

Public Document Pack

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



**Belfast
City Council**

23rd June, 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 Team, on Thursday, 29th June, 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
2. **Live Appeals - LA04/2022/1839/F 51 Glandore Avenue, Skegoniell, Belfast - Change of use to house in multiple occupancy. (Pages 1 - 8)**
3. **Local Applications being reported back following adoption of the Plan Strategy**
 - (a) LA04/2019/2653/F - (Reconsidered item) Demolition of existing property and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit and and 8 floors of Grade A office accommodation. Chancery House, 88 Victoria Street, Belfast

- (b) LA04/2022/1503/F - (Reconsidered item) Proposed erection of a freestanding 6.8-metre high screen erected on steel structural supports (9 metres in total height) with associated site work. Lands within Musgrave Police Station 60 Victoria Street, Belfast
- (c) LA04/2022/1499/F - (Reconsidered item) Construction of new community wellbeing centre and cafe incorporating refurbishment and change of use of existing house, with a new adjacent community garden and men's shed facility. The Lockhouse 13 River Terrace Belfast BT7 2EN

4. **Previously Deferred Items**

- (a) LA04/2022/1861/F - (Reconsidered item) Replacement facade to active facade to facilitate the display of internally illuminated moving images (Temporary Permission for 5 years), 1-3 Arthur Street (Pages 9 - 24)
- (b) LA04/2023/2891/F - Replacement of existing natural grass rugby pitch with new 3G surface and associated under pitch drainage and site works (Additional Information Received. Kingspan Stadium 134 Mount Merrion Avenue, Belfast, BT6 0DG)
- (c) LA04/2021/0691/F and LA04/2021/0915/DCA -(Reconsidered item) Demolition of dwelling and erection of new dwelling, 1D Malone Park, Belfast

5. **Planning Applications**

- (a) LA04/2021/1317/F - Demolition of existing dwellings and erection of two new dwellings and associated site works, 450 and 448 Lisburn Road
- (b) LA04/2022/0118/F - The proposed erection of 46No.apartment units over three story's, with associated car parking site and landscaping works and the alteration of an existing vehicular access. 146 Parkgate Avenue, Strandtown.
- (c) LA04/2022/1924/F - Mixed-use proposal comprising 13 apartments (with 13 car parking spaces) and coffee shop. 160-164 Kingsway, Dunmurry. (Pages 25 - 38)
- (d) LA04/2022/2059/F - Residential development comprising of 12no. 3p/2b semi-detached dwelling houses with in curtilage parking and associated site-works. Lands south of 56 Highcairn Drive. Site located at junction between Highcairn Drive and Dunboyne Park (Pages 39 - 54)
- (e) LA04/2023/2640/F - Front porch extension. Two storey extension to side and rear. Internal alterations and External alterations related to energy efficiency improvements - Air Source Heat Pump, Solar PV panels, triple glazing and external wall insulation with rendered finish, 30 Dorchester Park

- (f) LA04/2022/0136/ F - Ballysillan Playing Fields, Environmental improvement works and upgrades to Ballysillan Playing Fields, comprising refurbishment of existing bowling pavilion; new intermediate floodlit 3G pitch; new children's play facilities; new open-air community event space; new fenced dog exercise areas; new pump track; new and improved pathways; replacement floodlights at existing 3G pitch; works to expose parts of the existing culverted river to create a new channel and flood attenuation area; new street furniture including canopies, shelters, picnic tables, seats, lights, cycle stands, fences and bollards; improvements to existing allotment area including path and vehicle track resurfacing, new polytunnels and shed; landscape interventions including planting, woodland management, resurfacing and regrading; and all associated works (revised description and further information received). Ballysillan Road, Belfast. (Pages 55 - 80)
- (g) LA04/2023/2688/F - Application to vary condition 36, of the proposed hotel development, approved under LA04/2022/0293/F, to extend the maximum length of stay of occupants from 30 days to 180 days. Lands directly south of Titanic Belfast and north-west of Hamilton Dock located off Queens Road (Pages 81 - 122)
- (h) LA04/2023/3037/F - Section 54 application to vary condition 5 of reference Z/1996/0102 to allow for the sale of optometry and audiology products and equipment including spectacles, contact lenses and hearing aids. Unit 7a, Connswater Retail Park, Belfast, BT5 4AF
- (i) LA04/2023/2567/F and LA04/2023/2539/LBC- Proposed refurbishment of the existing sports buildings located North of main school building. All retained buildings will be re-clad with replacement roof finishes and introduction of PV panels on the roofs. Works include landscaping and courtyard development, Campbell College Belmont Road.

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Evaluation of Live Appeal following adoption of the Plan Strategy

Officer Assessment	
Committee Meeting Date: 29 th June 2023	
Application ID: LA04/2022/1839/F	Appeal Ref: 2022/A0197
Proposal: Change of use to house in multiple occupancy.	Location: 51 Glandore Avenue Skegoniell Belfast BT15 3FD
Referral Route: Paragraph 3.8.7 of the Scheme of Delegation – referred at the discretion of the Director for Planning and Building Control.	
Applicant Name and Address: Mr Seamus Goodwin 26 Fintona Road Dromore BT78 3EF	Agent Name and Address: Raymond Goodwin 18 Fintona Road Dromore BT78 3EF
<p>Executive Summary:</p> <p>This appealed application was submitted on 29th September 2022, seeking full planning permission for a change of use to a house in multiple occupancy (HMO). Two Councillors requested that the application is referred to Planning Committee but agreed for it to be delegated if it was to be recommended for refusal by officers.</p> <p>At the time of the assessment, the primary policy consideration was the HMO Subject Plan, which employed a methodology which relied (in part) on a data source derived from data developed by NIHE in 2004 (which now no longer applies). The previous methodology showed the number of HMOs in Glandore Avenue to already be exceeded, therefore, the proposal was contrary to Policy HMO 5 of the HMO Subject Plan. The Council refused the application under delegated authority on 10th February 2023 for the following refusal reason:</p> <ol style="list-style-type: none"> 1. 'The proposed development is contrary to HMO 5 of the Houses in Multiple Occupancy (HMOs) Subject Plan for Belfast City Council Area 2015 in that the number of HMO dwelling units exceed 10% of dwellings within Glandore Avenue.' <p>Since this decision, the Belfast Local Development Plan: Plan Strategy has been adopted (02 May 2023). This provides a new policy framework for decision-making. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires planning applications and appeals to be determined in accordance with the Plan Strategy unless material considerations indicate otherwise.</p> <p>The Planning Appeals Commission has sought the Council's comments on live appeals following adoption of the Plan Strategy.</p> <p>There is now a new policy (Policy HOU10) for HMO development and whilst the threshold remains the same as 10% outside Housing Management Areas (HMA's), the methodology to calculate this figure has now changed. The justification and amplification text to Policy HOU10 confirms at paragraph 7.1.66 that the level of HMOs outside a HMA will be measured by adding together:</p>	


1. The number of HMOs recorded under the HMO Licensing scheme; and
2. The number of planning approvals for HMOs not yet licensed.

with the total then divided by the total number of dwelling units within the street. If a street is longer than 600m, the total number of dwellings in the street will relate to the total properties within 300m either side of the property on the street.

The assessment under Policy HOU10 finds that there is capacity for HMOs on Glandore Avenue and therefore it is the opinion of officer's that the previous refusal reason could no longer be sustained under the new policy approach. The full consideration of this issue is set out below and the assessment reconsidered having regard to the adopted Plan Strategy.

Whilst the original decision to refuse planning permission was delegated, it is considered prudent to refer this matter to the Committee on the basis that the original application may have been referred if the recommendation had been to grant planning permission.

Delegated authority is sought for the Director of Planning and Building Control to provide comments to the Planning Appeals Commission in relation to the live appeal against the refusal of application LA04/2022/1839/F, following adoption of the Plan Strategy.

Main Assessment	
1.0	Site Location Plan
1.1	
2.0	Characteristics of the Site and Area
2.1	The appeal site is located at 51 Glandore Avenue, a corner plot that adjoins Ashdene Drive. The building is two storey dwelling finished in red brick. There is a small amount of paved amenity space to the front, side and rear of the site.
2.2	The site does not fall within any land-use zoned designations.
3.0	Description of Proposal
3.1	The appeal is against the Council's decision to refuse planning permission for a change of use to house in multiple occupancy (HMO).
4.0	Planning Policy and Other Material Considerations
4.1	Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035 – Policy HOU10 (Housing Management Areas)
4.2	Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)
4.3	Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)

4.4	Relevant Planning History Non-Relevant
5.0	Consultations and Representations
5.1	Statutory Consultations DfI Roads – No objections
5.2	Non-Statutory Consultations Planning Service, Plans and Policy Unit Pre-May 23: Objection as the proposal exceeds the 10% threshold in the HMO Subject Plan Post May 23: No objections as there is capacity for HMOs on Glandore Avenue and therefore the previous refusal reason could no longer be sustained under the new policy approach. Representations
5.3	The original application was advertised and neighbour notified. There were 32 objections submitted, summarised as follows: <ul style="list-style-type: none"> Over intensification of site / cramming with loss of quality family sized accommodation – converting 4-bedroom dwelling to a 6 bed HMO. In recent times there have been a number of conversions in the area (apartments) and some refusals (references provided) <u>Original Case Officer Response: The thresholds set out in the HMO Subject Plan (HMO 5) are in place to protect amenity; in exceeding these thresholds the development may have an impact on the residential area. The thresholds are in place to ensure an area does not become over-concentrated. The area is oversaturated (set out in the assessment below) therefore would negatively impact on amenity of area.</u> <u>Any other applications in the area are subject to their own assessment.</u> Update: The threshold is no longer exceeded ensuring no adverse impact on residential amenity. The Plan Strategy (par. 7.1.63) advises that HMO's make an important contribution to the private rented sector, providing choice and assisting with meeting a range of community needs and are carefully managed with these thresholds. <ul style="list-style-type: none"> Impact on Area of Townscape Character <u>Case Officer Response: This site is not within an ATC draft or adopted. It sits adjacent to the boundary of the draft Glandore ATC. PPS 6 relates to adopted ATCs only.</u> Update: The site is not within an ATC draft or adopted. It sits adjacent to the boundary of the draft Glandore ATC. Policy BH3 is not applicable. <ul style="list-style-type: none"> Traffic Concerns / Parking – Busy Area <u>Case Officer Response: DFI Roads had no objections to the proposal.</u> Update: No objections from DFI Roads, no re-consultation required. <ul style="list-style-type: none"> Contrary to policy – PPS6 / PPS7 (addendum) i.e., LC1 / LC 2 Local Development Plan

	<p><u>Case Officer Response: The application is assessed under the relevant policy as set out in the policy framework above. Policy LC1/ 2 are not applicable – relates to redevelopment of sites for housing.</u></p> <p>Update: The application has been re-assessed under the new relevant policy.</p> <ul style="list-style-type: none"> • Anti-social behaviour / noise / nuisance with site located in an 'Interface Area'. <u>Case Officer Response: There is no evidence that the change of use would lead to antisocial behaviour in this situation. This would be a policing matter. The proposal would remain a residential use – there is no reason this would result in any unacceptable noise or nuisance impact.</u> <p>Update: This remains as previous.</p> <ul style="list-style-type: none"> • Loss of Amenity Space i.e. living, kitchen, garden space etc. and additional pressures i.e. sewage, water, bin storage etc <u>Case Officer Response: There is no increase in services provided internally i.e. kitchen and bathrooms. There would be sufficient space externally for bin storage.</u> <p>Update: This remains as previous.</p> <ul style="list-style-type: none"> • Query of Neighbour Notification Procedure <u>Case Officer Response: Two neighbours were neighbour notified – the neighbour attached and to the rear, satisfying the legal requirements.</u> <p>Update: This remains as previous.</p> <ul style="list-style-type: none"> • Loss of privacy <u>Case Officer Response: There would be no more of an impact on privacy that the existing use – there are no external changes proposed.</u> <p>Update: This remains as previous.</p> <ul style="list-style-type: none"> • Comments regarding the potential tenants / transient style of tenancy / impact on sense of community and maintenance of home. <u>Case Officer Response: The proposed tenants and maintenance are not a planning consideration.</u> <p>Update: This remains as previous.</p>
6.0	UPDATED 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. <u>Principle of an HMO in this location</u>
6.6	Under the transitional arrangements, relevant provisions of existing development plans will remain in effect until the Council adopts the Local Policies Plan (LPP). Consequently, in advance of Housing Management Areas (HMAs) and Intensive Housing Nodes (IHNs) being designated in the Local Policies Plan, Policies HOU10 and HOU11 of the Plan Strategy will be applied to the existing designations outlined in the HMO Subject Plan. Policy HOU10 will also be applied to areas outside of designations
6.7	Glandore Avenue does not fall within an existing HMO Policy Area or HMO Development Node as designated in the HMO Subject Plan. In respect of areas outside of designations, Policy HOU10 states that: <i>‘...planning permission will only be granted for HMOs where the number of HMOs would not as a result exceed 10% of all dwelling units on that road or street. Where such a street is in excess of 600 metres in length, the 10% threshold will be calculated on the basis of existing residential units within 300 metres of either side of the proposal on that street.’</i>
6.8	The justification and amplification text to Policy HOU10 confirms at paragraph 7.1.66 that the level of HMOs outside a HMA will be measured by adding together: 1. The number of HMOs recorded under the HMO Licensing scheme; and 2. The number of planning approvals for HMOs not yet licensed, with the total then divided by the total number of dwelling units within the street. If a street is longer than 600, the total number of dwellings in the street will relate to the total properties within 300m either side of the property on the street.
6.9	As Glandore Avenue is less than 600m in length it will be considered in its entirety. According to the LPS Pointer Address database there are 80 domestic properties on Glandore Avenue. The HMO Licence Register and planning history records show there are no HMOs on the street. Taking account of the number of dwelling units within Glandore Avenue, eight HMOs would be permitted before the 10% threshold would be exceeded therefore complying with Policy HOU10.

6.10	The previous assessment under the HMO Subject Plan employed a methodology which relied (in part) on a data source derived from data developed by NIHE in 2004, which now no longer applies under Policy HOU10. Owing to the change in methodology there is a change in relation to the capacity for HMOs on Glandore Avenue.
7.0	Recommendation
7.1	Owing to the change in methodology under Policy HOU10 of the Plan Strategy, there is a change in relation to the capacity for HMOs on Glandore Avenue. The assessment under Policy HOU10 finds that there is capacity for HMOs on Glandore Avenue and therefore it is officer's opinion that the previous refusal reason can no longer be sustained under the new policy approach.
7.2	Delegated authority is sought for the Director of Planning and Building Control to provide comments to the Planning Appeals Commission to this effect in relation to the live appeal against the refusal of application LA04/2022/1839/F.

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Addendum Development Management Report	
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
Background 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. This addendum report should be read in conjunction with the original report to the April committee which is appended. 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. 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.	
Updated Policy Context Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise. 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. 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.	

