rear of the site approx. 40sqm.</p>
6.24	<p>Adaptable and accessible accommodation</p> <p>The housing has been designed in a flexible way to ensure that it is adaptable throughout all stages of life. In this regard, criteria a) to f) inclusive of Policy HOU7 of the Plan Strategy are met.</p>
6.25	<p>Climate change</p> <p>The proposal maximises opportunities to incorporate sustainable design features where feasible. Two large gardens are included to the front of the dwelling with 4no trees also proposed.</p>
6.26	The proposal incorporates measures to adapt to environmental change including criteria b) and f) of Policy ENV3. The proposal includes SuDS measures to effectively manage surface water using landscaping and permeable surfaces.
6.27	<p>Transport</p> <p>The means of access to the development would be safe. There is sufficient parking available having regard to the location and sustainability of the site.</p>
6.28	Drainage and Flood Risk
6.29	The application is accompanied by a Flood Risk Assessment. DfI Rivers has advised that it has no reason to disagree with the conclusions of the Flood Risk Assessment and concludes a drainage assessment is not required.
6.30	Having regard to the advice from DfI Rivers, the proposal is considered to accord with Policy ENV4 of the Plan Strategy.
6.31	<p>Waste water</p> <p>NI Water is recommending that no further connections should be made to this network or a condition should be incorporated which requires an alternative drainage/treatment solution for the proposed site. NI Water objects to the proposal. It advises that there is insufficient wastewater treatment capacity to support the proposed development. The public system cannot presently serve the proposal without significant risk of environmental harm. NI Water states that it has no plans within its current investment cycle to upgrade the wastewater system in this drainage area and is recommending connections to the system are curtailed.</p>
6.32	NI Water has advised the applicant to engage directly with it to ascertain whether an alternative drainage/treatment solution can be agreed. There does not appear to have been any engagement between the applicant and NIW however, no supporting data or information to evidence NI Water's concerns have been provided. There are a significant number of extant and un-implemented planning permissions across the city for housing, commercial and other uses including over 20,000 new homes. Given NI Water's duty to connect to those developments and that it has not provided detailed evidence to support its precise objection to this particular application, it would be unreasonable for the Council to refuse planning permission on these grounds.

6.33	The Council have consulted with NIEA and SES and offer no objection to the proposal subject to a condition. The Council therefore recommend approval subject to condition.
6.34	<p>Other issues</p> <p>Environmental Health requested a contaminated land risk assessment to be submitted. This has been conditioned to be submitted prior to any development taking place on site. As this is an outline application further reports can be submitted with the reserved matters application.</p>
6.35	Other environmental considerations, including tree planting, ecology, air quality, drainage and waste-water infrastructure, have been appropriately dealt with.
6.36	<p>Consideration of Representations</p> <p>The application has been neighbour notified and advertised in the local press. A total of 11 letters of representation have been received. 10 letters of objection and 1 letter of support have been received.</p>
6.37	<p>The objections raise concerns regarding; the loss of a turning head for residents, road safety, loss of local character, reduction of space within the street, impact on the character of the area, access to the site, increased traffic on the street, the neighbour notification process, street lighting and site safety during construction.</p> <p><u>The Loss of a Turning head</u></p> <p>The proposed site plan shows that a turning head will remain at the front of the site therefore residents on Stirling Road will still be able to turn their vehicles.</p> <p><u>Road Safety</u></p> <p>DFI Roads have been consulted and offer no objection therefore the proposal is not considered to impact on road safety. NIE have also been consulted and offer no objection to the proposal in terms of the impact of accessing the substation at the front of the site. As a result, the proposal is not considered to impact on Road Safety.</p> <p><u>Impact on character of the area/increased traffic on street</u></p> <p>The proposed dwelling is not considered to impact on the character and appearance of the area. The details of the design of the dwelling have been reserved to be finalised in the reserved matters application. In principle a dwelling in this location will not detract from the character of the area. It is not anticipated that the additional of 1no dwelling will significantly impact the level of traffic on the street. DFI Roads have no concerns with the proposed development. No street lighting has been shown on the plans and does not fall within the remit of planning.</p> <p><u>Neighbour notification Process</u></p> <p>The correct legislative process has been followed regarding neighbour notification and advertising of the application. It is only a requirement for the Council to neighbour notify properties that abut the site and are within 20m of the site boundary.</p>
7.0	Recommendation
7.1	Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that Outline planning permission is granted subject to conditions.
7.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.

DRAFT CONDITIONS:

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.
2. Application 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.
3. No development shall commence on site unless details of the design, external appearance, means of access and landscaping (herein called "the reserved matters") have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details.

The reserved matters referred to above are defined as follows :-

Design – the two dimensional internal arrangement of the dwelling, the three dimensional form of the dwelling including height, massing, number of storeys and general external appearance;

External appearance of the dwelling – the architectural appearance and materials including 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 any vehicular and pedestrian accesses to the site from the surrounding area and also access circulation, car parking: and

Landscaping – treatment of the remaining parts of the site not covered by the dwelling including both soft and hard landscaping where proposed. Where applicable, including the laying out of gardens and the provision of amenity space. Soft landscaping to include planting such as trees, hedges, shrubs and grassed areas. Hard landscaping to include laying of hard surface areas, the formation of banks, terraces or other earthworks and erection of walls, fencing and other built means of enclosure.

Reason: This permission is in outline only and further details of the development are required under section 4(1) of The Planning (General Development Procedure) Order (Northern Ireland) 2015.

4. The vehicular access shall be provided in general accordance with Drawing No.03C uploaded to the Public Register 15th June 2023, prior to the occupation of any other works or other development hereby permitted.

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

5. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in general accordance with Drawing No.03C uploaded to the Public Register 15th June 2023, to provide for the parking of 2No. cars within the curtilage of 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 adequate provision has been made for parking within the curtilage of the site.

6. A turning facility to be determined into the public road network shall be provided in general accordance with Drawing No.03C uploaded to the Public Register 15th June 2023, prior to the occupation of any other works or other development hereby permitted. Full details of the turning facility, to include a Private Streets Determination, shall be provided at Reserved Matters stage.

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

7. No development shall commence on site (other than site clearance, enabling works or works to fulfil this condition), until a Contaminated Land Risk Assessment has been submitted to and approved in writing by the Council. The assessment shall follow best practice and in the first instance contain the following information:

A Preliminary Risk Assessment that includes a full description of the site and its surroundings, a determination of the history of the site and its surroundings, identification of the current and past land uses and an initial Conceptual Site Model outlining all potential Source-Pathway-Receptor contaminant linkages.

Should the Preliminary Risk Assessment demonstrate that potential contaminant linkages exist on the site, then a Quantitative Risk Assessment that addresses these issues shall be submitted. This must incorporate:

A detailed site investigation in line with BS 10175:2011+A2:2017 (or any standard that reproduces or replaces this standard). Any ground gas investigations shall be conducted in line with BS 8576:2013 and BS 8485:2015+A1:2019 (or any standard that reproduces or replaces this standard). A satisfactory assessment of the risks (including a Revised Conceptual Site Model), conducted in line with current Environment Agency guidance. In addition, risks associated with ground gases shall be assessed under the methodology outlined in BS8485:2015+A1:2019 and CIRIA C665 (or any standard that reproduces or replaces this standard).

Should the Quantitative Risk Assessment demonstrate that human health contaminant linkages exist on the site, then a Remediation Strategy shall be submitted. The Remediation Strategy must demonstrate how the identified contaminant linkages are to be demonstrably broken and no longer pose a potential risk to human health. It must also detail how the proposed remedial works are to be verified.

The development shall not be carried out unless in accordance with the approved Remediation Strategy.

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

8. No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of foul drainage, including a programme for implementation of these works, have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details.

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

DRAFT INFORMATIVES:

1. This decision relates to the following approved drawing numbers:
01A, 02B, 03C & 04C.

ANNEX	
Date Valid	18/11/2020
Neighbour Notified	02/12/2020
Date First Advertised	26/11/2020
Date Last Advertised	26/11/2020

Details of Neighbour Notification (all addresses)

34 Stirling Road
 21 Stirling Road
 6 Stirling road
 16 Stirling Road
 21 Stirling Road
 14 Stirling Road
 29 Stirling Road
 48 Sunderland Road,
 11 Downshire Parade,
 58 Sunderland Road,
 14b ,Downshire Parade,
 52 Sunderland Road,
 50 Sunderland Road,
 56 Sunderland Road,
 53 Sunderland Road,
 57 Sunderland Road,
 60 Sunderland Road,
 44 Sunderland Road,
 49 Sunderland Road,
 46 Sunderland Road,
 55 Sunderland Road,
 54 Sunderland Road,
 39 Stirling Road,
 51 Sunderland Road,
 59 Sunderland Road,
 9 Downshire Parade,
 14a ,Downshire Parade,
 61 Sunderland Road,
 61 Sunderland Road,
 45 Sunderland Road,
 36 Stirling Road
 37 Stirling Road
 63 Sunderland Road
 16 Stirling Road,

This page is intentionally left blank


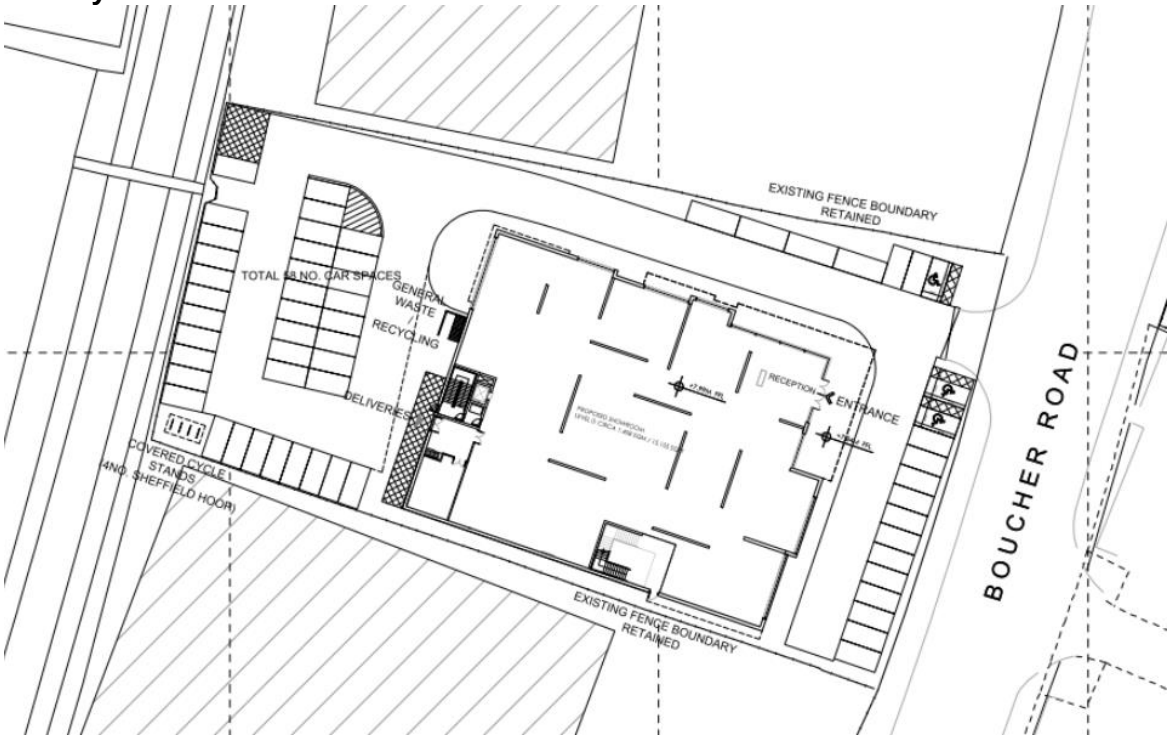
Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 14 November 2023	
Application ID: LA04/2023/3491/F	Target Date:
Proposal: Proposed Retail Warehouse Unit with associated Car Parking and Site Works.	Location: 47 Boucher Road, Belfast, BT12 6HR
Referral Route: Major Application	
Recommendation: Approval	
Applicant Name and Address: P Dillen Weaverton NI 6b Upper Water Street Newry BT34 1DJ	Agent Name and Address: Eamonn Loughrey Inaltus Limited 15 Cleaver Park Malone Road Belfast BT9 5HX
<p>Executive summary</p> <p>The application seeks planning permission for a proposed retail warehouse unit with associated car parking and site works.</p> <p>The site is located at 47 Boucher Road and is a vacant plot located within an area of light industrial, warehousing/distribution and retail warehousing. The site is a basic rectangular shape with a service road access of the Boucher Road. The boundary treatment consists of wire mesh fencing. The site is sandwiched between Boucher Road to the south, Boucher Place to the north, the Door Store retailer to the west and DFS furniture store to the east. The character of the area is one of commercial businesses.</p> <p>The site is situated on white-land within the Belfast Urban Area Plan 2001 and the draft Belfast Metropolitan Area Plan 2015.</p> <p>The key issues relevant to consideration of the application are:</p> <ul style="list-style-type: none"> • Principle of retail warehousing at this location • Impact on the character and appearance of the area • Provision of car and cycle parking • Access <p>There have been 6 no. total objections from three planning consultants acting for the operators and owner of the neighbouring premises, the Doorstore and DFS Furniture. Issues of concern relate to character / context, building line, sufficient car parking, principle of retail development and loss of small landscaped area.</p>	

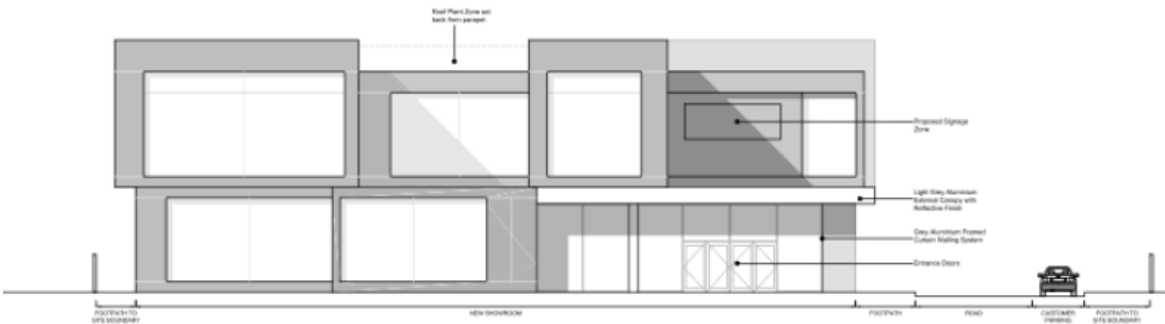
Recommendation

Having had regard to the development plan, relevant planning policies, and other material considerations, it is considered that the proposal should be approved.