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:

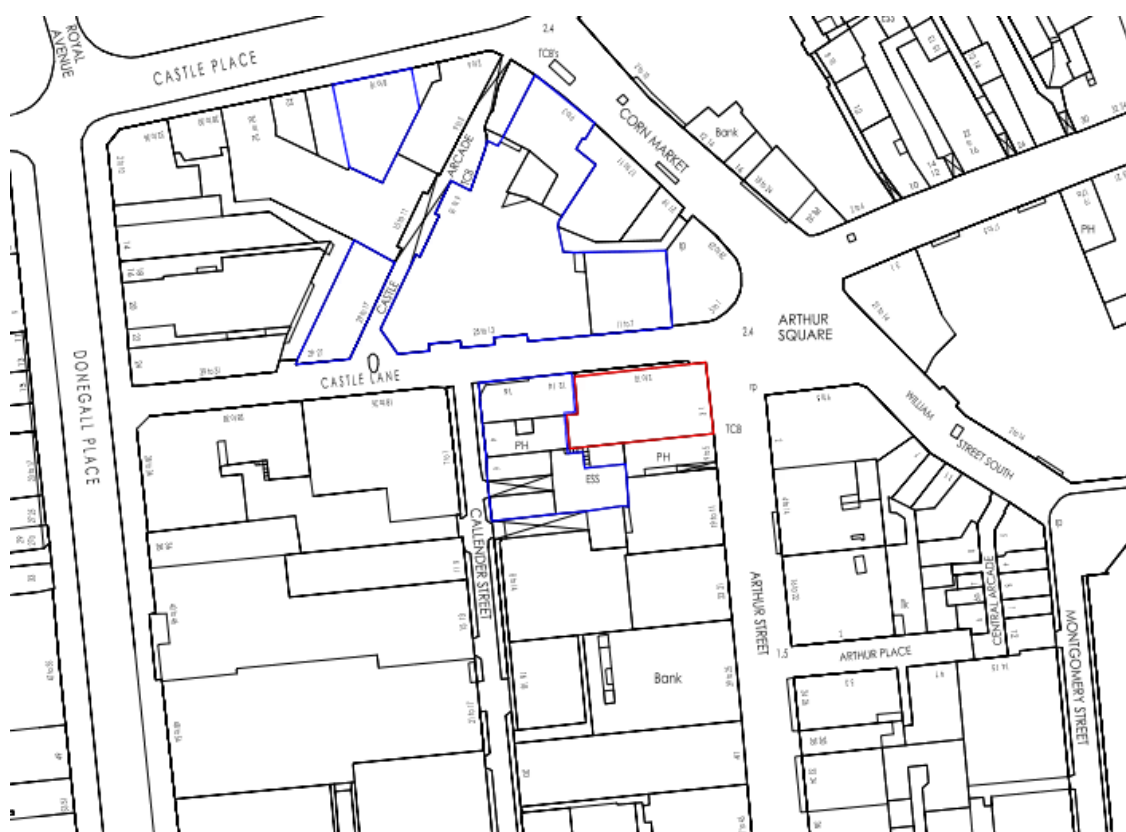
- Need for traditional and modern infrastructure to co-exist with the historic environment;
- Impact on the setting of the listed buildings should be considered acceptable given the precedents already established in the city, e.g. Shaftesbury Square and the advertising sign next to the orange hall on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

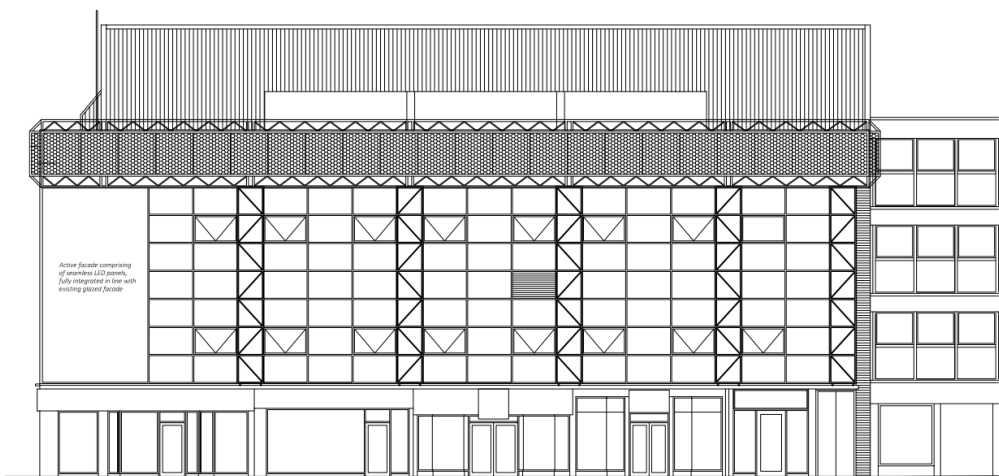
Site Location Plan



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>

	<i>conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest. In the interests of protecting the setting of designated Conservation Areas, new development in proximity needs to be carefully managed so as to ensure it respects its overall character and appearance. Important views in and out of the Conservation Area should be retained.'</i>
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.
9.13	<p>Impact on the setting of Listed Buildings</p> <p>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.’</p>
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.
9.19	<p>Other considerations</p> <p>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.</p>
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> <ol style="list-style-type: none"> 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. 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>LA04/2022/1867/DCA</p> <ol style="list-style-type: none"> 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>LA04/2022/1860/A</p> <ol style="list-style-type: none"> 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>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>	

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Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 29 th June 2023	
Application ID: LA04/2022/1924/F	
Proposal: Stepped four to one storey mixed-use proposal comprising 13 apartments (with 13 car parking spaces) and ground floor coffee shop.	Location: 160-164 Kingsway Dunmurry BT17 9RZ.
Referral Route: Through 3.8.2 of the Scheme of delegation where a representation has been received which conflicts with the Planning Officer's recommendation	
Recommendation: Approval	
Applicant Name and Address: Glenoak Limited 44 Carnaree Road Templepatrick BT39 0BZ	Agent Name and Address: Place Lab Limited 18 Osborne Park Belfast BT9 6JN
<p>Executive Summary: This application seeks full planning permission for a stepped 4 to one storey mixed-use proposal comprising 13 apartments (with 13 car parking spaces) and coffee shop.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • Principle of development • Design, Layout and impact upon the character and appearance of the area • Climate Change • Affordable Housing and Housing Mix • Accessible and Adaptable Accommodation • Access and Parking • Drainage • Access 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, including the extant planning permission, the proposal is considered on balance acceptable. It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement being entered into to secure affordable housing.</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 which may arise.</p>	

Officer Report

1.0

Drawings

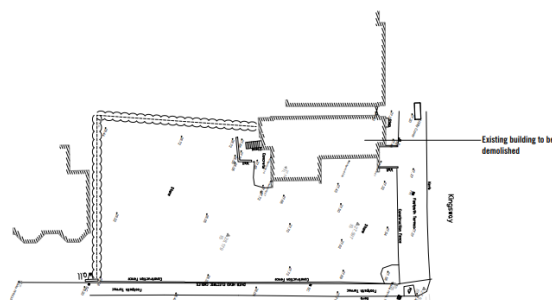
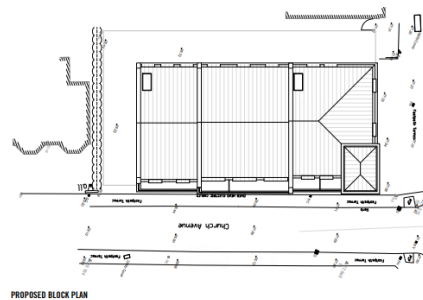
1.1

Fig 1. Site Location Plan



1.2

Fig.2 Proposed Site Layout



2.0

Characteristics of the Site and Area

2.1

The site is currently a brownfield plot of land that has been cleared of buildings and fenced off. The site occupies a corner position at the junction of Kingsway and Church Avenue, a residential road mainly occupied by Victorian/Edwardian detached villas. The eastern or Church Avenue boundary of the site is directly opposite to Dunmurry Park, a public green open space. The southern boundary is contingent with the garden of No.5 Church Avenue.

2.2	<p>The western boundary of the site backs onto rear service/parking areas belonging to commercial properties on Kingsway.</p> <p>There is a previous approval on the site for the erection of 2No. commercial units and 10 No. apartments and car parking (LA04/2018/0386/F).</p>
3.0	Description of Proposal
3.1	Mixed-use proposal comprising thirteen apartments (with 13 car parking spaces) and coffee shop. There are ten proposed 3-person 2 bed apartments, two 2 person 1 bed apartments and one, 4 person 2 bed apartment.
3.2	The proposed building will range in height from one storey to three storeys plus roof/attic level. A four-storey element will turn the corner at Kingsway and Church Avenue
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	<i>LA04/2018/0386/F</i> <i>160-164 Kingsway, Dunmurry, Belfast</i> <i>Erection of 20 No. Commercial units and 10 No. Apartments and car parking</i> <i>Permission Granted at Appeal</i>
5.0	Consultations and Representations
5.1	Statutory Consultations DfI Roads – Content subject to conditions DfI Rivers – Content NI Water – Approval DAERA NIEA – Content
5.2	Non-Statutory Consultations BCC Environmental Health – Content subject to conditions BCC Plans & Policy team – Advice.
5.3	<p>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.</p>

5.4	<p>Representations</p> <p>The application has been advertised and neighbours notified. The Council has received the following representations in support and objection.</p> <p>Objections: 1</p> <p>The objection raises issues regarding density, site parking provision, height, scale, and massing which are all addressed within the main report. Queries on the boundary lines with the development and the property at 5 Church Avenue have been resolved.</p>
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> <ul style="list-style-type: none"> • Policy SD2 – Settlement Areas • Policy HOU1 – Accommodating new homes • Policy HOU2 – Windfall housing • Policy HOU4 – Density of residential development • Policy HOU5 – Affordable housing • Policy HOU6 – Housing mix • Policy HOU7 – Adaptable and accessible accommodation • Policy DES1 – Principles of urban design

	<ul style="list-style-type: none"> • Policy RD1 – New residential developments • Policy BH3- Areas of townscape Character • Policy TRAN1 – Active Travel – Walking and Cycle • Policy TRAN6 – Access to public roads • Policy TRAN8 – Car parking and servicing arrangements • Policy TRAN10 – Design of car parking • Policy ENV1 – Environmental quality • Policy ENV2 – Mitigating environmental change • Policy ENV3 – Adapting to environmental change • Policy ENV5 – SuDS • Policy OS3 – Ancillary open space • Policy NH1 – Protection of natural heritage resources • Policy TRE1 – Trees
6.7	<p>Key Issues</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • Principle of development • Design, Layout and impact upon the character and appearance of the area • Climate Change • Affordable Housing and Housing Mix • Accessible and Adaptable Accommodation • Access and Parking • Drainage • Access and Parking • Waste-water Infrastructure • Noise, odour and other environmental impacts including contamination <p>The adoption of the Plan Strategy requires the following updated assessment.</p>
6.8	<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> <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>
6.9	<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 presumption is therefore in favour of development subject to planning considerations detailed below. A previous approval on the site LA04/2018/0386/F has established that the principle of an apartment development is acceptable at this location.</p>
6.10	<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</p>

	<p>Housing is also met as the proposal is situated on previously developed land and is currently white land within the BMAP 2004 and 2015 versions. The proposed scheme is considered to be a suitable site for an apartment scheme, it is accessible and convenient to public transport and walking and cycling infrastructure.</p>
6.11	<p><u>Design, 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>
6.12	<p><i>a. Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential area:</i></p> <p>The site is located within an area which has a mix of residential and commercial units. The proposal is for a ground floor coffee shop with 13 apartments situated above. There is an existing apartment scheme opposite the proposed site which is part two-part three storey. The site is considered to represent a prominent plot on the approach from the city centre, however, views are filtered in part by the mature trees fronting the adjacent Park.</p> <p>The proposal breaches the established building line along the Church Avenue elevation; however, it is acknowledged that historically the building line here was breached by the building that previously occupied the site. There is no uniformity in the design of buildings, differing in size, scale, massing and finishes along Kingsway. The proposal along Church Avenue, comprises of a one storey (3.51m), rising to a two storey with a mansard roof, rising to three-storey with a mansard roof, culminating in a four storey (13.86m) element at the corner of the site with Kingsway. Along Kingsway, there is a one storey (3.84), rising to three storeys with mansard roof and culminating in a four-storey tower element (13.86) at the corner of the site with Church Avenue.</p> <p>The proposed recessed balconies are modest in scale in comparison to the prominence of numerous balconies and terraces on the two large developments opposite. They are considered to tie in with the existing character and appearance and will not unduly dominant in the streetscape. The proposed finish to the principal elevation is red brick with flush pointing. This finish will tie the new block in with the red brick finish of the existing No.5 Church Road and the terrace beginning with No.166 Kingsway. The proposal incorporates some glazed brick decorative features to the eaves level of the corner tower. The windows are proposed to be finished in black coloured ppc aluminium, and the roofing material is a dark grey standing seam system redolent of lead.</p> <p>The proposed development, by reason of its form, scale, layout, design and materials, is in keeping with the site and its surrounding area and draft ATC and therefore is compliant with Policy BH2.</p>
6.13	<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 to ensure that dominance and overshadowing will not occur to an unacceptable degree. The property at No. 5 Church Avenue, is approximately 0.81m from the proposed rear boundary of the proposed building. Although this does not meet the 15m separation distance as outlined in paragraph 7.17 of Creating Places, paragraph 7.18 allows for greater flexibility in inner urban locations. The elevation closest to this property is only one storey reducing any sense of dominance from the proposal. There will be no</p>

	<p>opportunity for overlooking into any other neighbouring properties due to the separation distances on both the elevations looking onto Kingsway and the outlook onto a Dunmurry public park on the Church Road elevation. 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>
6.14	<p><i>c. Makes provision for, or is accessible and convenient to public transport and walking and cycling infrastructure</i> The development site located on a major arterial route linking Lisburn and Belfast, with regular bus services between the two centres. It is also within a convenient walking distance (300m) to/from Dunmurry rail halt, on the Belfast-Portadown/Portadown-Belfast Line.</p>
6.15	<p><i>d. Provides adequate open space:</i> There is approximately 118.13 sqm of private communal open space which equates to around 9sqm per unit. This is in the form of a first-floor external deck area. This is marginally below the guidance in Creating Places; however, this is counterbalanced through the provision of private amenity space per each apartment ranging from approximately 4.4sqm to 19.76sqm per unit. Creating Places also states that the appropriate level of provision should be determined by having regard to the context of the development. There is a park adjacent to the proposal also which is easily accessed. Therefore, on balance, it is considered that there an appropriate amount of private and private communal space to create a quality residential environment.</p>
6.16	<p><i>e. Keeps hard surfacing to a minimum</i> Car parking is considered to not dominate the residential development as parking is provided within the ground floor of the scheme.</p>
6.17	<p><i>f. Creates a quality and sustainable residential environment in accordance with the space standards set out in appendix C.</i> There are ten proposed 3 person 2 bed apartments ranging from 68.4 sqm-81.4sqm , two 2 person apartments at 54.8sqm and one, 4 person 2 bed apartment at 83.4sqm. The proposed scheme is in keeping with the space standards as set out in appendix C.</p>
6.18	<p><i>g. Does not contain units which are wholly in the rear of the property, without direct, safe and secure access form the public street; and</i> The entrances to the properties are from the Church Avenue Street elevation allowing for safe access from the footpath. There is a sizable communal area as you enter the building, in line with para 7.3.13 of the Plan Strategy 2035, providing a sense of security and safety for residents and visitors, maximising opportunities for natural surveillance.</p>
6.19	<p><i>h. Ensures that living rooms, kitchens and bedrooms have access to natural light</i> In terms of prospective residents, each unit has adequate outlook to the public street, Dunmurry Park and external amenity areas.</p>
6.20	<p>Further to policy RD1, the proposal complies with the criteria set out in A-K of Policy DES 1- Principles of Urban Design in that the scheme is of a high quality, sustainable design and makes a positive contribution to placemaking.</p>

6.21	<p><u>Climate change</u></p> <p>Policy ENV2 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. All new development 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. The applicant provided a Climate Change statement which outlines sustainable travel measures through the implementation of a travel plan and how the location is within walking distance of Train Halt and Bus Stops.</p>
6.22	<p>The applicant has updated their DAS setting out that the following features are incorporated into the design:</p> <ul style="list-style-type: none"> (i) Photovoltaic panels on the roof. These will be placed on the shallow slope of the mansard roof which faces south-west. The power generated from these will contribute a renewable element of the electricity required to run the building. (ii) Grey water storage installation will be incorporated to supply the site with water for the irrigation of the planting which is planned within the first floor courtyard spaces. (iii) Efficient heating system in common areas. The building will be fitted with high efficiency smart heaters within the landlord areas. These will react to rapid temperature changes and low occupancy, obviating the need for heaters to be kept at a constant temperature at all times. (iv) Heating installations. The apartments will be fitted with high efficiency gas-fired combination boilers which will have flue gas heat recovery to maximise energy efficiency. (v) Lighting. The building will be fitted with a high efficiency LED lighting installation. <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 that soft landscaping within the site introduces SUDS measures to partially meet ENV3 and comply with ENV 5.</p>
6.23	<p><u>Density of Residential Development</u></p> <p>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>
6.24	<p>The site is located within the Dunmurry Local Centre (ML 10) as designated in 2014 version of draft BMAP and therefore in terms of Policy HOU4 the assigned average density band of 75-150dph would apply. At approximately 0.08 ha, the provision of 13 units represents a density of over 160 units, which is marginally above the density threshold. However, given the location of the development, the extant approval on the site and the ability to meet other the design requirements, of policies DES1 and RD1, the density marginally above the broad band is considered acceptable in this instance.</p>
6.25	<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>
6.26	<p>The applicant has provided two 3-person 2 bed apartments (accessible units), and one 2-person 1 bed apartment at a discount market rented price which meets the definition of</p>

	affordable housing. The delivery and monitoring of the DMR units will require a Section 76 planning agreement and delegated authority is requested to allow officers to finalise this.
6.27	The application is considered to comply with HOU5 of the Plan Strategy subject to the S.76.
6.28	The proposed apartment block would comprise two one-bedroom apartments and eleven two bedroom apartments, which responds to this local analysis and the broader evidence of demographic changes across the housing market in Belfast, including an ageing population, showing a reduction in household size and a decline in the number of households with children. This emphasises the need for future accommodation which are 'suitable for smaller household types.' The mix of smaller apartments is therefore deemed appropriate in this particular location based on the evidence provided. The proposal is therefore compliant with Policy HOU6- Housing Mix in that the applicant has demonstrated a range of apartment types, sizes and proposed tenures.
6.29	<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 two designated accessible residential units. They have addressed the following requirements of Policy HOU7:</p> <ul style="list-style-type: none"> - Criteria g: Wheelchair accessible environment- The two proposed units are wheelchair accessible but fall short of meeting the space standards for wheelchair housing as set out in appendix C by 5 sqm. - Criteria h- there are two designated disabled parking bays to accommodate disabled users in line with the parking standards. - Criteria i- The applicant has confirmed that all pathways have been designed to exceed the minimum width of 900mm to accommodate wheelchair users. The narrowest width of the pathway from the covered car park to the apartments lift is 1200mm at the proposed bins store. The area in front of the lift complies with the 1500 x 1500mm building regulation for wheelchair manoeuvrability. All entrance doors to the apartment's reception, to the apartment's lift/stair core and to each apartment entrance there will be generous 926mm door leafs. From the covered car park to the lift there is a change of level. This will have a gentle slope with a handrail to comply with Part R of the building regulations. The passenger lift serving the apartments will be an 8-person capacity designed to accommodate wheelchair users. - Criteria j- The two designated apartments shown on drawing 03C (our reference) have room for an unobstructed turning circle within the entrance hallway, kitchen, living, dining area, bathroom, and main bedroom. The bathroom turning circle is no however unobstructed. - Criteria k- Drawing 03C (our reference) shows that the two apartments have entrance, doorways and halls at an appropriate width and length for wheelchair access. - Criteria l- Drawing 03C (our reference) shows that the two apartments have space provided to enable storage of a second wheelchair. - Criteria n- The two designated accessible residential units are each 3-person 2 bed 67sqm. This generates a requirement for a minimum of 2sqm built-in storage shown in drawing 03C (our ref). - Criteria o- The private amenity space within the two designated accessible residential units are to be to be level/gently sloping.

6.30	On balance having regard to the extant permission on the site and the measures taking to address the LDP policy requirements as a whole, the above living arrangements are considered to satisfy the accessibility requirements of Policy HOU7.
6.31	<p><u>Access, movement, and parking</u></p> <p>The proposal has been assessed against Policy TRAN 8- Car Parking and Servicing Arrangements. It is considered that adequate parking has been provided for the proposal. Policy TRAN 10 has been met in that the design of car parking meets the following criteria:</p> <ul style="list-style-type: none"> a. It respects the character of the local townscape/landscape b. It will not adversely affect visual and residential amenity c. Provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site; and d. Provision has been made for accessible parking bays which facilitate safe, convenient access for people with a disability or impaired mobility.
6.32	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.
6.33	DfI Roads were consulted and is satisfied that parking on-street is unlikely to have a significant impact on the local road network in terms of traffic and road safety.
6.34	A condition has been proposed to ensure sufficient secure cycle parking is provided to meet TRAN 1.
6.35	<p><u>Drainage</u></p> <p>DfI Rivers were consulted and offer no objections to the proposal.</p> <p>In addition to the measures outlined at 6.24(ii) above the updated DAS confirms that the overall design includes storm water attenuation complete with a hydrobrake to restrict flow to that of greenfield rate. A pre-commencement condition is proposed to secure these measures to assist in mitigating against environmental change and flood risk.</p>
6.36	<p><u>Waste-water infrastructure</u></p> <p>NI Water has offered no objection to the proposal; therefore, it is acceptable having regard to Policy SP1A of the Plan Strategy.</p> <p>DAERA has been consulted and the Water Management Unit and Regulation Unit, have no concerns with the proposal. In this regard, the proposal is considered compliant with Policy NH1 of the of the Belfast Local Development Plan, Plan Strategy 2035, and paragraphs 6.176 and 6.177 of the Strategic Planning Policy Statement; and taking account of all relevant material considerations.</p>
6.37	<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. The ground floor part of the development, while the agent advises is intended to operate more as a 'coffee shop' by the prospective tenant, will still fall under sui generis use class (there is no separate class for a 'coffee shop' unless it falls under retail with only ancillary sit-in consumption of hot and cold food on the premises). Consequently, in view of the potential for a future operator to extend the type of cooking methods, it is necessary to restrict this potential to protect residential amenity conditions, given that it is not intended to install a commercial extraction and odour abatement system at the herby approved coffee shop. A condition relating to air quality will also be attached to any approved scheme.</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 20% affordable housing.
7.2	Delegated authority is sought for the Director of Planning and Building Control to finalise conditions and the S.76, 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. Prior to installation of window units within the hereby permitted development, the applicant shall submit to the planning authority, for review and approval in writing, the final window schedule detailing the glazing configuration and sound reduction performance of the proposed windows to habitable rooms on all facades and floors of the hereby permitted development. The window specification for habitable rooms shall be in accordance with the specification presented in Table 5, section 4.4 'Summary of Impact Mitigation Measures' of the Lester Acoustics report titled: 'Inward, Intra and Outward Sound Level Assessment' dated the 7th October 2022, referenced: MRL/1569/L01.
3. Prior to installation of any alternative means of ventilation to be incorporated within the hereby permitted development, the applicant shall submit to the planning authority, for review and approval in writing, confirmation of the specification of the alternative means of ventilation to serve habitable rooms. The sound reduction specification for the alternative means of ventilation shall be in accordance with the specification presented in Table 5, section 4.4 'Summary of Impact Mitigation Measures' of the Lester Acoustics report titled: 'Inward, Intra and Outward Sound Level Assessment' dated the 7th October 2022, referenced: MRL/1569/L01.
4. Prior to occupation of the hereby permitted development, the window schedule and approved alternative means of ventilation shall be installed, as approved, to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the windows closed and the alternative ventilation Page 3 of 5 provided. The approved windows and alternative means of ventilation shall be retained thereafter.
5. Prior to occupation of the hereby permitted development, the applicant shall submit to the planning authority, for review and approval in writing, the final details of the construction of the intervening floor between the ground floor coffee shop and the apartments above. The details shall include a statement from a competent acoustic consultant to confirm that the proposed construction will achieve the sound reduction recommended in section 5, paragraph 5.0.2 of the Lester Acoustics report titled: 'Inward, Intra and Outward Sound Level Assessment' dated the 7th October 2022, referenced: MRL/1569/L01
6. Prior to occupation of each phase or block hereby permitted, a report verifying that all construction elements including walls, roofs, the window schedule and alternative means of ventilation as approved have been installed shall be submitted to the planning authority for review and approval in writing. The report shall comprise the following lines of evidence:

- a written declaration from the suppliers and installers of the glazing and alternative means of ventilation confirming that the scheme of windows and alternative means of ventilation have been installed as approved.
 - a review of the declarations and specifications by a competent acoustic consultant and a summary report verifying that all facades and habitable rooms have been successfully installed with the recommended glazing and alternative means of ventilation specifications.
7. The hereby approved ground floor coffee shop shall not operate outside the hours of 8am to 10pm daily.
 8. The outdoor seated area to the hereby approved coffee shop shall not be permitted for use outside the hours of 8am to 8pm Monday to Friday or outside the hours 10am to 9pm on a Saturday and between the hours of 10am to 8pm on a Sunday.
 9. If at any time cooking, other than the preparation of hot beverages or the cooking/reheating of food in a panini machine, toaster or microwave, is undertaken on the premises, details of a the kitchen extraction / odour abatement system shall be submitted to and approved in writing to the Local Planning Authority. The approved scheme shall be implemented in full prior to the first use with the additional cooking equipment and be maintained and retained thereafter.
 10. No service collections from or deliveries to the hereby approved development are permitted beyond the hours of 07:00hrs-23:00hrs Monday to Friday, 09:00hrs- 23:00hrs on Saturdays or beyond 13:00hrs-23:00hrs on a Sunday. 10.The rating level (dBLAr,T) from the operation of all combined plant and equipment shall not exceed 50dB and 36dB during the day and night respectively at the nearest window of a residential habitable room, when measured or determined in accordance with BS4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.

Reason for conditions 1-10: Protection of residential amenity against adverse noise and odour (condition 8) impact.

11. In the event that any centralised combustion sources (boilers, CHP, biomass or generators) are proposed and there is a risk of impact at relevant receptor locations as per the criteria detailed within the Environmental Protection UK and Institute of Air Quality Management, Land-use Planning & Development Control: Planning For Air Quality (January 2017), this Service would request that an updated Air Quality Impact Assessment be submitted to and approved in writing by the Planning Authority prior to the installation of the plant. The assessment shall include details of the combustion plant to be installed, to include emission rates and flue termination heights of the proposed combustion systems and must demonstrate that there will be no exceedances of the Air Quality Strategy objectives at relevant human receptor locations, associated with operation of the proposed combustion plant and with the overall development.

Reason: To ensure that ambient air pollution related to the site is appropriately dealt with, in the interests of human health.

12. 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.

13. The vehicular access, including visibility splays, 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.

14. 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.

15. The development hereby permitted shall operate in accordance with the approved Travel Plan.

Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

16. The development hereby permitted shall operate in accordance with the approved Service Management Plan.

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

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

Reason: In the interests of mitigating against environmental change.

DRAFT INFORMATIVES:

1. This decision relates to the following approved drawing numbers:
Site location plan 01
Site Block Plan 02
Affordable Accessible floor plans 03C
Proposed Elevations 04A
Drainage Layout 05A
2. Please make sure that you carry out the development in accordance with the approved plans and any planning conditions listed above. Failure to do so will mean that the proposal is unauthorised and liable for investigation by the Council's Planning Enforcement team. If you would like advice about how to comply with the planning permission, you are advised to the contact the Planning Service at Belfast City Council at planning@belfastcity.gov.uk.
3. This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.

4. The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer.

ANNEX

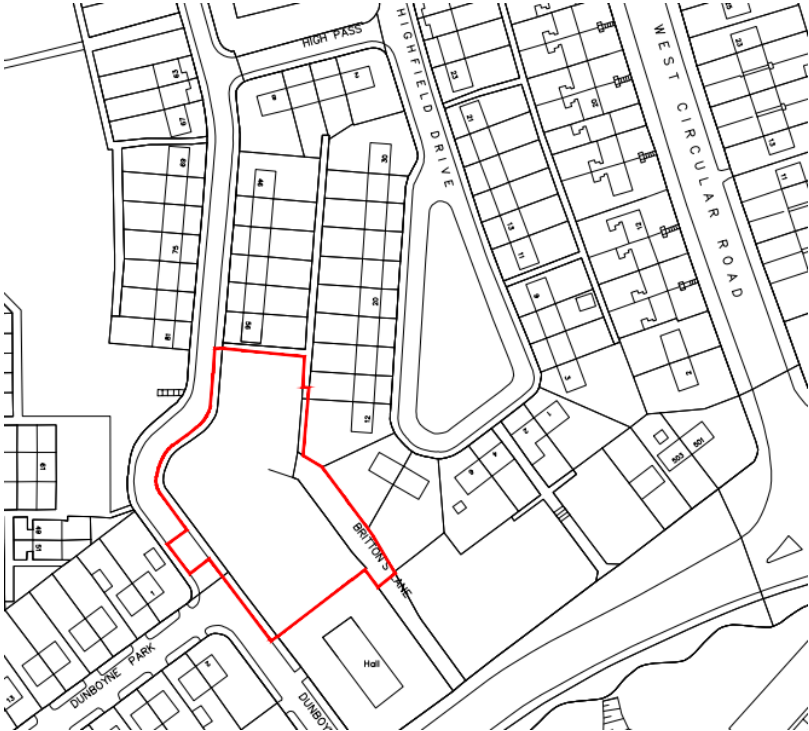

Date Valid	12/10/2022
Date First Advertised	28/10/2022
Date Last Advertised	28/10/2022

Details of Neighbour Notification (all addresses)