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

Case Officer Report	
1.0	<div>Drawings</div> <div><div>Site Location Plan</div><div>Site layout</div></div>

Front Elevation



3D visual



2.0	Characteristics of the Site and Area
2.1	The site is a vacant plot located within an area of light industrial, warehousing/distribution and retail warehousing. The site is a basic rectangular shape with a service road access of the Boucher Road. The boundary treatment consists of wire mesh fencing. The site is sandwiched between Boucher Road to the south, Boucher Place to the north, the Door Store retailer to the west and DFS furniture store to the east. The area is characterised primarily by commercial businesses.
3.0	Description of Proposal
3.1	The application seeks full planning permission for a proposed retail warehouse unit with associated car parking and site works.

4.0	Planning Policy and Other Material Considerations
4.1	<p>Development Plan – operational policies</p> <p>Belfast Local Development Plan, Plan Strategy 2035</p> <ul style="list-style-type: none"> - DES 1 Principles of urban design - RET 1 Establishing a centre hierarchy - RET 2 Out of centre development - RET 4 Retail warehousing - TRAN 1 Active Travel - TRAN 6 Access to public roads - TRAN 8 Car parking and servicing arrangements - ENV1 Environmental quality - ENV2 Mitigating environmental change - ENV5 Sustainable drainage systems (SuDS)
4.2	<p>Development Plan – zoning, designations and proposals maps</p> <p>Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p> <p>Regional Planning Policy</p> <p>Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p>Planning History</p> <p>No relevant history but approval has been granted on site for a small format convenience goods store under ref. Z/2011/0359/O & LA04/2015/0387/RM</p>
5.0	Consultations and Representations
5.1	<p>Statutory Consultations</p> <p>DfI Roads Service – no objection DfI Rivers Agency – no objection NI Water – no objection</p>
5.2	<p>Non-Statutory Consultations</p> <p>BCC Environmental Health – no objection BCC Policy Advice (Retail) – no objection</p>
5.3	<p>Representations</p> <p>The Council received objections from three planning consultants acting on behalf of the Door Store, DFS Furniture and the owner of the DFS premises. The issues raised include:</p> <ul style="list-style-type: none"> - Issues with scale and siting of the proposed development - Proposal is contrary to Policy DES1 of the Plan Strategy, as it does not respond positively to the local context. - Proposal does not respect the established building line along this part of Boucher Road.

	<ul style="list-style-type: none"> - Nearby developments provide parking at the front of the premises, as did the previous approval on the application site. Proposal does not respect this characteristic. - Removal of landscaping strip at front of site. - Proposal sitting further forward on site obscures views of neighbouring sites and impacts potential to attract customers. - Proposed parking provision is below the standards, as set out in 'Parking Standards'. Only 40% of the required parking is being provided. - No HGV tracking included on plans. - 6 cycle spaces are required for the proposal. - Parking at rear of site reduces surveillance, safety and security. - Issues raised with Retail Impact Assessment and potential impact on competitors. - A need for the proposal has not been demonstrated and is contrary to Policy RET2 of the Plan Strategy. <p>The points raised will be discussed in the report below.</p>
6.0	PLANNING ASSESSMENT
	<p>Development Plan Context</p> <p>6.1 Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p> <p>6.2 Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.</p> <p>6.3 The Development Plan is the Belfast Local Development Plan, which replaces the Belfast Urban Area Plan 2001 as the statutory plan for the city. The Belfast LDP is in two parts: Part 1 is the Plan Strategy, which was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals map for Belfast and has yet to be published.</p> <p>6.4 Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.</p> <p>6.5 Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker.</p> <p>Impact on the character and appearance of the area</p> <p>6.6 The proposal is a contemporary designed retail building which will be situated in an area of largely utilitarian retail warehousing and distribution centres which have large shed like appearances. Policy DES 1 requires the promoting of diversity of land uses that provides active frontages to ensure vibrancy throughout the day. The proposal will offer a more active frontage than many of the surrounding sites with car parking, in the main, being</p>

	towards the rear of the unit and large display windows allowing views into the building and for display purposes creating interaction between the building and the public realm.
6.7	The objectors also referred to policy DES 1, specifically stating that the proposal does not respond positively to the local context and character through an urban form that addresses matters such as building line and rhythm. The proposed retail unit is designed to be closer to the road frontage than several neighbouring properties. It is the objectors' opinion that the neighbouring units creates an established building line, the breaking of which they consider to be contrary to the policy.
6.8	Officers, however, offer a contrary opinion that the wider area around the Boucher commercial area has little in the way of established building lines, sheds and buildings have been erected to suit the needs of the operator with little regard to establishing building lines. This is demonstrated within the current site, the previous building on site, Gilbert-Ash offices, was closer to the road frontage than the neighbouring Door Store and DFS. It is also noted that Gilbert-Ash had a large structure of conservatories erected to the front of the offices, set back by approximately 10.5 metres, leading to the conclusion that the site, when in operation, did not form part of an established building line.
6.9	The proposed building is set back from the road by approximately 14 m. The set back of surrounding buildings along this 'building line' ranges from approximately 15 metres (KFC) and 16 metres (Lynas Foodstore) to 30 metres (DFS / Sofology and the Door Store). Furthermore, if one considers the opposite side of the road, the set back of buildings ranges from approximately 0.5 metres (Thrifty Car hire) to 24 metres (Building at 15 Wildflower Way) to 48 metres (Halfords / Puregym).
6.10	The objectors also raised the surrounding character having the building set back from the road frontage and the car parking located between the road and the building, a design feature dating from when the area was primarily dedicated to light industrial and distribution warehousing. This design feature is very much the case for a large group of businesses within the Boucher Road area. However, it is not considered a characteristic that is worthy of protection. The policy refers to on-site parking and refuse storage provision and requires these areas not to have a negative impact at street level which would result in the creation of dead frontage. As stated previously, it is considered the proposal will offer a more active street frontage with the building situated towards the public road and the expanse of parking area to the rear which is considered to be more in accordance with policy requirements.
6.11	On balance, it is considered the proposal will have no significant negative impact on the surrounding context and character. The proposal is considered an enhancement to the wider area, providing a building of contemporary design merit to an area of otherwise utilitarian buildings that place an over emphasis on parking to the public realm.
	Retail policy considerations
6.12	Policy RET1, establishing a centre hierarchy, is designed to ensure that proposals for main town centre uses are directed to the appropriate level of centre based on size, function and catchment. Such proposals are considered in the following order of preference: Belfast city centre primary retail core and frontage, Belfast city centre, District centres followed by Local centres. Policy RET2 for out-of-town centre development sets out two distinct areas to be satisfied; Proposals must demonstrate that there are no sequentially preferable sites in line with the hierarchical order and a Retail impact assessment (RIA) and statement of need should be submitted for proposals that have a gross floorspace over 1000 sq m.

6.13	The applicant has submitted a sequential test showing the availability of retail units that offers sufficient floor space comparable to the proposed. It is noted that the applicant considers the proposal does not require a Sequential test based on policy RET 4, however areas of retail warehousing referred to in the policy have not yet been designated. Until such time as the LPP is adopted, Policy RET4 will have limited weight due to the lack of designated areas.
6.14	The applicant has not identified any potential city centre sites, however has identified appropriately sized units that are located within the District Centres of the Park Centre and the Hillview Centre. The applicant has discounted each of the sites as being unsuitable to meet their needs. It is noted within the glossary of the Plan Strategy that 'they are generally located on routes that are convenient and easily accessible to the local community by all modes of travel'. The nature of the proposal is for a flagship comparison goods store seeking a large catchment area; consequently, a District centre, which are designed to meet local needs are generally not viewed as an ideal location for a flagship store for the sale of bulky goods.
6.15	The applicant in the sequential test also refers to a Supreme Court ruling at para. 1.6 in which the judgement considered what was meant by a proposal in the context of a policy. The thrust of the Judge comments is to consider what the developer is proposing and not to impose an alternative which is something less than what is being sought. It is clear within this application that what is being proposed is a new build, modern design retail warehouse seeking a large catchment area and not a business that would sit comfortably within a district / local centre designed to meet a local need.
6.16	Notwithstanding the above, the unit within the Park Centre is located in the heart of the shopping centre and the applicant does not consider it a suitable location as the proposal seek to develop a modern flagship store and not convert an existing store with a generic layout. The site at Hillview has 5 vacant retail units, however the applicant states it is not a suitable location for a flagship store as the site is isolated and has a history of poor business performance. The applicant notes that both sites have localised catchment areas, which underpins the above point that district centres are designed to meet local needs.
6.17	Having regards to the above reasoning, it is considered that the proposal satisfies the policy with regards to sequential test.
6.18	Part (b) of the policy requires the submission of a Retail impact assessment (RIA) for proposals which have a gross floorspace greater than 1000sq m. The applicant submitted an RIA, with advice sought from the LDP Economy and City Centre (LDP ECC) team regarding the key findings within the assessment. LDP ECC advised that although the representative data held by the LDP team differed from that presented by the applicant, the overall information leads to the conclusion that trade diversions and retail impact within the catchment area from the proposal will not have an impact on protected centres.
6.19	Part (b) of the policy also requires an assessment of need, this also was assessed by LDP ECC. The conclusion of the assessment was the applicant had established a quantitative need for the proposal. The need statement showed an estimated turnover, for the proposal, of £10.92 million and the figures retained by the LDP team showed a spending growth of £26million in the catchment area, a quantitative need being confirmed. Regarding qualitative need, the applicant has indicated that introducing a new retailer to the city will increase the retail profile of Belfast and broaden the offer of available household goods. LDP ECC stated that it is difficult to argue that there is an

	<p>under provision of this type of retailing within the local area and should this applicant not take up the premises it would be hard to sustain a refusal for other bulky goods retailers given the findings of the impact assessment.</p> <p>Environmental considerations</p>
6.20	<p>Policy ENV1 of the Plan Strategy states that planning permission will be granted for development that will maintain and, where possible, enhance environmental quality. Development must not result in an adverse impact on the environment, including ground contamination, air and water quality, noise and light pollution.</p>
6.21	<p>The proposed site has been tested with existing ground conditions being presented within the Generic Qualitative Risk Assessment (GQRA). The report indicated the ground contained contaminants of asbestos; BCC Environmental Health was consulted with the GQRA. A condition for the submission of a verification report for the control of the contaminants, as detailed within the GQRA, has been recommended. The report shall be submitted and approved prior to the operation of the development.</p>
6.23	<p>The site is located close to the M1 Air Quality Management Area; an assessment from the applicant has indicated that the expected number of vehicle movements will not necessitate the submission of an Air Quality Assessment. It is proposed that only one HGV will be at the site on a weekly basis and the number of cars attracted to the site, given the bulky retail use within the surrounding area, will be cars already within the location.</p>
6.24	<p>The site location within an area of light industrial, distribution and retail warehousing should prevent there being an issue of noise or light pollution that would be detrimental to residential uses.</p>
6.25	<p>Policy ENV2 states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce Green House Gases by promoting sustainable patterns of development. It is acknowledged that the site has been cleared of existing buildings for a considerable period resulting in no proposed demolition. The proposed building will be fully insulated to prevent heat loss and solar panels are proposed to reduce the reliance on fossil fuels.</p>
6.26	<p>ENV5 requires new development to include, where appropriate, SUDs measures to manage surface water discharge. The proposal has the agreement within NI Rivers Agency for the discharge of surface water into the Blackstaff river that runs to the rear of the site. The acceptable drainage assessment includes oversize infrastructure and a retention tank that controls the rate of discharge into the river. The site being for a commercial use requiring the provision of car parking and servicing space limits the potential for other forms of SUDs measures. On balance, it is considered the proposed surface water discharge is acceptable and policy compliant.</p> <p>Water and Sewage provision</p>
6.27	<p>NI Water was consulted on the proposal and initial comments recommended refusal of the proposal and advised Planning Service to await the outcome of Waste Water Impact Assessment. A second response was received following the assessment offering no objection to the proposal.</p> <p>Traffic and Parking</p>

6.28	Policy TRAN1 states that planning permission will be granted for major retail development that take account of walkers and cyclists. The site is located on a public highway and although not benefiting from a convenient access to public transport, it nonetheless is serviced by a regular bus service that walkers can take advantage of. The public highway provides sufficient access to footpaths and crossing points. The proposal includes the provision of covered cycle parking for those using this method of transport. In accordance with policy TRAN2, the proposal provides a level access to the premises that is suitable for all. The applicant has indicated within the Plan Strategy Statement that the premises will be DDA compliant with the use of dropped kerbs and tactile paving at the entrance to the premises.
6.29	The proposal is considered to satisfy policies TRAN7 & TRAN8 in that the site access is in place and was designed to meet the needs of the commercial site. Policy TRAN8 requires the provision of adequate car parking to serve the site. This issue was referred to by objectors who indicated that there was insufficient parking provision with reference to DoE Parking Standards document. The policy seeks the provision of adequate car parking and appropriate servicing arrangements, however it further states <i>'the emphasis will be to allow parking provision that will assist in reducing reliance on the private car'</i> .
6.30	The published Parking Standards indicate that for a premises of this scale, 145 spaces is required. The applicant within their Travel Assessment has put forward the argument in using the parking provision at other similar businesses within the vicinity of the site a floor space to parking space ratio would equate to 1 space for 50 sq m of floor space which would, in this case, equal 58 spaces as currently proposed. DfI Roads Service has indicated, following an assessment of all parking information and objector's comments, that there is no objection to the proposal indicating satisfaction with the parking provision. On balance, it is considered that the proposal satisfies policy TRAN8 in providing an adequate supply of car parking, cycle parking and servicing space for the proposal. Furthermore, it is not considered that parking at the rear will result in a detriment to safety, security or surveillance.
7.0	Recommendation
7.1	Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.
7.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and deal with any other matters which may arise.
DRAFT CONDITIONS: 1. The development hereby permitted must be begun within five years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. The gross retail floor space of the retail store hereby approved shall not exceed 2891 square metres. Reason: To safeguard the vitality and viability of the City Centre and other Centres within the catchment.	