5 Park View, Dunmurry, Antrim, BT17 9RD
 14 Park View, Dunmurry, Antrim, BT17 9RD
 151 Kingsway, Dunmurry, Antrim, BT17 9RY
 13 Park View, Dunmurry, Antrim, BT17 9RD
 6 Park View, Dunmurry, Antrim, BT17 9RD
 147-151, Kingsway, Dunmurry, Antrim, BT17 9RY
 149 Kingsway, Dunmurry, Antrim, BT17 9RY
 3 Park View, Dunmurry, Antrim, BT17 9RD
 147 Kingsway, Dunmurry, Antrim, BT17 9RY
 11 Park View, Dunmurry, Antrim, BT17 9RD
 8 Park View, Dunmurry, Antrim, BT17 9RD
 153 Kingsway, Dunmurry, Antrim, BT17 9RY
 145 Kingsway, Dunmurry, Antrim, BT17 9RY
 4 Park View, Dunmurry, Antrim, BT17 9RD
 145 Kingsway, Dunmurry, Antrim, BT17 9RY
 153 Kingsway, Dunmurry, Antrim, BT17 9RY
 10 Park View, Dunmurry, Belfast, Antrim, BT17 9RD
 7 Park View, Dunmurry, Antrim, BT17 9RD
 12 Park View, Dunmurry, Antrim, BT17 9RD
 9 Park View, Dunmurry, Antrim, BT17 9RD
 2 Park View, Dunmurry, Antrim, BT17 9RD
 1 Park View, Dunmurry, Antrim, BT17 9RD
 147a, Kingsway, Dunmurry, Antrim, BT17 9RY
 Select Vestry Of St Colmans Church, 143 Kingsway, Dunmurry, Antrim, BT17 9NS
 166-170, Kingsway, Dunmurry, Antrim, BT17 9AD
 168 Kingsway, Dunmurry, Antrim, BT17 9AD
 170 Kingsway, Dunmurry, Antrim, BT17 9AD
 170a, Kingsway, Dunmurry, Antrim, BT17 9AD
 9 Church Avenue, Dunmurry, Antrim, BT17 9RS
 7 Church Avenue, Dunmurry, Antrim, BT17 9RS
 5 Church Avenue, Dunmurry, Antrim, BT17 9RS

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 29 June 2023	
Application ID: LA04/2022/2059/F	Target Date:
Proposal: Proposed Social Housing Development Comprising of 12 no. 3p/2b semi-detached dwelling houses with in curtilage parking and associated site works. (Amended description and site location plan)	Location: Lands south of 56 Highcairn Drive Belfast BT13 3RU, Site located at junction between Highcairn Drive and Dunboyne Park Belfast.
Referral Route: Through 3.8.2 of the Scheme of delegation where a representation has been received which conflicts with the Planning Officer's recommendation	
Recommendation: Approval	
Applicant Name and Address: Ross Mullan Consulting Ltd 12 Lyndhurst Parade Belfast BT13 3PB	Agent Name and Address: The Boyd Partnership LLP 15 Ravenhill Road Belfast BT6 8DN
<p>Executive Summary: This application seeks full planning permission for a proposed social housing development comprising of 12no. 3p/2b semi-detached dwelling houses with in-curtilage parking and associated site works.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • Principle of development • Affordable housing and Housing Mix • Accessible and adaptable accommodation • Design, layout and impact on the character and appearance of the area • Climate change • Access and parking • Drainage • Waste-water infrastructure • Ecological Impacts • Noise, odour, and other environmental impacts including contamination <p>Delegated authority is requested for resolving any issues arising from outstanding consultation responses from DfI Roads and DfI Rivers.</p> <p>Recommendation Having regard to the development plan and other material considerations, the proposal is considered acceptable. Having considered all the matters as set out in the report below, there is a clear and pressing unmet social need in the local area, therefore, it is considered, on balance, that the proposed scheme can be considered an exception to the provisions of Policy OS1 of the Plan Strategy 2023, subject to Section 76 Agreement to secure the provision of social housing. 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 conditions and the Section 76 Planning Agreement.</p>	

Officer Report	
1.0	Drawings
1.1	Fig 1.Site Location Plan
1.2	<div><div><div></div><div><p>Fig 2. Proposed site Layout</p></div></div></div>

2.0	Characteristics of the Site and Area
2.1	The site is situated on Highcairn Drive, Belfast, approximately 3km to the West of Belfast City Centre. It is located off the Springfield Road and is bordered on the eastern, western and northern boundaries by residential areas and to the south by an orange hall. The site has a steep sloping topography falling 5m from the North-West to South-East. It is 0.2531 ha of currently vacant lands with 93.6m existing road frontage along Highcairn Road, which is how the site is accessed. The boundary is a 2m high railing to the North-East, North-West and the South. A portion of the southern part of the site currently has no physical boundary.
2.2	The area around Highcairn Drive is an area of established residential development, consisting of a mix of semi-detached and terraced housing. There are two retail parks within cross proximity on the Springfield Road. There are some neighbourhood services in the nearby areas. Other land uses within a 500m radius include retail, recreational and educational facilities.
3.0	Description of Proposal
3.1	Proposed Social Housing Development Comprising of 12 no. 3p/2b semi-detached dwelling houses with in-curtilage 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	No relevant planning history.
5.0	Consultations and Representations 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.
5.1	Statutory Consultations 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. DfI Roads – Outstanding DfI Rivers – Outstanding NI Water – Refusal DAERA NIEA – Content subject to conditions

5.2	<p>Non-Statutory Consultations</p> <p>BCC Environmental Health – Content subject to conditions BCC Plans & Policy team – Advice provided Shared Environmental Services (SES) – Content subject to conditions NIHE – In support of the application</p> <p>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.</p>
5.3	<p>Representations</p> <p>The application has been advertised and neighbours notified. The Council has received the following representations in support and objection.</p> <p>Objections: 1 The objection received is in relation to a loss of privacy and loss of existing green areas. These matters will be addressed in the report below.</p> <p>Unless stated above, these representations are addressed in the main report.</p>
6.0	<p>PLANNING ASSESSMENT</p>
	<p>Development Plan Context</p>
6.1	<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>
6.2	<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>
6.3	<p>The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.</p>
6.4	<p>Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.</p>
6.5	<p>Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.</p>

6.6	<p>Relevant Planning Policies</p> <p>The following policies in the Plan Strategy are relevant to consideration of the application.</p> <ul style="list-style-type: none"> • Policy SD2 – Settlement Areas • Policy HOU1 – Accommodating new homes • Policy HOU2 – Windfall housing • Policy HOU4 – Density of residential development • Policy HOU5 – Affordable housing • Policy HOU6 – Housing mix • Policy HOU7 – Adaptable and accessible accommodation • Policy DES1 – Principles of urban design • Policy RD1 – New residential developments • Policy TRAN6 – Access to public roads • Policy TRAN8 – Car parking and servicing arrangements • Policy TRAN10 – Design of car parking • Policy ENV1 – Environmental quality • Policy ENV2 – Mitigating environmental change • Policy ENV3 – Adapting to environmental change • Policy ENV5 – SuDS • Policy GB1 – Green and blue infrastructure network • Policy OS1 – Protection of Open Space • Policy OS3 – Ancillary open space • Policy NH1 – Protection of natural heritage resources • Policy TRE1 – Trees
6.7	<p>Key Issues</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • Additional information • Principle of development • Affordable housing and Housing Mix • Design, layout and impact on the character and appearance of the area • Climate change • Accessible and adaptable accommodation • Access and parking • Drainage • Waste-water infrastructure • Ecological Impacts • Noise, odour and other environmental impacts including contamination <p>The adoption of the Plan Strategy requires the following updated assessment.</p>
6.8	<p><u>Additional Information</u></p>
6.9	<p>Officers requested that the applicant provided 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>

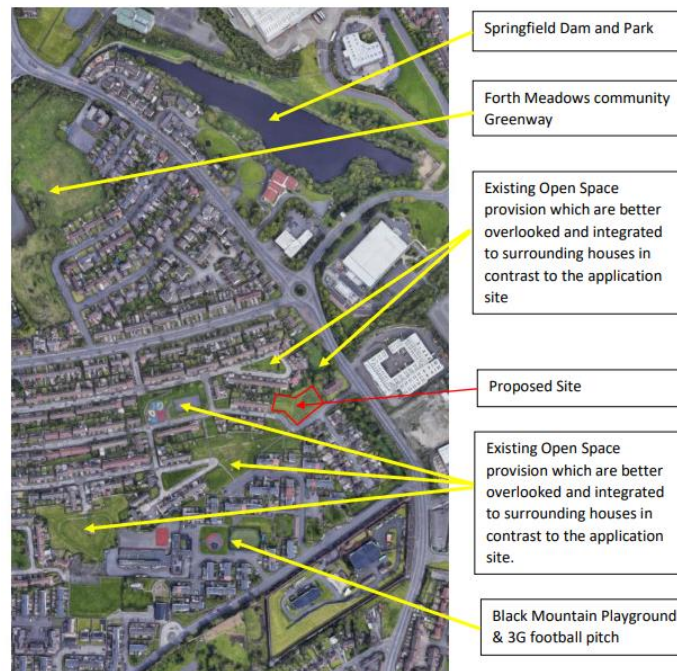
6.10	The Planning Service's Plans and Policy team has been consulted on the applicant's Plan Strategy and have provided advice. No further consultations have been considered necessary following adoption of the Plan Strategy.
6.11	<p><u>Principle of development</u></p> <p>The site is located within the development limit in the Belfast Urban Area Plan 2001 and both versions of the draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014). The presumption is therefore in favour of development subject to planning considerations detailed below. The proposal is compliant with Policy HOU1, accommodating new homes as it will meet the delivery of housing supply in Belfast City. Policy HOU2, Windfall Housing is also met as the proposal is situated on previously developed land and is currently white land within the BMAP 2004 and 2015 versions.</p>
6.12	Part of the site (NIHE lands) appears to form part of the amenity greenspace for the existing housing development. It has been maintained as amenity grassland and evidence shows previous environmental improvement through tree planting. Whilst the tree planting has been removed, the NIHE portion of the site is clearly open space. With regards to the other portion of the site (Orange Hall Lands), whilst not appearing to have been maintained, it is considered to be open space as defined in the Plan Strategy 2035 (PS 2035) , 'all open space and ancillary facilities of recreational, amenity or environmental value, including land and water bodies, irrespective of ownership or access. This includes a wide range of types of open space, such as amenity open space, natural and semi-natural spaces, ...etc.
6.13	The current protection of the site under Policy OS1 of the PS 2035 is a key consideration in the assessment of the principle of development.
6.14	<p><u>Loss of Open Space</u></p> <p>Within the LDP Plan Strategy 2035 the proposed site falls under the definition of open space as highlighted above.</p>
6.15	Policy OS1 of the Plan Strategy 2035 states that development resulting in a loss of open space 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 open space.
6.16	The applicant submitted justification for the loss of open space and has detailed the following information in support of the application. The application site has been registered by NB Housing and is included in the NIHE 2023-2024 social housing programme. This scheme is for 12 units which will help alleviate the existing shortfall in social housing provision in the local area. This has been backed up through consultation with NIHE who has confirmed there is a need for this type of housing and units within the Ballygomartin area.
6.17	Households in 'stress' are determined by a 'points-base' assessment and includes applicants with insecurity of tenure, who live in poor housing conditions, are subject overcrowding, have been or continue to be subject to intimidation or are affected by poor health and social well-being. The scheme will provide a substantial area-specific community benefit by providing housing for vulnerable applicants assessed to be living in housing stress in the local area. The housing mix and Number of units proposed in the scheme has been specifically designed to address the live housing need for this area. The Department for Communities requires NB Housing (Housing Association) to apply a social clause when awarding a contract for the construction phase of the project, this will in turn provide community benefits to local unemployed people as they will be given the opportunity of apprenticeship for the duration of the building works.

6.18

The applicant has provided a map (fig 3) showing the existing pockets of open space within the area, within walking distance from the proposed site.

Fig 3.

Location of existing Open Spaces next to site



6.19

The above map clearly demonstrates that there is a high level of open space within the vicinity of the proposed development. The applicant states that there are further areas of open space as shown above, located immediately adjacent to the site which are better overlooked, and more usable than the application site. They have also stated that the construction of the site will enhance the character of the area by introducing additional life and activity in an established residential area. There will be an element of open space within the proposed development which equates to approximately 235.63 sqm. This falls short of the expected 10% of the total site area as set out in OS3. However, there is ample private amenity space and an area of large open space directly to the front of the proposed site. Having considered the above, the provision of open space is acceptable under policy OS3 of the Plan Strategy 2035

6.20

Having considered all the matters as set out above there is a clear and pressing unmet social need in the local area, therefore, it is considered, on balance, that the proposed scheme can be considered an exception to the provisions of Policy OS1 of the Plan Strategy 2023, subject to Section 76 Agreement to secure the provision of social housing.

Design, layout and impact on the character and appearance of the area

6.21

The proposed development, by reason of its form, scale, layout, design and materials, is in keeping with the site and its surrounding area. The proposal is compliant with Policy RD1 of the Plan Strategy 2035 and meets the below criteria:

- a. *Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential area:*

The site is in a primarily residential area and the proposed layout will not conflict with the established uses in the surrounding area. There is a total of 12 social housing units comprising of 3person/2bed accommodation. The dwellings are two storey and are in keeping with the surrounding housing units. The proposed finishes are to consist of grey/black coloured roofs with red facing brick and smooth render (colour white) indicated on elevation drawings, which is in keeping with the

	<p>surrounding area. The finishes reflect that of the surrounding area and offer a more modern and contemporary approach to the traditional built form. The proposed development will be enhanced by quality hard and soft landscaping around the buildings.</p> <p>The site has a steep sloping topography falling 5m from the North-West to South-East. There have been elements of infilling to ensure there is a gentler topography to create usable amenity space in the rear gardens. There is an existing retaining wall with the boundary at Highfield Drive, and the applicant has proposed tree planting to soften the landscape between both residential areas. It is considered that the overall design, scale and massing will not create conflict with adjacent land uses. The proposal will create a quality residential environment that creates an attractive, locally distinctive and appropriate design in relation to the surrounding area.</p>
6.22	<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 all buildings within the site is such that there will be no significant overlooking into neighbour properties. There is a separation distance of approximately 14.06m from the rear gardens of the proposed houses to the north of the site and those dwellings situated in Highfield Drive. The separation distance increases where the proposed dwellings fall to the south-east of the site in relation to the dwellings in Highfield Drive. The separation distance is considered acceptable and in keeping with the guidance in Creating Places. There is also a similar separation distance between the existing properties located at Highcain Drive and Highfield Drive. The separation distance will ensure that dominance and overshadowing will not occur to an acceptable degree. There will be no opportunity for overlooking into neighbouring properties.</p>
6.23	<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 is approximately 300m from Metro Bus Links that are situated on the Springfield Road in either direction. The bus links form connections to all areas beyond the city centre. Translink Metro Route 10 service the development site in either direction and there is also easy access to Black Taxis and Private Hire Taxis. The surrounding area does not provide adequate cycling infrastructure, however there is accessibility to bus lanes to cycle to destinations within the city</p>
6.24	<p><i>d. Provides adequate open space:</i></p> <p>The proposed units benefit from the provision of private rear amenity space bound by a 2m close boarded fence and an area of private amenity space to the front bound by a 1m metal railing. The rear gardens are between 40-67 sqm in size, this level of provision is in accordance with the standards set out in the Creating Places guidance document.</p>
6.25	<p><i>e. Keeps hard surfacing to a minimum</i></p> <p>Car parking is considered to not dominate the residential development as there is space for 1 vehicle per dwelling. This allows for an abundance of green open and private amenity space for future residents.</p>
6.26	<p><i>f. Creates a quality and sustainable residential environment in accordance with the space standards set out in appendix C.</i></p> <p>The proposed scheme is in keeping with the space standards as set out in appendix C. The proposal consists of 3-person/ 2-bedroom two storey dwellings which are required to be 70sqm. The dwellings are between 70-75sqm in size.</p>

6.27	<p><i>g. Does not contain units which are wholly in the rear of the property, without direct, safe and secure access form the public street; and</i></p> <p>The entrances to the properties are from the main street and allow for natural surveillance of the street scene. Each property is safe and secured with a 1m tall metal railing to the front of the site to create more sense of a secure environment for future residents.</p>
6.28	<p><i>h. Ensures that living rooms, kitchens and bedrooms have access to natural light</i></p> <p>All three of the house types provide ample light through to living rooms, bedrooms and kitchens.</p> <p>Further to policy RD1, the proposal complies with the criteria set out in A-K of Policy DES 1- Principles of Urban Design in that the scheme is of a high quality, sustainable design and makes a positive contribution to placemaking.</p>
6.29	<p><u>Climate change</u></p> <p>The proposal maximises opportunities to incorporate sustainable design features where feasible. The applicant submitted a Climate Change Compliance Statement outlining the following features:</p> <ul style="list-style-type: none"> • Energy Efficiency Standards- all dwelling houses in this scheme will be designed to meet the Energy Efficiency standards which promotes energy conservation/efficiency sustainability an ease of maintenance. All dwellings will include triple glazed windows, timber frame construction with energy efficient fabric insulation, PV Panels, air permeability of 3 or less, passive ventilation (PIV) to comply with relevant section of Building Regulations. • Site Layout- The layout and orientation of the proposed dwellings will optimise solar gains and energy efficiency (i.e. roof pitch fronting south and south-west aspect). • The proposed scheme will aim to use responsible sourced materials with accreditations to promote lower carbon footprint and sustainable manufacturing processes. • The proposed scheme design will incorporate rainwater attenuation systems designed to reduce and store surface water runoff from the site in accordance with NI Water approval. • There will be additional tree planting across the site which will help to promote biodiversity on the site and create a positive ecological enhancement in terms of health and well-being but equally in relation to Climate Change.
6.30	<p>The proposal is compliant to Policy ENV 2- Mitigating Environmental Change in that ENV 2 in that it demonstrates opportunities to incorporate sustainable design features where feasible such as orientating buildings to optimise solar gain and energy efficiency. It is considered that the proposal incorporates measures to adapt to environmental change including part d and h of Policy ENV3 of the Plan Strategy.</p>
6.31	<p>Furthermore, the additional tree planting represents a net gain of 26 additional trees, further ability for the proposal to mitigate and adapt to climate change and complying with Policy TRE1.</p>
6.32	<p><u>Affordable housing and Housing Mix</u></p>
6.33	<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. All 12 of the proposed dwellings will be provided as affordable housing (100% provision). An</p>

	email sent from the NIHE confirmed that there is social need for affordable housing within the Ballygomartin area.
6.34	<p>However, Policy HOU5 requires that affordable housing should contain a mix of social rented housing/ and or intermediate housing. A consultation response was received from the BCC Policy Team outlining that the Affordable and housing mix SPG recognises at section 3.2.1 that a small-scale development involving 100% social housing may be deemed to meet the requirements of Policy HOU5 where an identified need is addressed and the proposal is able to contribute towards balanced communities and paragraph 4.4.11 notes that 'proposals for single tenure social housing consisting of 12 units or more, will only be permitted in exceptional circumstances'. Section 4.4.14 continues to state that whether a proposal for mono-tenure social housing is deemed to deliver sustainable and balanced communities will be assessed on a case-by case basis using the following factors:</p> <ul style="list-style-type: none"> - The level of social housing need in the vicinity of the site and the availability of land to address such needs; - The wider tenure and characteristics of and are, in order to minimise large areas of single tenure social housing; and - Whether a scheme is proposed as 'sharing housing'
6.35	<p>NIHE have confirmed a need for 2 bed social housing in this location based on the waiting list as it December 2022 in an email dated 26 April 2023 and are generally supportive of the proposal. Although there does appear to be other land available in the general area, the surrounding area is not dominated by social housing. The scheme is not proposed as a 'sharing housing' scheme. Given this context, a relatively small single tenure development, on balance, is deemed acceptable in this location.</p>
6.36	<p>With regards to housing mix, the proposal comprises a total of 12 residential units, including 3 persons/ 2-bedroom semidetached dwellings, ranging from 70-75 sqm per dwelling. This meets the space standards as set out in Appendix C of the Plan Strategy. The proposed housing mix has been informed by an analysis of the prevailing housing need in the area. Support for the proposed housing mix has been confirmed by NIHE for social housing in both a letter from NB Housing and an email from NIHE stating that there is a need for two-bedroom houses in the area. Therefore, the housing mix is considered acceptable having regard to policy HOU6 of the Plan Strategy 2035.</p>
6.37	<p>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. Although not yet formally defined, the site is likely to fall within the Outer Belfast settlement, /character area, so the average density band (in dwellings per hectare) should be between 25-125. The development proposed 12 units on a site of 0.235ha, which gives a density of approximately 47dph, which falls within the relevant density parameters, therefore the proposal is compliant to Policy HOU4.</p>
6.38	<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 not provided evidence that the scheme will provide sufficient wheelchair accessible units.</p>
6.39	<p>However, the applicant has stated that the dwellings as designed will meet with the Lifetime Homes requirements and specific Housing Association Guidance. Lifetime Homes is a</p>

	<p>standard which requires all new homes to be designed in a flexible way to ensure 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. The scheme does not include any dedicated wheelchair dwellings and demand was not confirmed by NIHE that there was a need for such housing provision in the area. However, through the Lifetime Home Standards there is flexibility and adaptability to allow for future wheelchair provision to be accommodated within the envelope of the dwelling. Based on the information provided and a consultation response from BCC LDP team, we are content, that on balance the scheme satisfies the accessibility requirements of Policy HOU7 and the current social housing need which is evident from NIHE for homes of this tenure. The applicant has clearly outlined potential, when necessary, to provide wheelchair accessible homes in the future through modifications.</p>
6.40	<p><u>Access, movement, and parking</u></p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and resolve any matters arising from the outstanding consultation response from DfI Roads in the event this is not received prior to Committee.</p> <p>Parking standards – outstanding comments from DfI Roads but delegated authority is sought allow the resolution of any technical issues arising.</p>
6.41	<p><u>Drainage</u></p> <p>Delegated authority is also sought for 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.</p>
6.42	<p><u>Waste-water infrastructure</u></p> <p>NI Water has objected to the proposal on grounds of insufficient capacity at the local war-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>
6.43	<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> <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 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</p>

6.44	<p>Assessment Screening to ascertain whether there would be a likely significant impact. This also triggers statutory consultation with DAERA NI Environment Agency.</p> <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> <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> <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> <p>The Natural Environment Division (NED) were consulted and are content that the proposal is unlikely to significantly impact NI Priority/protected species or habitats.</p> <p><u>Noise, odour and other environmental impacts including Contamination</u></p> <p>The proposed site for social housing has been assessed by Environmental Health. They have stated that the Preliminary Risk Assessment identified potential on-site sources of contamination. Through discussions with Environmental Health and the applicant, the service has requested that any sources of contamination are dealt with by way of negative conditions, meaning that no development shall commence on site until an updated PRA, QRA, further investigation, laboratory analysis and risk assessment would be undertaken and submitted for approval by the Council. Conditions relating to contamination will be attached to an approved scheme. With regards to noise, Environmental Health have conditioned the glazing systems and ventilation of habitable rooms to protect residential amenity. There were no concerns raised relating to general amenity and odour.</p>
7.0	Recommendation
7.1	Having regard to the development plan and other material considerations, the proposal is considered acceptable. Having considered all the matters as set out above there is a clear and pressing unmet social need in the local area, therefore, it is considered, on balance, that the proposed scheme can be considered an exception to the provisions of Policy OS1 of the Plan Strategy 2023, subject to Section 76 Agreement to secure the provision of social housing.
7.2	It is recommended that planning permission is granted subject to conditions.
7.3	Delegated authority is sought for the Director of Planning and Building Control to finalise the condition, the section 76 planning agreement s 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. No development shall commence (other than site clearance, enabling works or works to fulfil this condition) until an updated 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 detailed site investigation in line with BS 10175:2011+A2:2017. Any ground gas investigations shall be conducted in line with BS 8576:2013 and BS 8485:2015+A1:2019.
 - A satisfactory assessment of the risks (including an updated Conceptual Site Model), conducted in line with current Environment Agency guidance. In addition, risks associated with ground gases shall be assessed under methodology outlined in BS8485:2015+A1:2019 and CIRIA C665.

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

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

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

3. In the event that a Remediation Strategy is required, prior to occupation or operation of the development, a Verification Report shall be submitted to and approved in writing by the Council. The Verification Report must be in accordance with the Environment Agency Guidance, British Standards and CIRIA industry guidance. It must demonstrate that the mitigation measures outlined in the agreed Remediation Strategy have been implemented and have broken the relevant contaminant linkages and the site no longer poses a potential risk to human health.

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

4. If during the carrying out of the development, new contamination is encountered that has not been previously identified, all related works shall cease immediately, and the Council shall be notified immediately in accordance with current industry recognised best practice. In the event of unacceptable human health risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Council, prior to the development being occupied or operated. The Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

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

5. Prior to occupation of the hereby permitted residential units, the glazing systems and ventilation to habitable rooms as installed must achieve the sound reduction performance specifications (R_{tra}) as per Section 6 Mitigation Measures of the Alive Environmental Ltd, Noise Report, entitled: LA04/2022/2059/F Residential Development Comprising of 12no. 3p/2p Semi-

Detached Dwelling Houses at Lands South of 56 Highcairn Drive, Belfast, BT13 3RU, Dated: March 2023 and shall be maintained thereafter;

Reason: Protection of Residential Amenity

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

Reason: Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

DfI Roads & Rivers conditions to be added on receipt of consultation responses.

DRAFT INFORMATIVES:

1. This decision relates to the following approved drawing numbers:
Site location plan 01A
Site Block Plan 02C
Proposed Floor Plans 03
Proposed Floor Plans 04
Proposed Elevations 05
Boundary Treatments 06
Site Sections 07A
Site layout Topography 08B
Proposed Floor Plans 09
Proposed Floor Plans 10
Proposed Floor Plans 11
Proposed PSD Layout 13B
2. Please make sure that you carry out the development in accordance with the approved plans and any planning conditions listed above. Failure to do so will mean that the proposal is unauthorised and liable for investigation by the Council's Planning Enforcement team. If you would like advice about how to comply with the planning permission, you are advised to the contact the Planning Service at Belfast City Council at planning@belfastcity.gov.uk.
3. This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.
4. The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer.

ANNEX	
Date Valid	04/11/2022
Date First Advertised	18/11/2022
Date Last Advertised	16/06/2023
Details of Neighbour Notification (all addresses) 10 Highfield Drive, Belfast, Antrim, BT13 3RL 4 Highfield Drive, Belfast, Antrim, BT13 3RL 6 Highfield Drive, Belfast, Antrim, BT13 3RL 8 Highfield Drive, Belfast, Antrim, BT13 3RL 50 Highfield Drive, Belfast, Antrim, BT13 3RL 56 Highfield Drive, Belfast, Antrim, BT13 3RL 16 Highfield Drive, Belfast, Antrim, BT13 3RL 24 Highfield Drive, Belfast, Antrim, BT13 3RL 22 Highfield Drive, Belfast, Antrim, BT13 3RL 12 Highfield Drive, Belfast, Antrim, BT13 3RL 18 Highfield Drive, Belfast, Antrim, BT13 3RL 54 Highfield Drive, Belfast, Antrim, BT13 3RL 14 Highfield Drive, Belfast, Antrim, BT13 3RL 52 Highfield Drive, Belfast, Antrim, BT13 3RL 20 Highfield Drive, Belfast, Antrim, BT13 3RL 75 Highfield Drive, Belfast, Antrim, BT13 3RL 79 Highfield Drive, Belfast, Antrim, BT13 3RL 77 Highfield Drive, Belfast, Antrim, BT13 3RL Whiterock Orange Hall, 525 Dunboyne Park, Antrim, B13 3PX 3 Dunboyne Park, Belfast, Antrim, BT13 3PX 4 Dunboyne Park, Belfast, Antrim, BT13 3PX 5 Dunboyne Park, Belfast, Antrim, BT13 3PX 6 Dunboyne Park, Belfast, Antrim, BT13 3PX 7 Dunboyne Park, Belfast, Antrim, BT13 3PX 1 Dunboyne Park, Belfast, Antrim, BT13 3PX 2 Dunboyne Park, Belfast, Antrim, BT13 3PX 8 Dunboyne Park, Belfast, Antrim, BT13 3PX 51 Black Mountain Parade, Belfast, Antrim, BT13 3PX 49 Black Mountain Parade, Belfast, Antrim, BT13 3PX 57 Black Mountain Parade, Belfast, Antrim, BT13 3PX 55 Black Mountain Parade, Belfast, Antrim, BT13 3PX	

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Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 29 th June 2023	
Application ID: LA04/2022/0136/F	Target Date:
Proposal: Environmental improvement works and upgrades to Ballysillan Playing Fields, comprising refurbishment of existing bowling pavilion; new intermediate floodlit 3G pitch; new children's play facilities; new open-air community event space; new fenced dog exercise areas; new pump track; new and improved pathways; works to expose parts of the existing culverted river to create a new channel and flood attenuation area; new street furniture including canopies, shelters, picnic tables, seats, lights, cycle stands, fences and bollards; improvements to existing allotment area including path and vehicle track resurfacing, new polytunnels and shed; landscape interventions including planting, woodland management, resurfacing and regrading; and all associated works.	Location: Ballysillan Playing Fields, Ballysillan Road, Belfast BT14 7QP.
Referral Route: Major Application	
Recommendation:	Approval subject to conditions
Applicant Name and Address: Belfast City Council 9 Adelaide Street Belfast BT2 8DJ	Agent Name and Address: AECOM 10th Floor Clarence West Building 2 Clarence Street West Belfast BT2 7GP
Executive Summary: This application seeks full planning permission for Environmental improvement works and upgrades to Ballysillan Playing Fields. The proposed development includes refurbishment of the existing bowling pavilion; a new intermediate floodlit 3G pitch; new children's play facilities; new open-air community event space; new fenced dog exercise areas; new pump track; new and improved pathways; works to expose parts of the existing culverted river to create a new channel and flood attenuation area; new street furniture including canopies, shelters, picnic tables, seats, lights, cycle stands, fences and bollards; improvements to existing allotment area including path and vehicle track resurfacing, new polytunnels and shed; landscape interventions including planting, woodland management, resurfacing and regrading; and all associated works. The key issues are:	

- Principle of development
- Impact on the character and appearance of the area
- Compatibility with adjacent uses
- Climate change
- Access and parking
- Drainage
- Waste-water infrastructure
- Contamination
- Noise, odour and other environmental impacts
- Ecological impacts

The site is located on the Ballysillan Road and is an existing area of open space and important community asset. The proposal seeks to upgrade the existing facilities and includes the following elements which will benefit the local and wider community:-

- A new 3G pitch
- Flood attenuation area
- Bowling pavilion refurbishment
- Play areas
- Pump track
- Dog exercise area
- Events space
- Allotment improvements
- Pathways, lighting, landscaping and planting

One third party representation has been received which raises concerns regarding a proposed community hub proposed to replace the existing community centre on the main Ballysillan Road. This application does not include proposals for a community hub.