3. The net retail floor space of the retail store hereby approved shall not exceed 2599 square metres.

Reason: To safeguard the vitality and viability of the City Centre and other Centres within the catchment.

4. No internal operations, including the construction of mezzanine floor, increasing the floor space available for retail use or subdivision to form additional units shall be carried out without the prior written consent of the Council.

Reason: To safeguard the vitality and viability of the City Centre and other Centres within the catchment.

5. Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 or Planning (General Permitted Development) Order (Northern Ireland) 2015, the floor space hereby approved shall not be used other than for the sale of the goods listed below, save for the sale of items incidental to those goods.

- a) DIY materials, products and equipment
- b) Garden materials, plants and equipment
- c) Furniture and soft furnishings, carpets and floor coverings
- d) Cycles, cycle accessories, safety equipment and ancillary cycle repairs
- e) Electrical goods
- f) Such other goods generally falling within the category of "bulky goods" to be first agreed in writing by the Council.

Reason: To limit the range of goods to be sold, in the interests of safeguarding the vitality and viability of the City Centre and other Centres within the catchment.

6. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed within the site in accordance with the approved plan. This area shall not be used at any time for any purpose other than for parking and movement of vehicles in connection with the approved development.

Reason: To ensure that adequate provision has been made for parking and traffic circulation within the site.

7. The vehicular access shall be provided in accordance with the approved plan, prior to the commencement of any other works or other development hereby permitted.

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

8. The development shall not be occupied until secure and covered cycle parking facilities have been provided on the site. These facilities shall be permanently retained on the site.

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

9. 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 EZ LIVING Proposed Commercial / Retail Development Located on Lands at 47

Boucher Road, Belfast P1308 - PHASE 1 PRELIMINARY RISK ASSESSMENT (PRA) and PHASE 2 GENERIC QUANTITATIVE RISK ASSESSMENT (GQRA). Dated – 16 March 2023 have been installed.

The Verification Report shall be completed by competent persons and demonstrate the successful completion of the remediation works and that the site is now fit for end-use (commercial). It must demonstrate that the identified human health contaminant linkages are effectively broken. The Verification Report shall be in accordance with current Environment Agency and CIRIA guidance and the CAR-SOILTM Control of Asbestos Regulations 2012 Interpretation for Managing and working with Asbestos in Soil and Construction and Demolition Material.

In particular, the Verification Report must demonstrate that:

- a) The final site layout is as per Appendix A, Site Development Plan, by Like Architects & Project Management Project title: 47 Boucher Rd, Belfast Proposed Site Plan AP MM 18.01.23 1:500 1914-02 100-03.
- b) A minimum 500mm capping system has been emplaced in soft landscaped areas formed from material that is demonstrably suitable for use (commercial).

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

ANNEX

Date Valid	16 JUNE 2023
Date First Advertised	27 JUNE 2023 (NN) 7 JULY 2023 (Adv)
Date Last Advertised	N/A

Details of Neighbour Notification (all addresses)

15 WILDFLOWER WAY, MALONE LOWER, BELFAST, ANTRIM, BT12 6TA
 49 BOUCHER ROAD, BALLYMURPHY, BELFAST, ANTRIM, BT12 6HR
 53 BOUCHER ROAD, BALLYMURPHY, BELFAST, ANTRIM, BT12 6HR
 56-58 BOUCHER PLACE, BALLYMURPHY, BELFAST, ANTRIM, BT12 6HT
 60 BOUCHER PLACE, BALLYMURPHY, BELFAST, ANTRIM, BT12 6HT
 LESLIE RETAIL PARK BOUCHER ROAD, MALONE LOWER, BELFAST, ANTRIM, BT12 6HH

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Tuesday 14 th November 2023	
Application ID: LA04/2023/3442/F	
Proposal: Erection of Hotel/Aparthotel comprising 135 hotel beds and 93 aparthotel beds, restaurant / cafe/bar uses, gym, landscaped public realm, car parking, cycle parking and associated site and road works	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: Alan Clarke Chart Forte (Belfast) Limited 29 Welbeck Street London London W1G 8DA	Agent Name and Address: Conor Campbell Turley Hamilton House 3 Joy Street Belfast BT28LE
<p>Executive Summary:</p> <p>The application seeks full planning permission for a hotel/aparthotel with 135 hotel beds and 93 aparthotel beds, restaurant /cafe/bar uses, gym, landscaped public realm, car parking, cycle parking and associated site and road works.</p> <p>The main issues to be considered in this case are;</p> <ul style="list-style-type: none"> • The principle of a hotel at this location; • Scale, Massing and Design; • Impact on Built and Archaeological Heritage; • The impact on natural heritage; • Landscaping/boundary treatments; • Traffic and Road Safety; • Human health/Environmental Considerations; • Flooding and Drainage; • Economic Considerations; • Environment & Community; • Pre-application Community Consultation; • The consideration of Developer Contributions. <p>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.</p> <p>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.</p>	

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. This 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 most recent extant approval (LA04/2022/0293/F) for a hotel use was approved by the Council on 07.09.2022 for a 256-bed hotel. The scheme was of a very similar design, height, massing and layout as the LA04/2019/1636/F approval.

This current application has been submitted to respond to market conditions and the applicant now seeks to develop a 228-bed hotel which will include 135 hotel rooms and 93 apart-hotel rooms. The revised scheme will see a reduction of 27 traditional rooms and 1 apart-hotel room as well as the removal of the conference facilities, roof top bar and central courtyard. The block structure has changed from a perimeter block to a 'u' shaped block with the partial removal of the western elevation. The building height has decreased by 3.6m and will now have 5 storeys rather than 6.

Consultees including DfI Roads, NIEA, Shared Environmental Services, Historic Environment Division, NI Water, DfI Rivers, the Council's Landscape Team, Environmental Health Department, Development Plan Environment & Community Team and Tree Officer have no objection to the proposal subject to conditions. Their consultations are detailed in the main body of the report. The Senior Urban Design Officer has concerns with the proposal, these will be addressed within 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.

No objections were received.

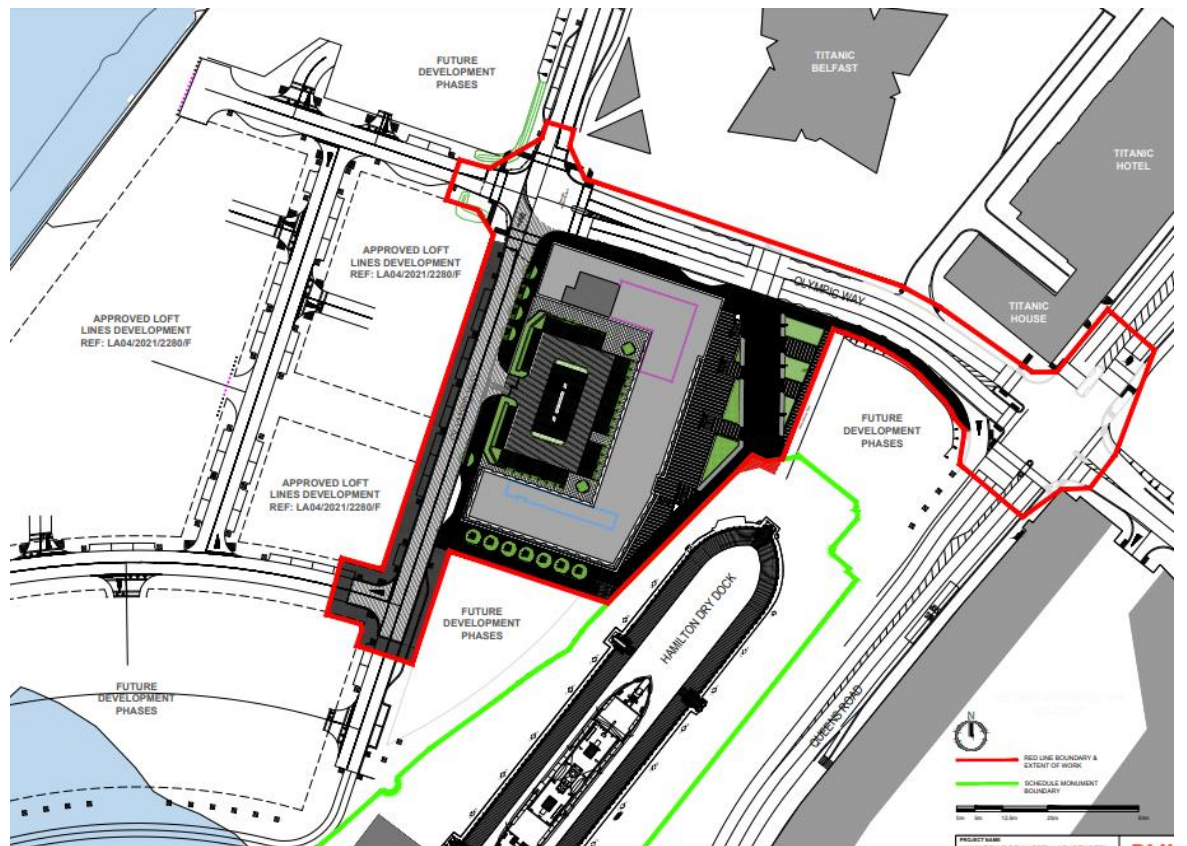
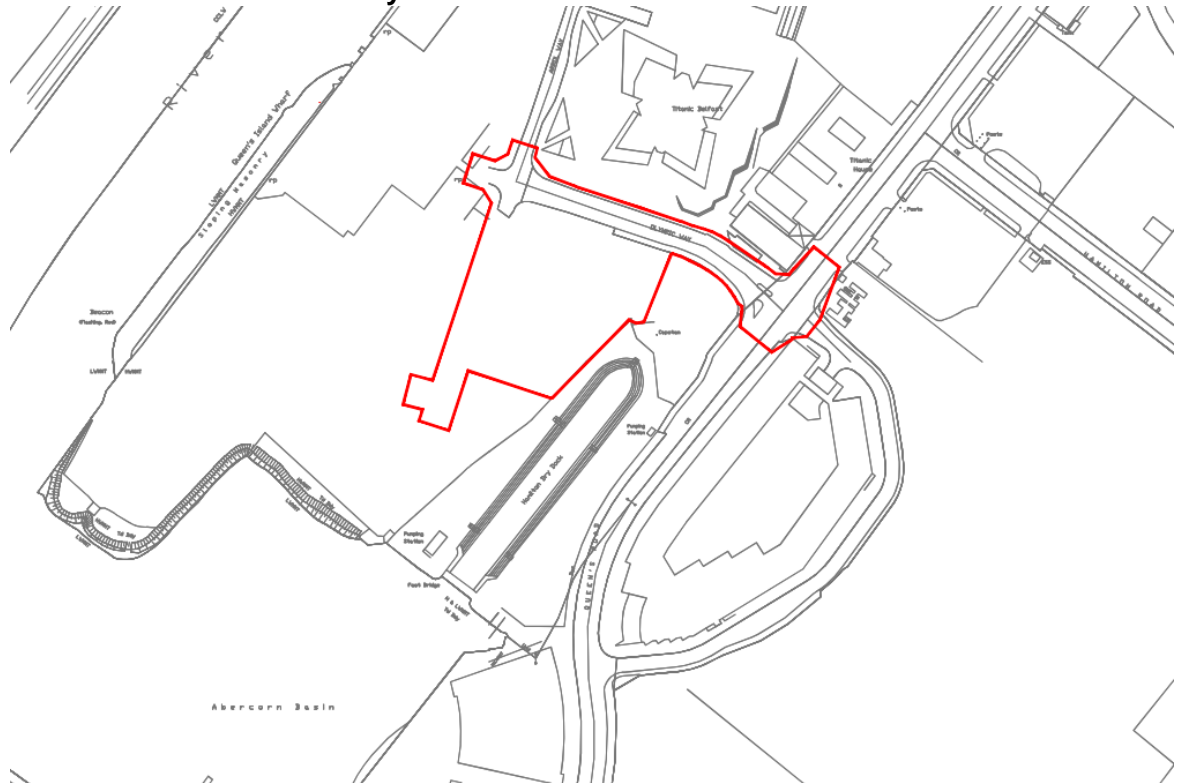
The proposal will have an estimated construction cost of about £36 million. Approximately 620 FTE construction jobs will be created. The operational phase will deliver approximately 85 FTE jobs.

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 sought for the Director of Planning and Building Control to finalise the response from NIEA: NED, finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.

Officer Report

1.0	Drawings
-----	----------

Site Location Plan / Site Layout / Elevations







CGI Views



	Characteristics of the Site and Area												
2.0	Description of Proposed Development												
2.1	The description of the proposal is as follows: <i>‘Erection of Hotel/Aparthotel comprising 135 hotel beds and 93 aparthotel beds, restaurant / cafe/bar uses, gym, landscaped public realm, car parking, cycle parking and associated site and road works.’</i>												
2.2	The Design and Access Statement (DAS) compares the proposed development to the extant approved schemes (LA04/2019/1636/F & LA04/2022/0293/F). It states that with the exception of the landscaping proposals associated with the internal parking area the proposed public realm, landscaping proposals, overall massing and design and materiality do not deviate from the approved schemes. Officers consider that the amended scheme does deviate however from the approved schemes in terms of moving from a 4-sided perimeter block to a 3-sided ‘u-shape’ block and this is considered in detail below.												
2.3	<p>The proposed hotel is a 5-storey building and shows a reduction in height of 3.6m due to the mezzanine floor being removed. The block structure has changed from a perimeter block to a ‘u’ shaped block with the partial removal of the western elevation. See below comparison table from the Design and Access Statement (DAS):</p> <table><tr><td></td><td>Floor Space (GIA)</td><td>Height (HPL Level)</td><td>Ground Floor Datum</td></tr><tr><td>2022 Approved Scheme</td><td>16,769m²</td><td>6 Storeys 23.85m</td><td>4.2m</td></tr><tr><td>Proposed Development</td><td>10,465m²</td><td>5 Storeys 20.225m</td><td>4.2m</td></tr></table>		Floor Space (GIA)	Height (HPL Level)	Ground Floor Datum	2022 Approved Scheme	16,769m ²	6 Storeys 23.85m	4.2m	Proposed Development	10,465m ²	5 Storeys 20.225m	4.2m
	Floor Space (GIA)	Height (HPL Level)	Ground Floor Datum										
2022 Approved Scheme	16,769m ²	6 Storeys 23.85m	4.2m										
Proposed Development	10,465m ²	5 Storeys 20.225m	4.2m										
2.4	The central courtyard has also been removed however the new public space which integrates with adjacent areas of high-quality public realm at Titanic Belfast and Hamilton Dock has been retained.												
2.5	There is a net decrease of 49 car parking spaces, decreasing from 96 to 47. In addition, there is a net increase in the number of cycle parking spaces, increasing from 17 to 32.												
2.6	All parking is now external and at grade level, replacing the internal parking over two floors in the 2022 approved scheme.												
3.0	Description of Site and Area												
3.1	The site is a flat grassed site and extends to approximately 1.3 hectares 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.												
3.2	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;												

	<ul style="list-style-type: none"> - Belfast Lough Special Protection Area (SPA); - Belfast Lough Open Water SPA; and - the proposed East Coast (Northern Ireland) Marine SPA.
3.3	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.
3.4	The area is notable for its wide range of uses including the Odyssey Pavilion and Arena, Titanic Belfast, Titanic Hotel, Titanic Studios, Belfast Metropolitan College, ARC apartments and other offices and uses.
3.5	The adjacent 'Loft Lines' development (LA04/2021/2280/F) which was approved on 11.08.2022 for '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' has begun construction on site.
4.0	Planning Policy and Other Material Considerations
4.1	Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035
4.2	Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)
4.3	Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS) Supplementary Planning Guidance (SPG) Developer Contributions Framework (adopted 2020) Parking Standards (former Department of Environment)
4.4	Planning History 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 The above 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. 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.

	<p>Decision: Approval Date: 01.07.2010</p> <p>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: Approval Decision Date: 27.02.2020</p> <p>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 southeast of the river Lagan, west of Olympic Way of Queen's road, Queen's Island, Belfast, BT2 9EQ, Decision: Approved Date: 11.08.2022</p> <p>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 Road, Belfast. Decision: Approval Date: 16.05.2017</p> <p>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. Address: Lands directly south of Titanic Belfast and north-west of Hamilton Dock located off Queen's Road, Belfast, Decision: Approval Decision Date: 07.09.2022</p>
5.0	Consultations and Representations
	<p><u>Statutory Consultations</u></p> <p>DfI Roads – no objections in principle, subject to conditions DfI Rivers – no objections NIEA: Marine and Fisheries Division – no objections NIEA: NED - awaiting final response NIEA: Regulation Unit - no objections subject to conditions NIEA: WMU - no objections subject to conditions Shared Environmental Services - no objections subject to conditions NIW – No objection Historic Environment Division – no objection</p>

	<p><u>Non-Statutory Consultations</u> Environmental Health BCC – No objection subject to conditions Tree Officer BCC – No objection subject to conditions Parks & Recreation BCC – No objections LDP Environment & Community Team BCC – No objections Urban Design Officer BCC – Concerns with the proposal</p> <p><u>Representations</u> No objections have been received. One neutral comment was made which stated that the proposed building should not unduly disguise or obscure the Titanic Museum. It also states that the building materials should be of good quality and fit in with the existing neighbouring buildings. The comment also noted that the landscaping scheme looks inviting and attractive.</p>
6.0	<u>PLANNING ASSESSMENT</u>
6.1	<u>Development Plan Context</u>
6.1.1	Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
6.1.2	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
6.1.3	The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy (PS), which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted
6.1.4	Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
6.1.5	Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.
6.2	<u>The principle of a hotel at this location</u>
6.2.1	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.
6.2.2	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.
6.2.3	<p>The acceptability of a hotel use at this location has been established under:</p> <ul style="list-style-type: none"> • 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. • LA04/2016/0096/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. • 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. • LA04/2022/0293/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) approved on 07.09.2022 and remains extant.
6.2.4	<p>Policy TLC3 (PS): Overnight visitor accommodation states that planning permission will be granted for development proposals for new overnight visitor accommodation within the city centre boundary subject to the proposal meeting all other policy requirements, particularly those relating to design, protecting residential amenity, protection of open space and employment land and car parking and servicing. As discussed within the report, the proposal meets the other policy requirements as stated and Planning permission should be granted.</p>
6.2.5	<p>Policy HOU 13 (PS): Short-term let accommodation states that planning permission will be granted for short-term let accommodation where set criteria are met. It is considered that criteria (a) to (e) are met, whilst (f) is not applicable.</p>
6.2.6	<p>The policy states that a condition will be applied to limit occupation to short-term lets only. As such it 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.</p>
6.2.7	<p>The site is located within a grassed area therefore the proposal has been assessed against Policy OS1 (PS) – Protection of Open Space. The policy has a presumption in favour of retaining open space however in this instance, 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 4). In addition, the significant planning history on the site must be given substantial weight as per para 6.2.3. The redevelopment on this site is therefore deemed acceptable.</p>

6.3	<u>Scale, Massing and Design</u>
6.3.1	<p>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. Policy SP5 (PS): Positive Placemaking states that the Council will support development which maximises the core principles of good design and positive placemaking. The most significant change from the 2022 approved scheme is the change from a perimeter block to a 'u' shaped block with the partial removal of the western elevation. The building height has decreased by 3.6m (one storey) and will now be a 5-storey building which is considered appropriate to its surrounding context including the listed Harland and Wolff Drawing Offices. The reduction in height together with the removal of the conference facility and roof top bar has resulted in minor changes to the elevations however the palette of materials will remain as per the approved schemes.</p>
6.3.2	<p>The BCC Senior Urban Design Officer (SUDO) was consulted on the application and has no concerns with the proposal's main, eastern elevation along Hamilton Dock. The response states that <i>"arguably the lower height helps the building to sit more comfortably in the context of its primary eastern elevation along the Hamilton Dock and with regards to its subservient relationship with the adjacent Titanic Signature Building"</i>. He does however raise concerns with the western elevation along Olympic Way stating <i>"what was previously approved as a perimeter block with a series of facades that provided strong edges and sense of enclosure to adjacent public spaces and streets, would now have a 50m long section removed from its western elevation. The removal of this large section of building would in my view have a profound effect on the relationship between the building and street (Olympic Way)"</i>. He also states that breaking this perimeter block would fail to provide the same degree of passive surveillance and would reduce active frontage creating a 'back of house' feel. It is considered on balance that passive surveillance will still be provided within the current scheme however, due to windows in the first few rooms on the internal elevations providing views along the near and far side of the street. The previously approved scheme also provided various non-active uses along the western elevation.</p>
6.3.3	<p>During PAD discussions the Council emphasised the importance of quality landscaping and materials in order to offset the loss of the perimeter block on this elevation. This is discussed in more detail below. It was also agreed that it is important to consider the proposal in its own right and not simply in comparison to the previous scheme.</p>
6.3.4	<p>Concerns were initially raised by the SUDO regarding the rooftop elements and how they would now be more visually prominent with the partial removal of the perimeter block. Amendments have been received which show the northern and southern rooftop screens setback 2m from the edge of the parapet, whilst they will still be visible, the impact is not as prominent. HED raised no objections to the rooftop screens and they are considered on balance, acceptable.</p>
6.3.5	<p>The site is within the Phase 2 of the TQCM which advocates strong and active building frontages that provide adequate enclosure along Olympic Way. It is however noted that masterplans should be considered dynamic in nature with a degree of flexibility and not overly rigid criteria. The main critical view is considered to be the eastern elevation along Hamilton Dock which has no objection from the Urban Design Officer. Whilst objection has been raised regarding the western elevation, it is on balance deemed to be acceptable as it not the main critical view of the proposed development. The main views of the Titanic Building will be protected as part of the wider masterplan. The partial removal of the western elevation will also maximise natural light and solar gain for the hotel given the proximity of the adjacent Loft Lines residential scheme, currently under construction.</p>

6.3.6	Whilst the SUDO has stated that the loss of the perimeter block would not accord with Policy DES1 (PS): Urban Design Principles and Policy DES 2 (PS): Masterplanning Approach for Major Development with regards to the western elevation, it is considered that this elevation is a tertiary elevation with the primary elevations facing the Titanic Museum and Titanic Hotel as well as the approach on Queen's Road. On balance, given the positive consideration of the primary elevations, the removal of this elevation would not fundamentally render the proposal unacceptable subject to appropriate and quality landscaping and materials. In addition, this proposal is a standalone proposal.
6.3.7	In conclusion, having regard to the policies as a whole, the proposal is considered to meet criteria (a) to (k) of DES 1 and (a) to (j) of DES 2 as well as SP5 (PS).
6.4	<u>Built Heritage</u>
6.4.1	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.
6.4.2	HED (Historic Buildings) were consulted on the application and are content. They state that they are aware of similar approved applications LA04/2019/1636/F and LA04/2022/0293/F in this location and acknowledge the proposed reduction in height and unit numbers in this application.
6.4.3	The proposal is therefore considered compliant with Strategic Planning Policy Statement for Northern Ireland (SPPS) para 6.12 and Policy BH1 (PS): Listed Buildings.
6.5	<u>Archaeological Heritage</u>
6.5.1	The site is adjacent to Hamilton Graving Dock (DOW 004:501), a site of regional importance scheduled for protection under the <i>Historic Monuments and Archaeological Objects (NI) Order 1995</i> .
6.5.2	HED (Historic Monuments) references previous responses to approvals LA04/2022/0293/F and LA04/2019/1636/F and welcomes the redesign of the site layout stating that it better integrates the hotel and its public spaces with the scheduled monument. It is content that the proposed development is acceptable subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works and an agreed Vibration Monitoring Method Statement.
6.5.3	The proposal is therefore considered compliant with Strategic Planning Policy Statement for Northern Ireland (SPPS) paras 6.1 and 6.8-6.11 and Policy BH5 (PS): Archaeology.
6.6	<u>Ecology and Natural Heritage</u>
6.6.1	<p>The application site is in close proximity to the following national, European and international designated sites;</p> <ul style="list-style-type: none"> - 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
6.6.2	Policy NH1 (PS): Protection of Natural Heritage Resources states that the Council will adopt the precautionary principle when considering the impacts of the proposal on natural heritage, designated sites, protected species and other important interests of biodiversity and geodiversity and as such, consultation was undertaken with NIEA and Shared Environmental Services (SES).
6.6.3	NIEA: Marine and Fisheries Division is content there will be no adverse impacts on marine conservation provided standing advice for development that may have an effect on the water environment (including groundwater and fisheries) is adhered to. NIEA: Water Management Unit has considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content with the proposal subject to conditions. NIEA: Regulation Unit Land and Groundwater Team has no objection to the development subject to conditions. NIEA: Natural Environment Division have not yet finalised their response however, as there are two extant approvals, it is not anticipated that there will be any substantive issues raised and delegated authority is requested to finalise any conditions and informatives provided by NED.
6.6.4	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.
6.6.5	SES in their response advise that the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects subject to mitigation measures being conditioned.
6.7	<u>Landscaping and boundary treatments</u>
6.7.1	The Council's Tree Officer was consulted and is content and has provided conditions.
6.7.2	The Council's Landscape, Planning and Development team were consulted and stated that they ' <i>support proposals to create a new public space that integrates with adjacent areas of high-quality public realm at Titanic Belfast and Hamilton Dock</i> '. They are satisfied that ' <i>proposed landscape materials and street furniture are in accordance with design guidance set out in the Maritime Mile Toolkit</i> '. They also note the loss of the internal courtyard from the previous approval, however that they state that ' <i>we support proposals for the external parking area that include additional tree planting, planters and a sustainable drainage system. We also welcome the potential for increased activity along the ground level, western elevation of the proposed building</i> '. In addition, they ' <i>welcome the inclusion of green space, street tree and shrub planting within public realm proposals and confirm that proposed planting details and the Landscape Management Plan are acceptable</i> '. Overall, the landscape proposals are compliant with Policy GB1 (PS): Green and Blue Infrastructure, Policy DES1: Urban Design Principles, Policy DES 2 (PS): Masterplanning approach for major development, Policy TRE1 (PS): Trees and Policy OS 3 (PS): Ancillary Open Space.
6.7.3	Conditions are included to ensure quality landscaping, public realm and management thereof.
6.8	<u>Traffic, Movement and Parking</u>
6.8.1	Overall, there is a net decrease of 49 car parking spaces from the 2022 extant approval, decreasing the overall number of spaces from 96 to 47. All parking is now external and at