All consultees are content subject to conditions which are set out in the report.

Recommendation

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

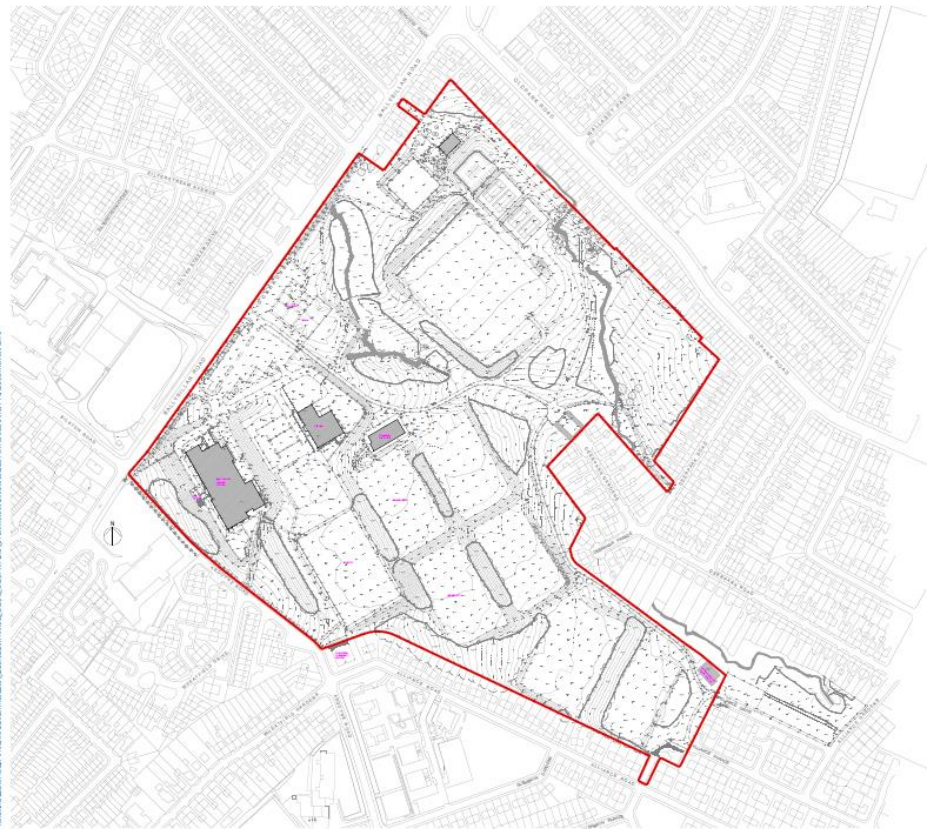
Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and deal with any other matters which may arise.

Signature(s):

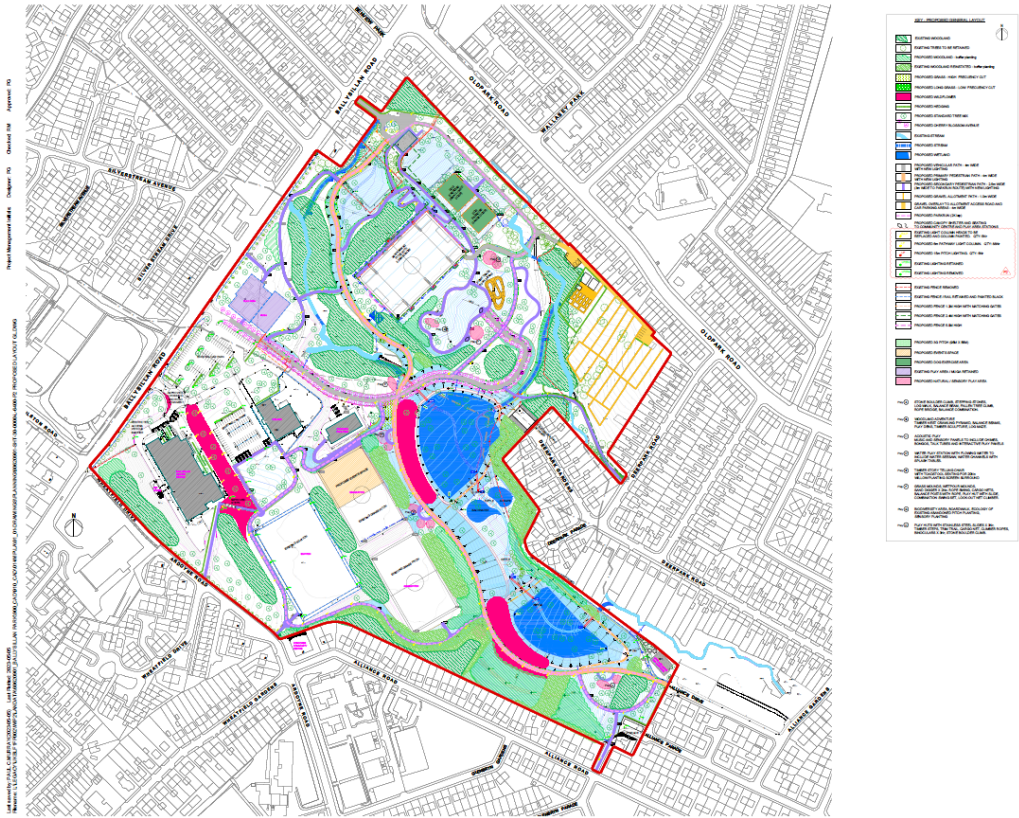
Case Officer Report

1.0 Drawings

Site Location Plan



Proposed Site Layout





2.0	Characteristics of the Site and Area
2.1	Ballysillan Park is situated in the north of the city and fronts onto the Ballysillan Road with access points from the surrounding road network including Ardoyne Road, Alliance Parade/Drive and Deerpark Road. The site is located in an area of mixed use area which includes commercial, community and residential developments.
3.0	Description of Proposal
3.1	The proposal includes environmental improvement works and upgrades to Ballysillan Playing Fields, comprising refurbishment of existing bowling pavilion; new intermediate floodlit 3G pitch; new children's play facilities; new open-air community event space; new fenced dog exercise areas; new pump track; new and improved pathways; works to expose parts of the existing culverted river to create a new channel and flood attenuation area; new street furniture including canopies, shelters, picnic tables, seats, lights, cycle stands, fences and bollards; improvements to existing allotment area including path and vehicle track resurfacing, new polytunnels and shed; landscape interventions including planting, woodland management, resurfacing and regrading; and all associated works.
3.2	The proposal was the subject of a PAD.
4.0	Planning Assessment of 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 <ul style="list-style-type: none"> Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	Other Policies <ul style="list-style-type: none"> Developer Contribution Framework Belfast Agenda
4.5	Relevant Planning History <p>LA04/2021/1015/PAN - Redevelopment of Ballysillan Playing Fields into a new public park. Proposed Environmental Improvement Works and new facilities include: 1no. new full intermediate floodlit 3G pitch; changing facilities within the refurbished bowling pavilion; children's natural play facilities; a hard surfaced pump track; fenced dog exercise areas; multi-purpose community event space; upgrade works to the allotments. The proposed works also include new and improved pathways; lighting; realignment of the existing grass pitches; extension of the existing car parking; a new entrance at Deerpark Gardens; street furniture and natural enhancement works including planting and exposing parts of the culverted river to create a new channel and areas of wetland habitat. Ballysillan Playing Fields, Ballysillan Road, Belfast, BT14 7QP. PAN Acceptable 11.05.2020.</p> <p>LA04/2019/2244/PAD - Environmental improvements works to Ballysillan Playing Fields. Proposed facilities include; 2no. new full intermediate 3G pitches, existing grass pitches realigned, trim trail, cycle track, natural play area, dog park, multi purpose community event space, hangout space, community garden and proposed car parking; including the introduction of lighting, planting, and improved pathways and entrances with creation of new 2no. accesses; natural enhancement works including exposing the river to create a new channel and wetland, Ballysillan Playing Fields, Ballysillan Road, Belfast, BT14 7QP.</p>
5.0	Consultations and Representations
5.1	Statutory Consultations <p>DFI Roads – No objection subject to conditions DFI Rivers Agency – No objection subject to condition. NI Water – No objection subject to conditions. DAERA, NIEA – No objection subject to conditions. HED – No objection</p>
5.2	Non-Statutory Consultations <p>BCC Environmental Health – Conditions recommended. BCC Plans and Policy Team – No objection. Shared Environmental Services – No objection. BCC Landscape Planning and Development Team – No objection. BCC Tree Officer – No objections subject to conditions. NIE – No objection</p>
5.3	Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the substance of those policies remains sufficiently similar in the Plan Strategy so as not to require the consultees to re-evaluate the proposal in the

	context of the Plan Strategy. Additional consultation has been carried out with Plans and Policy Team following adoption of the Plan Strategy and receipt of the Plan Strategy Statement.
5.4	Representations
5.5	<p>The application has been advertised and neighbours notified. One third party representation has been received raising the following issues:-</p> <ul style="list-style-type: none"> Concerns regarding proposed community hub proposed to replace existing community centre on the main Ballysillan Road. <p><i>Officer response:-</i></p>
5.6	The proposed development does not include a Community Hub building.
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. The relevant zonings/designations are set out below.
6.7	<p>dBMAP (v2004)</p> <p>In dBMAP (v2004) the site is within the Belfast Metropolitan/Settlement Development Limit. The majority of the site is identified as open space and falls with a Local Landscape Policy Area (LLPA Ref: BT 106 – Ballysillan). Part of the site which includes the Iceland supermarket is whiteland.</p>

6.8	<p>dBMAP2015 (v2014) In dBMAP (v2014) the site is within the Belfast Metropolitan/Settlement Development Limit. The majority of the site is identified as open space and falls with a Local Landscape Policy Area (LLPA Ref: BT 088 – Ballysillan). Part of the site which includes the Iceland supermarket is whiteland.</p>
6.9	<p>BUAP Within the BUAP the site is identified as Land Reserved for Landscape, Amenity or Recreation Use within the development limit of Belfast.</p>
7.0	<p>Relevant Planning Policies</p> <p>Policy SP2 – Sustainable development Policy SP3 – Improving health and wellbeing Policy SP4 – Community cohesion and good relations Policy SP5 – Positive placemaking Policy SP6 – Environmental resilience Policy SP7 – Connectivity Policy SP8 – Green and blue infrastructure network</p> <p>Policy SD1 – Settlement hierarchy</p> <p>Policy GB 1 – Green and Blue Infrastructure Policy OS 1 – Protection of Open Space Policy OS7 – Floodlighting Policy CI1 – Community Infrastructure Policy ENV 1 – Environmental Quality Policy ENV 3 – Adapting to environmental change Policy ENV 4 – Flood Risk Policy ENV 5 – Sustainable drainage systems (SuDS) Policy TRE 1 - Trees Policy NH1 – Protection of natural heritage resources</p> <p>Policy TRAN8 – Car parking and servicing arrangements</p> <p>Policy LC1 - Landscape Policy LC1C – Local Landscape Policy Areas</p>
8.0	<p>Key Issues</p>
8.1	<p>The key issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> • Principle of development • Impact on the character and appearance of the area • Compatibility with adjacent uses • Climate change • Access and parking • Drainage • Waste-water infrastructure • Contamination • Noise, odour and other environmental impacts • Ecological impacts

8.2	Additional Information
8.3	Officers have 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.
8.4	The applicant has subsequently provided a Plan Strategy Statement, which assesses the proposal against the relevant Plan Strategy policies and concludes that the proposed scheme accords with the plan strategy.
9.0	Principle of Development
9.1	<p>Policy SP3 [Improving Health and wellbeing] of the new Belfast LDP Strategy states that the ‘<i>Council will support development that maximises opportunities to improve health and wellbeing</i>’. Improving health and wellbeing are core principles of the SPPS and a strategic policy set out in the new Belfast LDP Strategy. The Design and Access Statement (DAS) states that Ballysillan Park has potential to be a resource for local communities within greater Ballysillan and the wider North Belfast communities. The proposed development proposes a number of upgrades including: -</p> <ul style="list-style-type: none"> • A new 3G pitch • Flood alleviation measure • Bowling pavilion refurbishment • Play areas • Pump track • Dog exercise area • Events space • Allotment improvements • Pathways, lighting, landscaping and planting
9.2	<p>The DAS sets out the benefits of the scheme which include:-</p> <ul style="list-style-type: none"> • The proposed development will help bring major benefits to the local community by transforming an underutilised space into a modern and active public park • proposed development has been designed to meet the needs of the local area by providing an attractive space for everyone to enjoy • The proposed development works in harmony with the natural aspects of the park whilst also improving biodiversity and providing flood alleviation for the local area • The proposed development contains a number of interventions aimed at improving recreational facilities for all age groups • new play stations will provide equipment for children of all ages and abilities • The proposed flood alleviation area will include planting that will help to enhance its setting and create a wildlife area as well as providing flood alleviation for the surrounding residents • new path network and improved accesses which will help to improve accessibility to and within the application site. The proposed development will also enhance the