	grade level, replacing the internal parking over two floors in the 2022 approved scheme. DfI Roads have been consulted on the proposal and offer no objection to the development, subject to conditions. To support the promotion of sustainable modes of travel the proposed development includes additional cycle spaces.
6.8.2	A Travel Plan, prepared in accordance with LDP policy TRAN4, has also been submitted which is aimed at encouraging staff to use public transport. A Travel Plan Coordinator will also be appointed to promote active travel rather than the use of private cars and hotel/aparthotel patrons will be encouraged to travel by sustainable modes of transport rather than the private car. In compliance with TRAN1 the proposed development has been designed taking into account the needs of pedestrians, wheelers and cyclists ensuring that it creates a safe and convenient environment, and where provision has been made for supporting infrastructure including cycle parking and that it links to existing or proposed networks and public transport.
6.8.3	The proposed development complies with the new LDP (PS), in particular policies SP7, TRAN1, TRAN4, TRAN8, TRAN9, TRAN10, DES1, HC1 and supports the Council's objective which is to materially shift the balance of travel choices away from cars and towards sustainable transport, walking and cycling.
6.9	<u>Human Health/Environmental Considerations</u>
6.9.1	Policy ENV1 (PS) – Environmental Quality states that ' <i>Planning Permission will be granted for development that will maintain and, where possible, enhance environmental quality, and protects communities from materially harmful development. Development must not result in an unacceptable adverse impact on the environment, including the following considerations: Ground contamination, air quality, water quality, noise and light pollution</i> '. The considerations stated are addressed below:
6.9.2	Contaminated Land 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.
6.9.3	Noise Environmental Health has reviewed the Noise Impact Assessment and advised that it meets the relevant requirements.
6.9.4	Air Quality Environmental Health has reviewed the Air Quality Assessment and Transport Assessment Form (TAF) and advised that it meets the relevant requirements. Conditions have been provided.
6.9.5	Odour Environmental Health has reviewed the Odour Impact Assessment and advised that it meets the relevant requirements. Conditions have been provided.
6.9.6	Construction Environmental Health has reviewed the Construction Environmental Management Plan and advised that it meets the relevant requirements.
6.10	<u>Site Drainage / Flood Assessment</u>
6.10.1	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 ENV4 (PS): Flood Risk and the SPSPS. Policy ENV4 states that applications in flood risk areas must be

	<p>accompanied by a Flood Risk Assessment. DFI Rivers has reviewed the Flood Risk & Drainage Assessment by RPS Consulting dated June 2023 and conclude that “a) All sources of flood risk to and from the proposed development have been identified; and b) There are adequate measures to manage and mitigate any increase in flood risk arising from the development”.</p>
6.10.2	<p>NIW were consulted and confirm that there is available capacity at the Wastewater Treatment Works and therefore they have no objections.</p>
6.11	<p><u>Economic Considerations</u></p>
6.11.1	<p>Policy EC1 (PS) – Delivering Inclusive Economic Growth, states that development of business sectors with strong growth potential in Belfast will be supported subject to normal planning considerations, the sectors include Hospitality and tourism.</p>
6.11.2	<p>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 85 FTE jobs.</p>
6.12	<p><u>Environment & Community</u></p>
6.12.1	<p>A Climate Change statement has been provided which demonstrates how the proposal is in accordance with policies SP2, SP6, ENV2, ENV3 and ENV5 of the PS. In relation to ENV2 (PS): Mitigating Environmental Change, the Construction Environment Management Plan (CEMP) includes an initial screening assessment of construction stage Greenhouse Gas (GHG) emissions and mitigation measures have been recommended. These mitigation measures are identified for the main contractor to undertake during construction such as: minimise wastage, plant, and transport related GHG emissions by implementing a Site Waste Management Plan with targets to minimise material wastage, maximise recycling of remaining construction waste and procuring products locally where possible to reduce transport distance. Commentary has been provided on carbon reduction measures and sustainable building features throughout the life of the project. The Environment and Community team are content that the proposal is compliant with the provisions within ENV2.</p>
6.12.2	<p>In relation to Policy ENV3 (PS): Adapting to Climate Change, the proposal has been designed to exceed the new building regulations requirements and will therefore also be highly efficient. A number of measures to reduce heat loss and minimise energy demand are proposed, including: high-performance, engineered façade optimising levels of insulation and shading; efficient window design; solar control measures; low air permeability; very low energy lighting; PV array; sensors/timeswitches; VRF heat pumps for heating and high efficiency ASHP for hot water; efficient ventilation systems; etc. Reference is also made to some further enhancements with the provision of electric vehicle charging spaces, reduced carparking provision, the inclusion of a sustainable drainage systems (SuDS), additional tree planting and landscaping. The Drainage Assessment states that surface water attenuation is being provided using an underground storage tank beneath the car park. The Environment and Community team are content that the proposal is compliant with the provisions within ENV3.</p>
6.12.3	<p>Policy ENV5 (PS): Sustainable drainage systems (SuDS) states that all built development should include, where appropriate, SuDS measures to manage surface water effectively on site. This scheme will include attenuation storage tanks under the parking areas to limit the discharge rate to greenfield run off before discharge into the external sewerage system. Soft landscaping and the use of pleached trees with planting pits and permeable paving</p>

	measures will also provided. The Environment and Community team consider that the requirements of Policy ENV5 are largely met.
6.12.4	The proposal is a major planning application and therefore a Health Impact Assessment (HIA) is required under Policy HC1 (PS): Promoting healthy communities. A HIA screening has been submitted and the information is considered to generally meet with the objectives of Policies SP3 and HC1.
6.13	<u>Pre-Community Consultation</u>
6.13.1	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.
6.13.2	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 (LA04/2023/2396/PAN) was submitted to the Council on 19 December 2022 and was deemed acceptable on 20 January 2023.
6.13.3	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, public exhibition, leaflets, social media campaign, hotline number, email address and the public advertisement.
6.13.4	According to the PACC report, there were: <ul style="list-style-type: none"> - 619 page views of the website - 62 downloads of the project information pack - 17,052 people reached by social media - 3 attendees at the public exhibition - 5 feedback forms received
6.13.5	Of the feedback forms received, 50% did not support the planning application, 33% supported the principal of enhancing Belfast's status as a tourist destination and 25% supported this investment in the Titanic Quarter and the jobs it will bring.
6.13.6	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.
6.14	<u>Statutory Consultation</u>
6.14.1	The scheme was advertised on 30th June 2023. Neighbour notifications were issued on 23 rd June and 5 th July 2023.
6.15	<u>Developer Contributions</u>
6.15.1	Para 5.69 of the SPPS states that " <i>planning authorities can require developers to bear the costs of work required to facilitate their development proposals</i> ". Relevant further guidance is provided by the Council's Developer Contributions Framework, adopted in 2020.

6.15.2	<p>The Case Officer Report for Planning Permission LA04/2022/0293/F states that <i>“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”</i>. This is still applicable to this current application, which now has two extent permissions.</p>
6.16	<p><u>Conclusion</u></p>
6.16.1	<p>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.</p>
7.0	<p>Recommendation</p>
7.1	<p>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 sought for the Director of Planning and Building Control to finalise the wording of conditions including a final response from NIEA: NED, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.</p>
<p>Proposed Conditions:</p> <ol style="list-style-type: none"> 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 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: <ul style="list-style-type: none"> • 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. <p>All construction thereafter must be in accordance with the approved POW.</p> <p>Reason: To ensure that archaeological remains within the application site are properly identified, protected and appropriately recorded.</p> 3. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under Condition 2. 	

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

4. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under Condition 2. These measures shall be implemented and a final archaeological report shall be submitted to Belfast City Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Belfast City Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

5. No site works or development of any nature shall take place until a Vibration Monitoring Method Statement for monitoring the structure of Hamilton Dock during construction works has been approved in writing by Belfast City Council in consultation with Historic Environment Division, Department for Communities. This should 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.

6. 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:
 - a. Construction methodology and timings of works, including the Continuous Flight Auger (CFA) piling design;
 - b. Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;
 - c. Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
 - d. Water Quality Monitoring Plan;
 - e. Environmental Emergency Plan;
 - f. 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.

7. Any piling activities must be carried out in accordance with the mitigation measures in Section 5.3.2 of the Preliminary Ecological Appraisal Report (RPS - June 2023) unless otherwise agreed in writing with the Council.

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

8. The development hereby permitted shall not be occupied until the remediation measures and water monitoring as described in the RPS Remedial Strategy report, Hamilton Dock Hotel/Aparthotel Ref. IBR1144 v2.0 dated May 2023, have been implemented to the satisfaction of the Planning Authority. The Planning Authority 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.

9. 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. No further development shall proceed until this new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at:
<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.
In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

After completing the remediation works under Conditions 8 and 9, 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/land-contamination-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.

10. 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 RSK report entitled- Hamilton Dock Hotel/Aparthotel Remedial Strategy JMK Group have been implemented.

The Verification Report shall be completed by competent persons and demonstrate the successful completion of the remediation works and that the site is now fit for end-use (commercial). It must demonstrate that the identified human health contaminant linkages are effectively broken. The Verification Report shall be in accordance with current Environment Agency and CIRIA guidance and British Standards, BS 8485: 2015+A1:2019. In particular, the Verification Report must demonstrate that:

a) The final site layout is as per RMI Architects Drawing in the Remediation Strategy IBR1144 May 2023 of the submitted report HAMILTON DOCK HOTEL / APARTHOTEL PROPOSED SITE PLAN GROUND FLOOR CONTEXT 1472 00-03 -JK SM 1:500@A1 19/04/2023.

b) Gas protection measures are installed as per BS 8485:2015+A1:2019 which must include:
- Structural barrier- Cast in situ monolithic reinforced ground bearing raft with minimal penetrations.

- A gas resistant membrane which meets all requirements of Table 7 of BS 8485:2015+A1:2019.

Gas protection measures must be verified in line with the requirements of CIRIA C735

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

11. Prior to commencement of operation of the gym, the mechanical ventilation system shall be installed as per the recommendations contained within RSK Report Entitled: Hamilton Dock Hotel/Aparthotel, Titanic Quarter, Noise Impact Assessment. Ref: NI 2467 F01 Hamilton Dock Hotel/Aparthotel Dated:6 June 2023.

Reason: In the interests of residential amenity

12. During operation of the gym, the gym windows shall remain closed in accordance with the recommendations contained within the submitted RSK Report Entitled: Hamilton Dock Hotel/Aparthotel, Titanic Quarter, Noise Impact Assessment. Ref: NI 2467 F01 Hamilton Dock Hotel/Aparthotel Dated:6 June 2023.

Reason: In the interests of residential amenity

13. No entertainment or amplified music shall be provided within external terrace within the hereby permitted development, unless by prior written approval from the Planning Authority.

Reason: In the interests of residential amenity

14. The external seating area to the café shall not be accessed by customers between the hours of 23:00hrs – 07:00hrs on any day.

Reason: In the interests of residential amenity.

15. The plant and equipment associated with the development hereby permitted, shall be selected and designed so as to achieve a rating level (LA_r) no greater than the Background Sound Level, 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+A1 2019 Methods for rating and assessing industrial and commercial sound.

Reason: In the interests of residential amenity.

16. 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.

17. Prior to the operation of the development kitchen/cafe, an odour abatement system shall be installed in accordance with the recommendations contained within the submitted RPS Report Entitled: Odour Impact Assessment Hamilton Dock Hotel/Aparthotel, Titanic Quarter Ref: NI2467 F01 Hamilton Dock Hotel Dated: 5 June 2023. The odour abatement system shall terminate at roof level in accordance with Figure D1 of the above submitted Odour Impact Assessment. The system shall be retained thereafter.

Reason: To protect residential amenity.

18. The odour extraction and ventilation system shall be cleaned and maintained in accordance with manufacturers' instructions.

Reason: To protect residential amenity.

19. Combustion plant shall meet the technical specification (low NO_x technology) as indicated within chapter 5.2.4 Air Quality Impact Assessment (AQIA), Hamilton Dock Hotel/Aparthotel, RPS (June 2023). Moreover, the flue of any combustion plant must terminate 1m above roof level.

Reason: To protect residential amenity.

20. The development hereby permitted shall not become operational until the vehicular access providing visibility splays of x-distance of 4.5 m and y-distance of 45.0m north and x-distance 4.5m and y-distance 70m south 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.

21. The development hereby permitted shall not become operational until hard surfaced areas, within the curtilage, have been constructed and marked out to provide 47no. car parking spaces, including a minimum of two for people with disabilities, and that adequate space is available for vehicles manoeuvring, servicing, and circulating within the site.

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

22. A minimum of 22 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 14 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.

23. The development hereby permitted shall operate in accordance with the approved Travel Plan (and appended Service Management Plan) published on the planning portal on 23rd June 2023. 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.

24. 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.

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

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

26. If roots are accidentally damaged the tree 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 / hedging.

27. 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

28. Maintenance and management of the open space and landscaped areas as shown on drawing no.32 shall be carried out in accordance with the Paul Horgarth Company 'Landscape Management Plan for Hamilton Dock'. 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.

29. The proposed public realm works, as shown on approved Plan Nos 32,33, 34,35,36,37,38,40,41 and 42 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.

30. 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 setting of nearby listed buildings.

31. 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.

ANNEX

Date Valid	09/06/2023
Date First Advertised	30/06/2023
Date Last Advertised	N/A
Details of Neighbour Notification: 7 Neighbouring properties on 23.06.2023 / All Arc apartments on 05.07.2023	
Date of EIA Determination: 10.07.2023 ES Requested: No	

This page is intentionally left blank

Development Management Officer Report Committee Application

Development Management Officer Report	
Case Officer: Patrick Kelly	Committee Date: 14th November
Application ID: LA04/2023/4101/F	Target Date:
Proposal: Change of use of the ground floor from A1 Retail to mixed-use community recreational and cultural space for multi-disciplinary uses, including small scale retail and café. Also change of use of the first floor from office use to a mix of office, community, recreational and cultural space to facilitate multi-disciplinary uses.	Location: 2 Royal Avenue, Belfast, BT1 1DA
Applicant Name and Address: Belfast City Council (City Regeneration & Development) 9 Adelaide Street Belfast BT2 8GA	Agent Name and Address: Belfast City Council (City Regeneration & Development) 9 Adelaide Street Belfast BT2 8GA
Referral Route: Belfast City Council Application	
Recommendation: Approve	
Executive Summary: The application seeks full planning permission for the Change of use of the ground floor from A1 Retail to mixed-use community recreational and cultural space for multi-disciplinary uses, including small scale retail and café. Also change of use of the first floor from office use to a mix of office, community, recreational and cultural space to facilitate multi-disciplinary uses. There are no physical alterations or works proposed to the listed building as all installations are temporary and reversible. As such, no Listed Building Consent was required. The site falls within City Centre Conservation Area; for the same reason, no conservation comments were sought. Consultees: DfI Roads Service Historic Environment Division BCC Environmental Health Consultee advice has been sought regarding Road / transport, Environmental and Listed Building issues. The consultees have indicated no objection to the proposal.	

The key considerations are:

- The principle of the proposed use at this location
- Community Infrastructure
- The impact on Built Heritage
- Traffic implications and impact on road safety
- The impact on amenity

The proposal was advertised within the local press and 19 neighbouring properties notified; no third-party comments have been received.

Recommendation- Approval

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

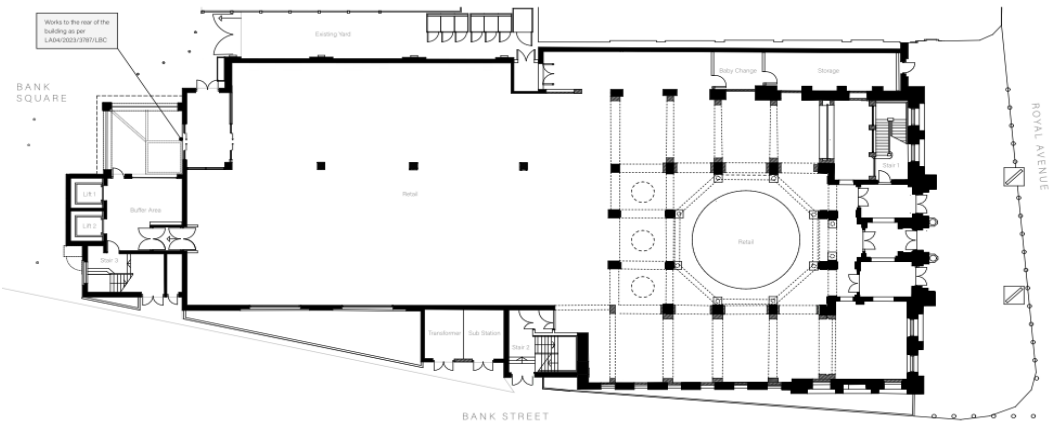
Case Officer Report

Site Location Plan:

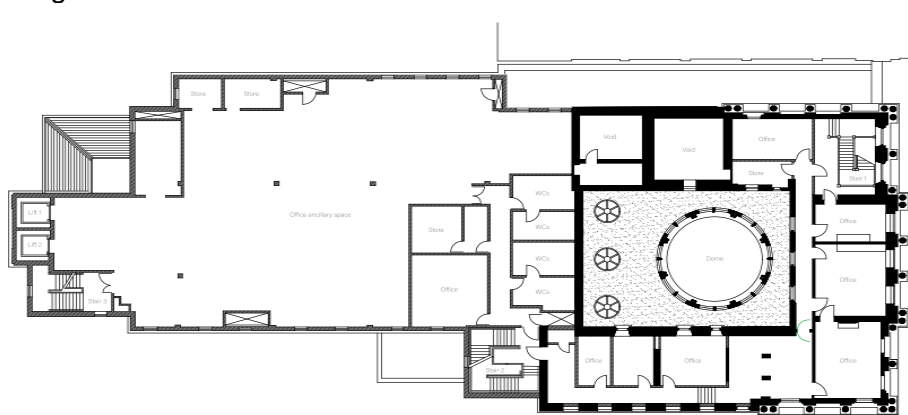


Existing Floor Plans

Ground Floor



Existing First Floor



2.0	<p>Description of Site and Area</p> <p>The site is a B+ listed building (ref. HB26/50/106) dating from 1864-69 and originally built for the Provincial Bank and was recent used as a supermarket. The building is designed in an ornamented style with a painted sandstone façade. The building has a central bay that is set forward of the main body and contains arches, pillars and detailed mouldings. The building is set back from the established building line, it is written that this was the original building line of the street prior to the building of Royal Avenue. The site is located with the main shopping frontage for the city with retail uses being the dominant use in the proximity of the site.</p>
<p>Planning Assessment of Policy and other Material Considerations</p>	
3.0	<p>Site History</p> <p>LA04/2021/2580/F - Decision: Permission Granted.</p> <p>Decision Date: 04 January 2022</p> <p>Proposal: Temporary (2 years) change of use of the ground floor at the former Tesco Metro store on Royal Avenue Belfast from use class A1 to a community, recreational and cultural space to facilitate multi-disciplinary uses under use classes D1 (community and cultural uses) and D2 (assembly and leisure).</p> <p>LA04/2022/2018/F - Decision: Permission Granted.</p> <p>Decision Date: 10 March 2023</p> <p>Proposal: Proposed alterations to a listed building including provision of new structural opening with pedestrian entrance doors, roller shutters, improved boundary treatments and minor internal renovations.</p> <p>LA04/2022/2019/LBC Decision: Consent Granted.</p> <p>Decision Date: 10 March 2023</p> <p>Proposal: Proposed alterations to a listed building including provision of new structural opening with pedestrian entrance doors, roller shutters, improved boundary treatments and minor internal renovations.</p> <p>LA04/2023/3787/LBC Decision: Consent Granted.</p> <p>Decision Date: 14 September 2023;</p> <p>Proposal: Proposed demolition of lean-to external store.</p>

4.0	Policy Framework
4.1	<p>Development Plan – operational policies</p> <p>Belfast Local Development Plan, Plan Strategy 2035</p> <p>Development Plan – zoning, designations and proposals maps</p> <p>Belfast Urban Area Plan (2001) BUAP</p> <p>Draft Belfast Metropolitan Area Plan 2015 (v2004)</p> <p>Draft Belfast Metropolitan Area Plan 2015 (v2014)</p> <p>Regional Planning Policy</p> <p>Regional Development Strategy 2035 (RDS)</p> <p>Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p>Other Policies</p> <p>Belfast Agenda</p>
5.0	<p>Statutory Consultations</p> <p>DfI Roads Service</p> <p>Historic Environment Division (HED)</p>
6.0	<p>Non-Statutory Consultations</p> <p>BCC Environmental Health</p>
7.0	<p>Representations</p> <p>None received</p>
8.0	<p>Other Material Considerations</p> <p>None</p>
9.0	Assessment
9.1	Section 45(1) of the Planning Act Northern Ireland 2011 requires regard to be had to the development plan insofar as it is material to the application and to any other material considerations. Section 6(4) states that the determination must be made in accordance with the developmental plan unless material considerations indicate otherwise.
9.2	<p>It is considered that the main issues relevant to the consideration of this application are:</p> <ul style="list-style-type: none"> - The principle of the proposed use at this location - Community Infrastructure - The impact on Built Heritage

	<ul style="list-style-type: none"> - Traffic implications and impact on road safety - The impact on amenity
9.3	<p><u>The principle of the proposed use</u></p> <p>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.</p> <p>Policy RET5 Primary Retail Area states that: “The primary retail area will be the focus for A1 uses. Non-retail development will be restricted in designated primary retail frontages within this area so that no more than 40% of the frontage of the shopping street to which it relates is in non-retail use and no more than 3 adjacent units are in non-retail use. Retail use includes Class A1 shops (i.e. outlets that sell convenience goods, comparison goods or provide a retail service). Non-retail development includes financial and business service and leisure services. In respect of this policy the 40% non-retail threshold excludes proposals for restaurant and café use”.</p>
9.4	<p>The site is located on the main shopping frontage and is situated between the Primark Store and Castlecourt shopping complex. Except for the site the only other non-retailing within this row is the neighbouring Reform Club which houses a ground floor bank. It is also noted that the previous temporary approval the proposal complied with the stricter requirement of no more than 25% of the street frontage given to non-retail use. The proposal therefore will sit comfortably within the stated 40% for non-retailing.</p>
9.5	<p><u>Community Infrastructure:</u></p> <p>Policy CI1 states the following.</p> <p>The council will seek to protect and provide development opportunities for community, health, leisure, nurseries, and educational facilities based on local need in line with the projected population growth over the plan period.</p>
9.6	<p>Planning permission will be granted for the provision of new and improved community infrastructure at appropriate and accessible locations within the urban area, subject to consideration of the nature and location of any proposals. All proposals shall ensure that there is no unacceptable impact on residential amenity or natural/built heritage and satisfactory arrangements are provided for access for all, including for pedestrians, cyclists and public transport.</p>
9.7	<p>The proposal satisfies the policy in that it will provide new and improved community infrastructure in an accessible location within the urban area. The site being within a city centre location ensures that it is accessible to all forms of transport and the lack of residential uses in the immediate area ensures that there is no impact on amenity. Given the below comments from Historic Environment Division (HED), it is also considered that the proposal will not detrimentally affect built heritage.</p>
9.8	<p><u>Impact on Built Heritage:</u></p> <p>Policy BH1 relating to Listed Buildings states that planning permission will be granted for the change of use of a listed building where this secures its upkeep and survival and the character, and architectural or historic interest of the building would be preserved or enhanced. Proposals for a change of use should incorporate details of all intended alterations to the building and its curtilage to demonstrate their effect on its</p>

	appearance, character and setting. The proposal does not require physical alterations to the building, HED in their response have stated no objections.
9.9	Policy BH2 relates to new development in a conservation area. Given no external alterations are proposed, the existing character of the conservation area will be unaltered and the proposal therefore complies.
9.10	<p><u>Traffic implications and impact on road safety</u></p> <p>The site has operated as a busy retail unit for many years and most recently as a community recreation and culture space. Due to the city centre location and the pedestrianised area, there is no incutillage parking. DfI Roads Service were consulted and have offered no objections to the proposal.</p>
9.11	<p><u>The impact on amenity:</u></p> <p>The proposed use of the building will have no negative impact on the surrounding area, the building has been operating under a temporary approval for the same use without giving rise to concerns in relation to neighbouring amenity. BCC Environmental Health (EHO) were consulted and have no objections, subject to condition restricting the use of fryers, hotplates, and grills. It is noted that the use of such equipment may require the installation of extracting equipment that could be problematic within the setting of a listed building.</p>
9.12	EHO also offered an informative relating to noise and made reference to time restrictions conditioned under temporary approval stating the restriction was no longer necessary due to no complaints being received in the previous two years and any proposed entertainment requiring an entertainment license in its own right.
9.13	<p><u>Flood Risk:</u></p> <p>Flood Risk/Drainage was considered under the temporary approval DfI Rivers indicated that the site was not within a flood risk area and did not meet the threshold for a drainage assessment. Given, no change in circumstances there was no need to further consult DfI Rivers within this application.</p>
9.14	<p><u>Conclusion:</u></p> <p>Approval of the proposal is recommended, subject to agreed conditions. The proposal is considered to satisfy all relevant planning policies and will provide additional community infrastructure for the city.</p>
10.0	Summary of Recommendation:
10.1	It is recommended that full planning permission be granted and delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.
11.0	Conditions
	<p>1. The development hereby permitted must be begun within five years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>