	visual and environmental quality of the application site which in turn will benefit the appearance of the wider area
9.3	The DAS further states that <i>'The proposed works will create new leisure and recreational facilities where families, children, and people of all ages can get active and have fun in an attractive, safe, accessible and ecologically diverse parkland setting.'</i>
9.4	The proposed development seeks to improve the health and wellbeing of the local community through the provision of upgraded open space facilities. The principle of the development is considered acceptable and complies with Policy SP3. Detailed assessment of the proposal is set out below.
10.0	Impact on the Character and Appearance of the Area
10.1	The majority of the application site is identified in dBMAP 2015 (v2014) as existing open space and falls within a Local Landscape Policy Area (LLPA Ref: BT 088 – Ballysillan). In the BUAP the site is identified as Land Reserved for Landscape, Amenity or Recreation Use. Ballysillan Park is identified as a major park and open space area and falls within a primary green and blue infrastructure axis within the Council's Green and Blue Infrastructure Plan [GBIP].
10.2	Policy OS 1 [Protection of open space] of the Plan Strategy states that the Council will support the retention and improvement of existing open space throughout the district area. The proposals comply with this requirement of Policy OS 1.
10.3	Policy GB1 [Green and blue infrastructure network] states that <i>'Planning permission will be granted for proposals that protect, augment, complement and/or improve the network and connectivity of green and blue infrastructure across the district.'</i> The Policy further states that <i>'The LDP will seek to secure improvements and expansion of the green and blue infrastructure network, including those identified in the LDP and/or the Council's GBIP and associated strategies/action plans'</i> and that <i>'The LDP will seek to safeguard designated and potential sites and corridors that form part of the network of green and blue infrastructure across the district and will only permit development either within or adjacent to such sites and corridors where it does not prejudice the retention, use, enhancement or further development of the network.'</i>
10.4	Policy LC1 [Landscape] of the Plan Strategy seeks to protect and, where appropriate, restore or improve the quality and amenity of the landscape subject to meeting a number of criteria which include the protection and enhancement of the landscape and visual character of the area; the protection of built, natural and cultural features, their views and settings; the sensitivity of the landscape and its capacity to accommodate development without adversely impacting on the landscape character.
10.5	Policy LC1C [Local Landscape Policy Areas (LLPAs)] of the Plan Strategy states that in addition to complying with criteria set out in Policy LC 1 development proposals that have a significant adverse impact on the amenity, character, environmental quality or natural, built & cultural heritage features. The site is designated as a LLPA within dBMAP (v2014).
10.6	The development proposes to upgrade facilities at the Ballysillan playing fields area of existing open space which will result in an enhancement of the landscape and visual character and appearance of the area. The proposed development will enhance the visual and environmental quality of the area through the creation of the flood alleviation/wetland area and additional planting which will in turn will benefit the appearance of the wider area. The Plans and Policy Team consider that having regard to the current uses, nature of the proposals and the features of the LLPA in this vicinity, the proposals are not

	considered to conflict with the policy objectives. The proposal will not have a significant adverse impact on the LLPA.
10.7	The proposed development will serve to enhance and protect the existing area of open space the natural heritage assets within the site and will enhance and safeguard the existing open space asset which forms part of the green and blue infrastructure. The proposal is considered to comply with policies GB1, LC1 and LC1C of the Plan Strategy.
11.0	Compatibility with adjacent uses
11.1	The site sits adjacent to established residential areas which bound the northern, eastern and southern boundaries. Existing access points from the adjoining residential streets of Ardoyne Road, Alliance Road, Alliance Drive and Deerpark Road (as shown on Drawing No. 20 – Illustrative Layout), will be retained maintaining connectivity and permeability through the site and facilitating ease of access to amenities within the site for the community. Concerns were raised during the Pre-Application Community Consultation regarding the entrance from the adjoining Deerpark Gardens. As a result the proposal was amended prior to submission of the planning application to remove access from Deerpark Gardens.
11.2	Policy ENV1 [Environmental Quality] states that planning permission will be granted for development that will maintain and where possible enhance environmental quality and protects communities from materially harmful development. Policy ENV 1 further states that development must not result in an unacceptable adverse impact on the environment and take account of ground contamination, air quality, water quality, noise and light pollution. The application has been supported by a number of appropriate assessments including an Air Quality Impact Assessment, Noise Impact Assessment, Preliminary Risk Assessment, Lighting Assessment and an Outline Construction Environmental Management Plan. Environmental Health (EH) has considered the proposal taking account of noise, air quality, contamination and lighting. With regard to noise EH advises that the Noise Impact Assessment modelling could result in under prediction of noise levels due to uncertainties inherent in any such process and given that the noise from the new 3G pitch will alter the character of the noise environment at receptors closest to this particular area. EH therefore recommend a condition seeking that a noise verification report be submitted within 6 months of the use of the 3G pitch to finalise the operational times of the 3G pitch. Environmental Health does not raise any objection regarding lighting, contamination or air quality and recommends a number of conditions to control the proposed lighting.
11.3	With regard to the nature of the surface of the proposed MUGA i.e. 3G it is considered that the use of such a synthetic surface is acceptable and does not breach current EU regulations. Whilst draft legislation to ban microplastics (contained within such artificial surfaces and used to maintain/infill such surfaces) is in progress, officers advise that this draft legislation would not be considered as a material consideration. Furthermore, the future viability of the 3G pitch would not be a material consideration as this would be within the context of the commercial viability of the application. It is noted that there is an existing 3G pitch already operating on the site. In respect to water quality NIEA and Rivers Agency have raised no objection to the proposal subject to conditions. The proposal is considered to comply with Policy ENV 1.
11.4	Policy OS 7 [Floodlighting] states that the Council will only support the development of floodlighting associated with sports and outdoor recreational facilities where a number of criteria are met including that there is no unacceptable impact on the amenities of people living nearby, there is no adverse impact on the visual amenity or character of the locality or on natural and built heritage interests and public safety is not prejudiced.

	<p>Environmental Health acknowledge that the provision of floodlighting and a 3G pitch are aimed at facilitating greater hours of use thus maximising the potential benefit to the community and having considered the updated lighting assessment are satisfied that it demonstrates that the proposed lighting to the new 3G pitch is acceptable subject to conditions controlling the direction and provision of an artificial lighting verification report. The proposal is considered to comply with Policy OS7.</p>
11.5	<p>The landscape plan proposes that the boundaries of the site shared with residential properties are enhanced with hedge planting to soften these boundaries and provide additional security to the residential properties from the park.</p>
11.6	<p>The proposed development will provide valuable facilities which will benefit the wider community and will not result in any adverse impact on neighbouring properties and adjoining uses. The proposed upgrades will enhance the visual appearance of the area providing significant benefits to the local and wider area.</p>
11.7	<p>Policy HC 1 states that the council will seek to ensure that all new developments maximise opportunities to promote healthy and active lifestyles and further states that planning permission will be granted for proposals that help to sustain and improve neighbourhoods in all parts of the city. The applicant considers that the development complies with this policy helping to bring major benefits to the local community by transforming an underutilised space into a modern and active public park and the proposed development will provide several interventions for families, children, and people of all ages to get active and have fun in an attractive, safe, accessible and ecologically diverse parkland setting.</p>
11.8	<p>Policy CI1 states that the council will seek to protect and provide development opportunities for the community, health, leisure, nurseries and educational facilities based on local need in line with projected population growth over the plan period and that 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 and where there is no unacceptable impact on residential amenity or natural/built heritage and satisfactory arrangements are provided for access for all. The proposed development does not conflict with Policy CI1.</p>
11.9	<p>The proposal will seek to promote healthy and active lifestyle upgrading open space and leisure facilities for the benefit of the local community. The proposal is considered to comply with Policies HC1 and CI1.</p>
12.0	<p>Climate change</p>
12.1	<p>Policy SP8 [Green and blue infrastructure network] of the Plan Strategy states that the <i>'Council will support the development of green and blue infrastructure network, designating and safeguarding sites and accesses required for the green and blue infrastructure network across the plan area.'</i> The proposed development will improve and safeguard the existing open space facilities at Ballysillan and will enhance pedestrian routes through the site linking to the wider area.</p>
12.2	<p>The creation of a flood alleviation/wetland area within the site will serve to act as a SuDS measure. The primary function of the proposed wetland habitat is for flood alleviation purposes enabling water to be diverted to the area during a flood event. DFI Rivers Agency has considered the proposed flood alleviation measures and raise no objection. A wildflower meadow is proposed adjacent to the wetland area and along with the planting of a standard tree mix and woodland planting in the area will enhance biodiversity within</p>

	the site and create a wildlife habitat. DAERA, Natural Environment Division (NED), acknowledge the potential of the flood alleviation area to become an ecologically important feature for the area. NED welcomes the proposal to plant the area with appropriate flora and incorporate a low frequency mowing schedule to allow the habitat to establish itself. NED also welcomes the proposal to provide a 25 year maintenance schedule.
12.3	NED considers that the proposed development will likely result in significant biodiversity enhancement with the incorporation of dedicated native species wildflower meadows as well as supplementing/ enhancing the existing woodland with native trees and shrubs. This is welcomed particularly given that the Tree Survey indicates that biodiversity is remarkably low on the site currently. The proposal is considered to comply with Policy NH 1 of the Plan Strategy.
12.4	Policy TRE1 [Trees] seeks to protect existing trees from new development, particularly those that are of visual, biodiversity or amenity quality and significance, and sets out a presumption in favour of retaining and safeguarding trees that make a valuable contribution to the environment and amenity. The policy also seeks a net gain in tree numbers as a result of built development in the interests of natural heritage, amenity, environmental quality and resilience. The proposal is accompanied by a Tree Survey and Landscape Plan. The Tree Survey advises that a population of 2771 trees have been included in the assessment comprising existing trees in tight groups around the site with the majority of trees being Alder and Ash. The tree survey also indicates that biodiversity is remarkably low on the site. The proposed works will result in the loss of 1300 trees spread across the site.
12.5	The Tree Survey concludes that, <i>'The new improvements proposed for Ballysillan park are extensive with numerous changes to water courses paths and topography. The tree population over the site is limited in terms of amenity, biodiversity and longevity with a significant part of the population being Alder. Going forward the removal of a significant population of trees to facilitate these works should be considered a reorganisation and improvement of the site with a far greater long term value. The design proposes new and extensive planting with a diverse biodiversity and species with improved life spans. Once these landscape measures mature the park will be much improved from an arboricultural perspective.'</i>
12.6	Replacement planting of approximately 6,945 trees is proposed across the site comprising of a wide mix of species as set out below. <ul style="list-style-type: none"> • 131 heavy standard flowering cherry blossom trees to the central avenue • 412 heavy standard trees throughout the park • 6,400 woodland mix species planted as whips and feathered stock.
12.7	In addition, a further 2,140 woodland understory shrubs will also be planted within the woodland areas.
12.8	The proposed planting includes a cherry blossom avenue which is welcomed by the Tree Officer in terms of species choice and the provision of a welcoming future feature for those who will avail of the park in terms of future amenity value and biodiversity aspects. The Tree Survey states that <i>'The design proposes new and extensive planting with a diverse biodiversity and species with improved life spans. Once these landscape measures mature the park will be much improved from an arboricultural perspective'</i> . The proposed planting will result in a significant net gain of trees across the site which is welcomed by the Tree officer. The proposal complies with Policy TRE1.

12.9	<p>Policy ENV 2 [Mitigating environmental change] 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. The policy seeks to avoid demolition and consider the reuse of buildings, requires that new developments must be sustainable and reduce greenhouse gas emissions. If possible, existing buildings should be reused instead of demolished to minimise waste and new developments should include eco-friendly features like recycling water and maximising energy efficiency. The upgrade of the former bowling green building to serve as changing facilities for the new IFA Intermediate 3G pitch, will result in the sustainable reuse of the existing building, avoiding its demolition and enhancing the area and increasing vibrancy in that area of the Park. The Plans and Policy Team consider that more detail should be provided on how the development could make better use of green design measures, such as energy efficiency, water recycling, etc to fully meet the policy objectives. It is considered that appropriate details can be secured by condition.</p>
13.0	<p>Access and Parking</p>
13.1	<p>Policy TRAN 1 [Active travel – walking and cycling] requires that proposals for major developments including leisure and community uses take account of the needs of walkers and cyclists, secure cycle parking and make provision for safe and convenient walking and cycle areas and links to existing or proposed networks and public transport. Policy TRAN 2 seeks to ensure that development proposals are open to the public. Existing access arrangements will remain in place with three vehicular access points from Ballysillan Road, leading to existing car parking areas and one via Deerpark Road to the existing allotments. Existing pedestrian accesses from Ballysillan Road, Ardoyne Road, Alliance Road, Alliance Drive and Deerpark Road are retained with upgrades to the entrances (gates/fencing to match existing) proposed for Ballysillan Road, Alliance Avenue and Alliance Drive entrances</p>
13.2	<p>Policy TRAN 8 of the Plan Strategy states that development proposals will be required to provide adequate parking provision for car parking and servicing arrangements, however the emphasis will be to allow parking provision that will assist in reducing reliance on the private car in particular for commuting into the city, help tackle growing congestion and bring about a change in travel behaviour. The DAS states that there are currently ‘122 car parking spaces, including 12 accessible spaces. In addition to these spaces, there are 86 spaces located at the Iceland store. These Iceland spaces are technically shared spaces and can therefore be used by visitors to the wider park as well as Iceland customers...Whilst the Parking Standards Requirement for the proposed development is 124 space, no additional car parking is included within the proposal. The shortfall of 2 spaces is considered acceptable as most trips to the site are expected by foot. Additionally, the 86 Iceland spaces provide flexibility for the space requirement to be met.’</p>
13.3	<p>Furthermore, upgraded cycle parking facilities are proposed to allow for parking of 20 bicycles. There are no proposed changes to the access or parking arrangements. DFI Roads has considered the proposal and raise no objection subject to conditions. The proposal is considered to comply with Policies TRAN1, 2 and 8 of the plan strategy.</p>
14.0	<p>Drainage</p>
14.1	<p>Policy ENV4 [Flood risk] states that applications in flood risk areas must be accompanied by a Flood Risk Assessment and that a precautionary approach will be adopted by the Council in assessing development proposals in areas that may be subject to flood risk presently or in the future as a result of environmental changes predictions. The application site is located with a fluvial flood plan and was accompanied by a Flood Risk Assessment (FRA) and Drainage Assessment (DA).</p>

14.2	Policy ENV 5 [Sustainable drainage systems (SuDS)] seeks that all built development should, where appropriate, include SuDS measures to manage surface water effectively. Whilst there is limited built development as part of this application the proposal nevertheless includes SuDS Measures in the form of a new flood alleviation/wetland area as indicated above to alleviate flood risk.
14.3	Policy ENV 3 [Adapting to environmental change] states that planning permission will be for development that incorporates measures to adapt to environmental change, in order to support sustainable and enduring development. The proposal includes flood attenuation measure which the applicant considers will help to mitigate against future flooding by storing floodwater during peak flows and releasing it slowly back into the system, thus helping to protect local residential areas by reducing instances of flooding further downstream. DFI Rivers Agency has raised no objection to the flood attenuation measures. The proposal complies with Policy ENV3.
14.4	DFI Rivers has considered the FRA and DA which includes the proposed flood attenuation measures and raise no objection under the now defunct PPS 15 subject to conditions. The policies contained within the new LDP Strategy are sufficiently similar to not require DFI Rivers Agency to re-evaluate the proposal in the context of the Plan Strategy. The proposal is considered to comply with Policies ENV3, ENV 4 and ENV5.
15.0	Ecological impacts
15.1	Policy NH 1 [Protection of natural heritage resources] seeks to ensure the protection of the district's natural heritage and biodiversity and appropriate site surveys and assessments will be required to be considered prior to planning applications being determined. The application was accompanied by a number of surveys including a Tree Survey, Preliminary Ecological Survey and Otter Survey which indicated a remarkably low level of biodiversity on the site, negligible suitability for bats and no evidence of badgers or otters.
15.2	The applicant acknowledges that the proposal will result in the loss of a significant amount of existing trees however highlights that biodiversity on the site is remarkably low and that a wide tree planting species mix is proposed which will provide a substantial net gain in tree cover. The applicant considers that the proposed schemes complies with policy NH1. The Tree Officer and NIEA raise no objection to the proposal subject to conditions. The proposal is considered to comply with Policy NH1.
15.3	Officers consider that the proposed development will provide and enhance valuable wildlife corridors promoting biodiversity within the site and will serve to encourage an active lifestyle for the wider community which has the potential to have health benefits. The proposal is considered to comply with Policy SP8 [Green and Blue Infrastructure Network].
16.0	Impact on Designated Sites/Natural Heritage Assets
16.1	In accordance with Regulation 43(1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended) Shared Environmental Services (SES) on behalf of the Council has carried out an appropriate assessment and having considered the nature, scale, timing, duration and location of the project, SES advises that <i>'having considered the nature, scale, timing, duration and location of the project, it is concluded that it would not be likely to have a significant effect on any European site, either alone or in combination with any other plan or project and therefore an appropriate assessment is not</i>