	<p>2. No fryers, hotplates, or grills are to be used within the hereby permitted café unless otherwise approved by the Planning Service.</p> <p>Reason: Protection of amenity against grease/smoke and odour impact.</p>
--	---

ANNEX	
Date Valid	25.09.2023
Date First Advertised	06.10.2023
Date Last Advertised	N/A
Details of Neighbour Notification (all addresses) 1-27 CASTLE STREET TOWN PARKS BELFAST ANTRIM BT1 1BL 1-5 ROYAL AVENUE TOWN PARKS BELFAST ANTRIM BT1 1FB 11 ROYAL AVENUE TOWN PARKS BELFAST ANTRIM BT1 1FB 11-13 ROYAL AVENUE TOWN PARKS BELFAST ANTRIM BT1 1FB 15 ROYAL AVENUE TOWN PARKS BELFAST ANTRIM BT1 1FB 17 ROYAL AVENUE TOWN PARKS BELFAST ANTRIM BT1 1FB 19 ROYAL AVENUE TOWN PARKS BELFAST ANTRIM BT1 1FB 21 ROYAL AVENUE TOWN PARKS BELFAST ANTRIM BT1 1FB 29 CASTLE STREET TOWN PARKS BELFAST ANTRIM BT1 1GH 29A ROYAL AVENUE TOWN PARKS BELFAST ANTRIM BT1 1DA 30-32 BANK STREET TOWN PARKS BELFAST ANTRIM BT1 1HL 31 CASTLE STREET TOWN PARKS BELFAST ANTRIM BT1 1GH 33 CASTLE STREET TOWN PARKS BELFAST ANTRIM BT1 1GH 37-39 CASTLE STREET TOWN PARKS BELFAST ANTRIM BT1 1GH 4 ROYAL AVENUE TOWN PARKS BELFAST ANTRIM BT1 1DA 6 ROYAL AVENUE TOWN PARKS BELFAST ANTRIM BT1 1DA 7-11 ROYAL AVENUE TOWN PARKS BELFAST ANTRIM BT1 1FB BERRY STREET PRESBYTERIAN CHURCH 50 BERRY STREET BELFAST BT1 1FJ COMMONWEALTH HOUSE 35 CASTLE STREET TOWN PARKS BELFAST BT1 1GH	

This page is intentionally left blank

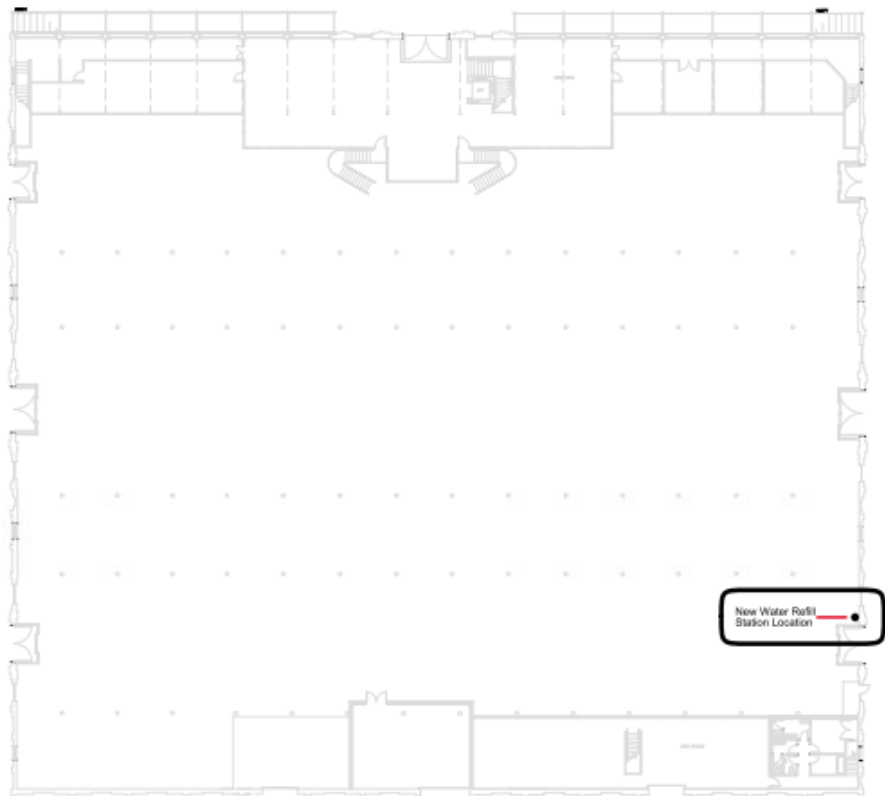
Committee Report

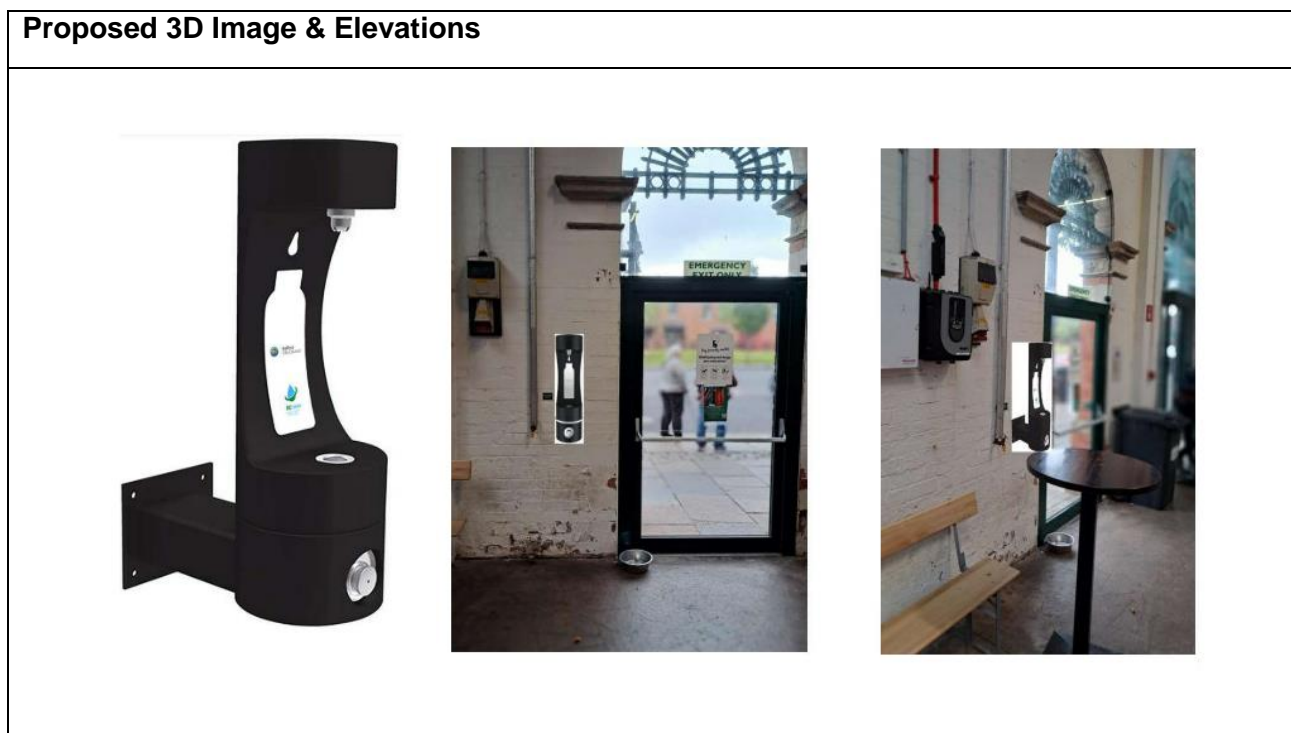
Development Management Report	
Application ID: LA04/2023/3889/LBC	Date of Committee: Tuesday 14 th November 2023
Proposal: Installation of a new wall hung water bottle refill station	Location: St Georges Market 12-20 East Bridge Street, Belfast, BT1 3NQ
Referral Route: Referral to the Planning Committee under Section 3.8.5 (c) of the Scheme of Delegation (council as applicant)	
Recommendation: Approval	
Applicant Name and Address: Colin Shields Belfast City Council 9 Adelaide 9-21 Adelaide Street Belfast BT2 8DJ	Agent Name and Address: Colin Shields Belfast City Council 9 Adelaide 9-21 Adelaide Street Belfast BT2 8DJ
<p>Executive Summary:</p> <p>The application seeks Listed Building Consent to install a wall hung water bottle refill station to the internal elevation of the East Bridge Street wall in St George's Market. The proposed location is adjacent to the western entrance/exit to East Bridge Street and is positioned to facilitate access for those that use this entrance/exit.</p> <p>The proposed refill station will be black in colour, made from a strong steel frame with a pushbutton activation unit.</p> <p>St Georges Market is a Grade B1 listed building of special architectural or historic interest. It is a red brick Victorian covered market located close to the River Lagan and the Waterfront Hall.</p> <p>Area Plan</p> <p>The site is located within the City Centre in BUAP, within the Victoria Street/Oxford Street Area of Townscape Character and partially within the Civic Precinct Character Area in both versions of dBMAP. St George's Market is primarily used as a market, however a number of other events such as food festivals, exhibitions and charity launches are held here throughout the year. The surrounding area is commercial in nature with a mix of city centre uses, the building is surrounded by a number of listed buildings.</p> <p>The proposal is considered to comply with the SPPS, Policies BH1 and BH3 of the Belfast Local Development Plan Strategy 2035 and Section 91(2) of the Planning Act (Northern Ireland) 2011. There will be minimal impact on the existing structure.</p> <p>DfC HED were consulted and are content.</p> <p>Recommendation</p> <p>Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that Listed Building Consent is granted.</p>	

Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and deal with any other matters which may arise.

Case Officer Report

Site Location Plan and Proposed Location





Characteristics of the Site and Area	
1.0	Description of Proposed Development Installation of a new wall hung water bottle refill station
2.0	Description of Site The site is located at 12-20 East Bridge Street, Belfast. St George's Market is a Listed Building. It has a square footprint and is bounded by four streets to the east of Belfast City Centre. It is a red brick Victorian covered market located close to the River Lagan and the Waterfront Hall. St George's Market is primarily used as a market, however a number of other events such as food festivals, exhibitions and charity launches are held here throughout the year. The site is located within the City Centre in BUAP, within the Victoria Street/Oxford Street Area of Townscape Character and partially within the Civic Precinct Character Area in both versions of dBMAP.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History Application Number: LA04/2020/1877/LBC Decision: Consent Granted Proposal: Removal of 10 No. Existing External Emergency Exit Doors and replace as per attached specification. Decision Date: 12 January 2021 Application Number: Z/2013/0228/F Decision: Permission Granted Installation of gas fired heaters to replace existing electric water heaters. Gas flues to be taken through roof to external. Decision Date: 20 November 2013 Application Number: Z/2013/0234/LBC Decision: Consent Granted Replace existing electric water heating with gas fired water heaters. Gas flue is required to penetrate the roof as detailed on the accompanying installation drawing. Decision Date: 20 November 2013

	<p>Application Number: Z/2008/1029/F Erection of a 1.2m high bronze sculpture. Decision Date: 23 June 2008</p> <p>Decision: Permission Granted</p>
4.0	Policy Framework
4.1	<p>Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035. Policies BH1 and BH3</p>
4.2	<p>Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014) Belfast Local Development Plan, Plan Strategy 2035</p>
4.3	<p>Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p>
5.0	<p>Statutory Consultees Responses DfC HED were consulted and had no objection.</p>
6.0	<p>Publicity and Representations The application was advertised on 21 September 2023. No representations have been received.</p>
7.0	Assessment
7.1	Development Plan Context
7.1.1	Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
7.1.2	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
7.1.3	The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.
7.1.4	Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
7.1.5	Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant

	weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.
7.2	Impact on the architectural and historic qualities of the Listed Building
7.2.1	Section 91 (2) of the Planning Act (Northern Ireland) 2011 applies which states 'the Department must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'
7.2.2	Policy BH1 of the Plan Strategy provides policy for the extension or alteration of a listed building and four criteria are to be met which are: <p>f. The works preserve, restore and complement the building's features of special architectural or historical importance to ensure the existing building remains intact and unimpaired;</p> <p>g. The design respects the essential character of the existing building and/or setting;</p> <p>h. The proposal makes use of quality materials and appropriate detailing sympathetic with the existing building and/or setting; and</p> <p>i. In the case of extensions, they shall be subservient to the existing building with regard to height, scale, massing, form and alignment;</p>
7.2.3	Policy BH1 goes onto state that there will be a presumption in favour of retaining listed buildings. Partial demolition of parts of listed buildings will be wholly exceptional and only acceptable where an alteration or extension proposal has been agreed and that demolition is required to facilitate it. The Strategic Planning Policy Statement essentially repeats this policy approach.
7.2.4	The proposal is deemed to comply with the SPPS and Policy BH1 of the Plan Strategy. The proposed refill station is black powder coated steel and is slim in nature. This will correspond with existing furniture and features within the building. There will be minimal impact on the existing structure. The essential character of the building will be retained. DfC HED were consulted and were content with the proposal.
7.3	Alterations in an Area of Townscape Character
	Policy BH3 of the Plan Strategy provides policy for alterations and extensions within an ATC and two criteria are to be met which are: <p>e. Locally distinctive features are retained or reinstated where possible; and</p> <p>f. Sympathetic materials are used that respect surrounding buildings.</p>
7.3.1	The proposed refill station was considered to be the preferred solution to retain as much of the internal features (an internal wall). The refill station will be fixed to an internal wall with 'anti-vandal screws', however there will be minimal impact overall. The proposal will be finished in black steel and is slim in nature. This will be sympathetic with existing features within the building.
8.0	Summary and Recommendation
8.1	Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that Listed Building Consent is granted.
8.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and deal with any other matters which may arise including representations

	which may occur during the statutory advertisement period and up until the point of the issuing of the decision.
9.0	Draft Conditions <ol style="list-style-type: none"> 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.. Informatives <ol style="list-style-type: none"> This decision relates to the following approved drawing numbers: 01, 06, 07

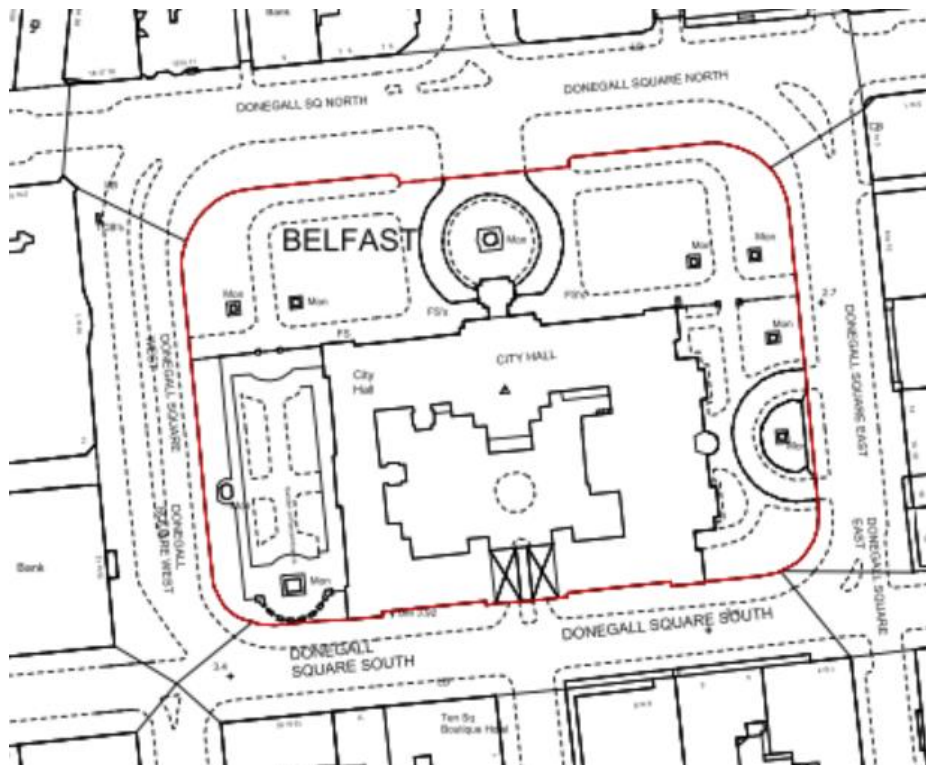
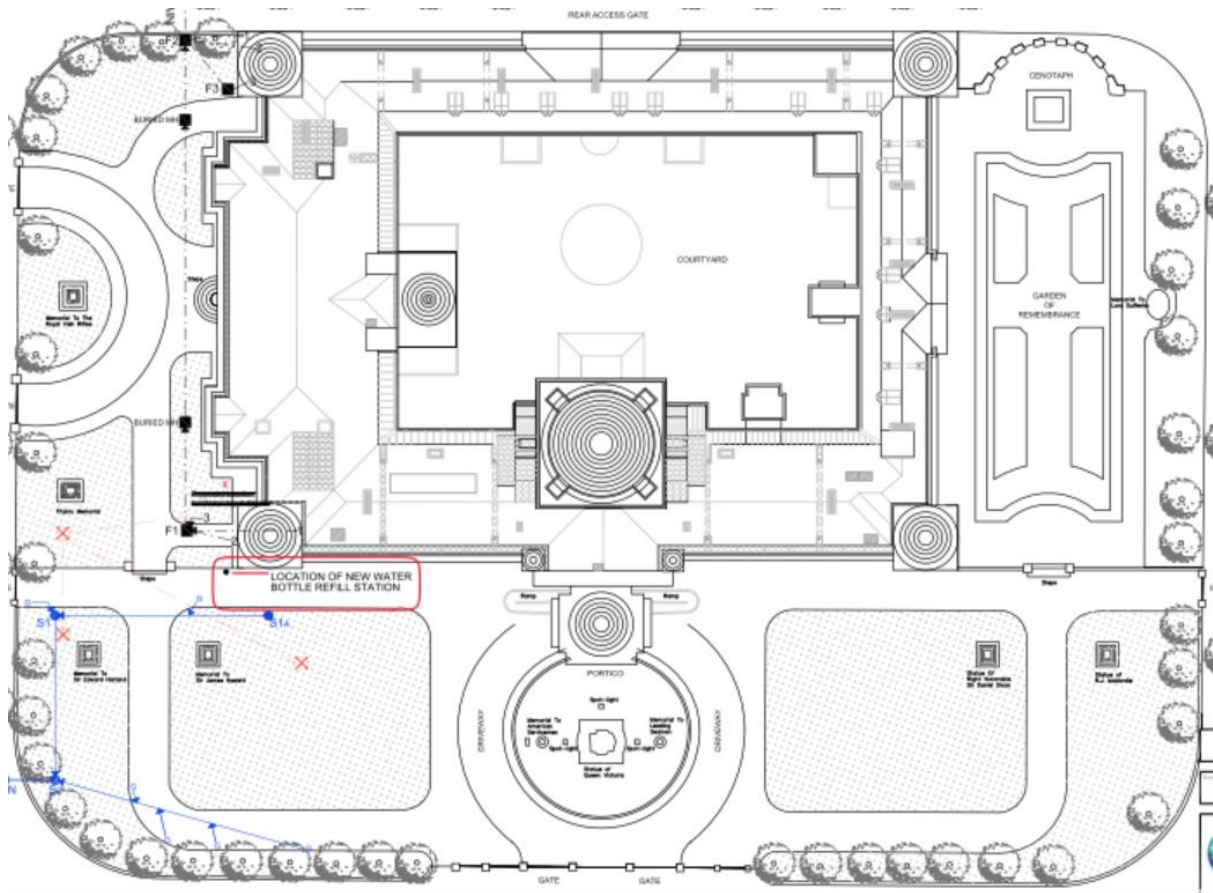
ANNEX	
Date Valid	13 th September 2023
Date First Advertised	21 st September 2023
Date Last Advertised	
Date of Last Neighbour Notification	N/A
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title	
01 St Georges Market – Site Location Plan 06 Water Refill Station Dimensions 07 St Georges Market – Refill Station Plan	

Committee Report

Development Management Report	
Application ID: LA04/2023/3842/LBC	Date of Committee: Tuesday 14 th November 2023
Proposal: Installation of a new water bottle refill station on the grounds of Belfast City Hall	Location: BELFAST CITY HALL 2 DONEGALL SQUARE NORTH BELFAST ANTRIM BT1 5GS
Referral Route: Referral to the Planning Committee under Section 3.8.5 (c) of the Scheme of Delegation (council as applicant)	
Recommendation: Approval	
Applicant Name and Address: Colin Shields Belfast City Council 9 Adelaide 9-21 Adelaide Street Belfast BT2 8DJ	Agent Name and Address: Colin Shields Belfast City Council 9 Adelaide 9-21 Adelaide Street Belfast BT2 8DJ
<p>Executive Summary:</p> <p>The application seeks Listed Building Consent to install a water bottle refill station within the grounds of City Hall.</p> <p>The proposed refill station will be black in colour, made from a strong steel frame with a pushbutton activation unit.</p> <p>Belfast City Hall is a Grade A listed building of special architectural or historic interest.</p> <p>Area Plan</p> <p>The site is located within the City Centre in BUAP, within the City Centre Area of Townscape Character in both versions of dBMAP. The surrounding area is commercial in nature with a mix of city centre uses, the building is surrounded by a number of listed buildings.</p> <p>The proposal is considered to comply with the SPPS, Policies BH1 and BH2 of the Belfast Local Development Plan Strategy 2035 and Section 91(2) of the Planning Act (Northern Ireland) 2011. There will be minimal impact on the existing structure.</p> <p>DfC HED were consulted and are content.</p> <p>Recommendation</p> <p>Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that Listed Building Consent is granted.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and deal with any other matters which may arise.</p>	

Case Officer Report

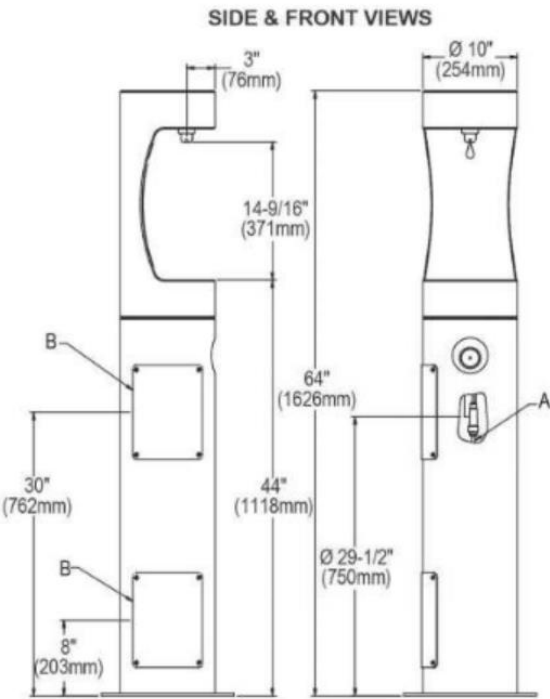
Site Location Plan and Proposed Location



Proposed 3D Image



Proposed Elevations



Characteristics of the Site and Area	
1.0	Description of Proposed Development Installation of a new water bottle refill station
2.0	Description of Site <p>The site is located within the grounds of City Hall, a Grade A listed building which is of special architectural or historic interest located in Donegall Square. The lawns surrounding City Hall host a number of memorials to the history, people and events associated with the city.</p> <p>The surrounding area is predominantly commercial to the north of the site and business use to the south of City Hall.</p> <p>The site is located within the City Centre in BUAP and within the City Centre Conservation Area in both versions of dBMAP.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	Site History None relevant to proposal.
4.0	Policy Framework
4.1	Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035. Policies BH1 and BH2
4.2	Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014) Belfast Local Development Plan, Plan Strategy 2035
4.3	Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)
5.0	Statutory Consultees Responses DfC HED were consulted and had no objection.
6.0	Publicity and Representations The application was advertised on 10 th October 2023. No representations have been received.
7.0	Assessment
7.1	Development Plan Context
7.1.1	Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
7.1.2	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.

7.1.3	The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.
7.1.4	Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
7.1.5	Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.
7.2	Impact on the architectural and historic qualities of the Listed Building
7.2.1	Section 91 (2) of the Planning Act (Northern Ireland) 2011 applies which states ‘the Department must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’
7.2.2	Policy BH1 of the Plan Strategy provides policy for the extension or alteration of a listed building and four criteria are to be met which are: f. The works preserve, restore and complement the building’s features of special architectural or historical importance to ensure the existing building remains intact and unimpaired; g. The design respects the essential character of the existing building and/or setting; h. The proposal makes use of quality materials and appropriate detailing sympathetic with the existing building and/or setting; and i. In the case of extensions, they shall be subservient to the existing building with regard to height, scale, massing, form and alignment;
7.2.3	Policy BH1 goes on to state that there will be a presumption in favour of retaining listed buildings. Partial demolition of parts of listed buildings will be wholly exceptional and only acceptable where an alteration or extension proposal has been agreed and that demolition is required to facilitate it. The Strategic Planning Policy Statement essentially repeats this policy approach.
7.2.4	The proposal is deemed to comply with the SPPS and Policy BH1 of the Plan Strategy. The proposed refill station is black powder coated steel and is slim in nature. There will be minimal impact on the existing listed building and the grounds of City Hall. The essential character of the building will be retained. DfC HED were consulted and were content with the proposal.
7.3	New buildings in a Conservation Area Policy BH3 of the Plan Strategy provides policy for new development within a conservation Area. The proposal complies with the following criteria: a. The character and appearance of the area is preserved or enhanced;

	<ul style="list-style-type: none"> b. The development respects the built form of the area by way of height, scale, form, legibility, materials and detailing; c. Key views within, into or out of the area are not negatively impacted; d. Trees, archaeological or other landscape features contributing to the character or appearance of the area are protected and / or integrated in an appropriate manner; and e. Regard is given to relevant supplementary planning guidance.
8.0	Summary and Recommendation
8.1	Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that Listed Building Consent is granted.
8.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and deal with any other matters which may arise including representations which may occur during the statutory advertisement period and up until the point of the issuing of the decision.
9.0	Draft Conditions <ul style="list-style-type: none"> 1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted. <p>Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011.</p> Informatives <ul style="list-style-type: none"> 1. This decision relates to the following approved drawing numbers: 01, 02, 05, 06

ANNEX	
Date Valid	22 nd August 2023
Date First Advertised	10 th November 2023
Date Last Advertised	
Date of Last Neighbour Notification	N/A
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title	
01 Site Location Plan 02 Refill Station Location Plan 05 Water Refill Station Elevation 06 Water Refill Station Dimensions	