	<i>required. In reaching this conclusion, no account was taken of measures intended to avoid or reduce potential harmful effects of the project on any European site.'</i>
16.2	The 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, dated 20/04/2022. This found that the project would not have an adverse effect on the integrity of any European site. The proposal is considered compliant with Policy NH 1 of the Plan Strategy.
17.0	Pre- Application Community Consultation
17.1	In accordance with the requirements of Section 27 of the Planning Act (NI) 2011, the applicant served a Proposal of Application Notice (PAN) on Belfast City Council on 6 th May 2021 (LA04/2021/1015/PAN). Belfast City Council responded confirming that the PAN and associated approach met the requirements of Section 27 of the Planning Act and was acceptable.
17.2	The Pre-Application Community Consultation (PACC) events included an online project consultation website available from 10 th May 2021 until 1 st August 2021.
17.3	A Pre-Application Community Consultation Report has been produced to comply with the statutory requirement laid out in Section 28 of the Planning Act (Northern Ireland) 2011. The purpose of a PACC report is to confirm that pre-application community consultation has taken place in line with statutory minimum requirements. The report has confirmed advertising for the public event and an online consultation event took place in accordance with section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015. The report also confirmed that information banners and exhibition boards were erected across the Ballysillan Playing Fields site and approximately 100 leaflets and 38 posters were distributed to 28 local venues including churches, shops and community centres.
17.4	A letter with details of the proposals, preliminary drawings and CGIs were hand delivered to all properties within a 200m radius of the centre of the site. The report confirms that community groups advised by the Council were also consulted. The report also states that representatives of the project team also discussed the proposal with community representatives and local political representatives and met local community representatives on a number of occasions.
17.5	The report indicates that a number of concerns were identified during this PACC process based around a number of issues including Park facilities, Deerpark Gardens Entrance, Alliance Drive/Parade entrances, allotments, pump track, accessibility, maintenance, anti-social behaviour, Pavillion, Ballysillan Leisure Centre, LIDL building, toilets, dogs, wetlands, natural environment, lights, signage, sustainability, community relations and the consultation process.
17.6	The report identifies amendments made to the proposals following the conclusion of the PACC. Amendments have been made in direct response to concerns raised by the public i.e. the significant concerns regarding the proposed Deerpark Gardens entrance, with respondents citing potential issues with increasing antisocial behaviour and congestion. Other amendments have been made following engagement with other stakeholders i.e. Iceland and individual BCC departments, prior to submission of the planning application.
17.7	The Pre-Community Consultation Report submitted is considered to satisfactorily demonstrate that the applicant has complied with the requirements of Sections 27 and 28

	of the Planning Act (NI) 2011 and Section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015 and has adhered to Council recommendations during the PAN process. The PACC report is considered acceptable.
18.0	Recommendation
18.1	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.
18.2	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.

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

Reason: In the interests of visual amenity.

2. Prior to any work commencing all tree protective measures, protective barriers (fencing) and ground protection is to be erected or installed as specified within the landscape plan and in accordance with the British Standard 5837: 2012 (section 6.2) on any trees to be retained within the site 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.

3. All soft landscaping works shall be carried out in accordance with the approved details on Drawing Numbers 15A, 16A, 17A, 18A and 19A and the planting schedule as set out in drawing No. 24. The works shall be carried out prior to the completion of the development unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

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

4. If roots are accidentally damaged the Council must be notified and given the opportunity to inspect the damage before it is covered over. The roots must be wrapped in wet hessian wrap until the arrival of an arborist or Council tree officers.

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

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

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

6. Prior to commencement of development, a Climate Change Plan shall be submitted to and agreed in writing by the Council. The Climate Change Plan shall include details of how the development will use green design measures, such as energy efficiency, water recycling etc. The development shall not be carried out unless in accordance with the approved details.

Reason: To ensure that the development incorporates environmental mitigation and resilience, having regard Policies ENV2 of the Belfast Local Development Plan: Plan Strategy 2035.

7. Within 6months of the use of the hereby permitted 3G pitch, a noise verification report (NVR) shall be submitted to the Council, for review and approval in writing, to determine the final hours of use. The NVR shall include representative noise measurements, agreed in advance with the Environmental Health Service, recorded at 8:30-10:00pm during use of the 3G pitch at a pre-agreed noise monitoring location to the rear of houses on Oldpark Rd.

Reason: Protection of residential amenity.

9. The hereby permitted 3G pitch shall not be operational beyond the times in the approved Noise Verification Report.

Reason: Protection of residential amenity.

10. Prior to use of the hereby permitted 3G pitch, a report shall be submitted to confirm that the weldmesh fence has been installed in accordance with the specification presented in the AECOM report dated the 09.06.23 and to confirm that fence panels have been securely clamped together to supporting posts using resilient fixings to minimise noise and vibration transfer from ball impact.

Reason: Protection of residential amenity.

11. The artificial floodlighting scheme of the hereby permitted development shall not commence operating until an artificial lighting verification report is submitted to the Council for review and approval in writing. The report shall verify that the lighting scheme as specified in the Outdoor Lighting Report by Lighting Reality dated 1st June 2023, published on the portal on the 5th June 2023 project number: 60620901 has been installed. The report shall include verification measurements to demonstrate that the artificial floodlighting connected with the hereby approved 3G pitch is within the vertical illuminance (Lux) levels for Environmental Zone 3 at the windows of habitable rooms of the nearest residential properties as stipulated in table 2 of the Institute of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GN01:2021. The development shall not be carried out unless in accordance with the agreed details.

Reason: Protection of residential amenity.

12. All floodlighting should be optically controlled and directed in such a manner to minimise light pollution from glare and light spill.

Reason: Protection of residential amenity

13. Once a contractor has been appointed, a final Construction Environmental Management Plan (CEMP) should be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.

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

14. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the 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.

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

15. After completing all remediation works under Condition 8 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

16. No development activity, including ground preparation or vegetation clearance, shall take place until a (final) Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP shall include (but not limited to) the following:

- a) Construction methodology and timings of works;
- b) Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;
- c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- d) Peat/Spoil Management Plan; including identification of peat/spoil storage areas, management and handling of peat/spoil and details of the reinstatement of excavated

peat/soil;

e) Water Quality Monitoring Plan;

f) Environmental Emergency Plan;

g) Details of the appointment of an Ecological Clerk of Works (ECoW) and their roles and responsibilities.

Reason: To protect Northern Ireland priority habitats and species, to ensure implementation of mitigation measures identified within the Environmental Statement and to prevent likely significant effects on the name of designated site.

17. No development activity shall commence on site until an Invasive Species Management Plan has been submitted to and approved in writing by the Planning Authority. The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.

Reason: To prevent the spread of an invasive plant species listed on Schedule 9 of the Wildlife (Northern Ireland) Order 1985 (as amended) and to minimise the impact of the proposal on the biodiversity of the site.

18. Prior to the construction of the drainage network, the applicant shall submit a final drainage assessment to be agreed with the Planning Authority which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event.

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

19. Prior to the commencement of any of the approved development on site, the applicant must demonstrate that consent to undertake any culvert works at the site has been approved by DfI Rivers under Schedule 6 of the Drainage (NI) Order 1973 and must be submitted to the Planning Authority for its consideration and approval.

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

20. No development shall be operational until weather protected cycle parking has been fully provided in accordance with the approved plans.

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

21. No development shall be operational until hard surfaced parking areas have been provided and permanently marked in accordance with the approved plan. These facilities shall be permanently retained.

Reason: To ensure acceptable parking facilities on the site.

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

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

23. Pedestrian crossing points including tactile paving shall be provided at all road junctions in accordance with the DETR / Scottish Office publication "Guidance on the use of Tactile Paving Surfaces".

Reason: In the interests of pedestrian safety.

Draft Informatives:

1. This decision relates to the following approved drawing numbers: 01 - Site Location Plan, 02 - Existing Conditions General Layout, 03 - Existing Conditions General Layout 1 of 4, 04 - Existing Conditions General Layout 2 of 4, 05 - Existing Conditions General Layout 3 of 4, 06 - Existing Conditions General Layout 4 of 4, 07 - Existing Ground Floor, 08 - Existing & Proposed Roof Plans, 09 - Existing Elevations 1, 10 - Existing Elevations 2, 11 - Proposed Ground Floor Plan, 12 - Proposed Elevation 1, 13 - Proposed Elevation 2, 14 - Proposed Sections AA-BB, 15A - Proposed Layout Sheet 1 of 4, 16 - Proposed Layout Sheet 2 of 4, 17 - Proposed Layout Sheet 3 of 4, 18 - Proposed Layout Sheet 4 of 4, 19A - Proposed Layout General Layout, 20 - Illustrative Layout, 21 - Details Sheet 1, 22 - Details Sheet 2, 23 - Details Sheet 3, 24 - Details Sheet 4, 25 - Details Sheet 5, 26 - Details Sheet 6, 27 - Details Sheet 7, 28 - Details Sheet 8, 29 - Proposed Elevations – Entrance Points, 30 - Illustrative Section A, 31 - Illustrative Section B, 32 - Illustrative Section C, 33 - Illustrative Section D, 34 - Illustrative Section E, 35 - Illustrative Section F, 36 - Drainage Layout 1 of 4, 37 - Drainage Layout 2 of 4, 38 - Drainage Layout 3 of 4, 39 - Drainage Layout 4 of 4, 40 - Proposed Levels 1 of 4, 41 - Proposed Levels 2 of 4, 42 - Proposed Levels 3 of 4, 43 - Proposed Levels 4 of 4, 44 - Site Location – Sections, 45 - Storage Long Sections & Channel Diversion Sections, 46 - Storage Cross Sections, 47 - Tree Constraints General Layout, 48 - Tree Constraint Layout Sheet 1 of 4, 49 - Tree Constraint Layout Sheet 2 of 4, 50 - Tree Constraint Layout Sheet 3 of 4, 51 - Tree Constraint Layout Sheet 4 of 4, 52 – Ballysillan Play Fields Path Lighting Layout, 53 – Ballysillan Playing Fields 3G Lighting Layout.
2. Please make sure that you carry out the development in accordance with the approved plans and any planning conditions listed above. Failure to do so will mean that the proposal is unauthorised and liable for investigation by the Council's Planning Enforcement Team. If you would like advice about how to comply with the planning permission, you are advised to the contact the Planning Service at Belfast City Council at planning@belfastcity.gov.uk.
3. This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.
4. The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer.

Notification to Department (if relevant)Date of Notification to Department: **Not Required**

Response of Department:

Representations from Elected Members: None**ANNEX**

Date Valid	7th February 2022
Date First Advertised	11th March 2022
Date Last Advertised	16 th December 2022

Details of Neighbour Notification (all addresses)

The Owner/Occupier, 1 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 1 Deerpark Parade,Belfast,Antrim,BT14 7QB
 The Owner/Occupier, 10 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 10 Deerpark Parade,Belfast,Antrim,BT14 7QB
 The Owner/Occupier, 100 Alliance Road, Belfast
 The Owner/Occupier, 102 Alliance Road, Belfast
 The Owner/Occupier, 102 Ardoyne Road,Belfast,Antrim,BT14 7JY
 The Owner/Occupier, 104 Alliance Road, Belfast
 The Owner/Occupier, 106 Alliance Road, Belfast
 The Owner/Occupier, 108 Alliance Road,Belfast,Antrim,BT14 7JB
 The Owner/Occupier, 11 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 11 Deerpark Parade,Belfast,Antrim,BT14 7QB
 The Owner/Occupier, 112 Alliance Road,Belfast,Antrim,BT14 7JB
 The Owner/Occupier, 114 Alliance Road,Belfast,Antrim,BT14 7JB
 The Owner/Occupier, 116 Alliance Road, Belfast
 The Owner/Occupier, 12 Alliance Drive,Belfast,Antrim,BT14 7PN
 The Owner/Occupier, 12 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 12 Deerpark Parade,Belfast,Antrim,BT14 7QB
 The Owner/Occupier, 120 Ballysillan Road,Belfast,Antrim,BT14 7QR
 The Owner/Occupier, 122 Ballysillan Road, Belfast
 The Owner/Occupier, 124 Ballysillan Road, Belfast
 The Owner/Occupier, 126 Ballysillan Road, Belfast
 The Owner/Occupier, 128 Ballysillan Road, Belfast
 The Owner/Occupier, 13 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 130 Ballysillan Road, Belfast
 The Owner/Occupier, 132 Ballysillan Road, Belfast
 The Owner/Occupier, 134 Ballysillan Road, Belfast
 The Owner/Occupier, 136 Ballysillan Road, Belfast
 The Owner/Occupier, 138 Ballysillan Road, Belfast
 The Owner/Occupier, 138 Deerpark Road,Belfast,Antrim,BT14 7PX
 The Owner/Occupier, 14 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 140 Ballysillan Road, Belfast
 The Owner/Occupier, 140 Deerpark Road,Belfast,Antrim,BT14 7PX

The Owner/Occupier, 142 Ballysillan Road, Belfast
 The Owner/Occupier, 142 Deerpark Road, Belfast, Antrim, BT14 7PX
 The Owner/Occupier, 144 Ballysillan Road, Belfast
 The Owner/Occupier, 144 Deerpark Road, Belfast, Antrim, BT14 7PX
 The Owner/Occupier, 146 Ballysillan Road, Belfast
 The Owner/Occupier, 146 Deerpark Road, Belfast, Antrim, BT14 7PX
 The Owner/Occupier, 148 Ballysillan Road, Belfast
 The Owner/Occupier, 148 Deerpark Road, Belfast, Antrim, BT14 7PX
 The Owner/Occupier, 15 Deerpark Gardens, Belfast, Antrim, BT14 7QA
 The Owner/Occupier, 150 Ballysillan Road, Belfast
 The Owner/Occupier, 150 Deerpark Road, Belfast, Antrim, BT14 7PX
 The Owner/Occupier, 152 Ballysillan Road, Belfast
 The Owner/Occupier, 152 Deerpark Road, Belfast, Antrim, BT14 7PX
 The Owner/Occupier, 154 Ballysillan Road, Belfast
 The Owner/Occupier, 154 Deerpark Road, Belfast, Antrim, BT14 7PX
 The Owner/Occupier, 156 Deerpark Road, Belfast, Antrim, BT14 7PX
 The Owner/Occupier, 156-158, Ballysillan Road, Belfast, Antrim, BT14 7QR
 The Owner/Occupier, 158 Deerpark Road, Belfast, Antrim, BT14 7PX
 The Owner/Occupier, 159 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 16 Deerpark Gardens, Belfast, Antrim, BT14 7QA
 The Owner/Occupier, 160 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 162 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 163 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 164 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 165 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 167 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 17 Deerpark Gardens, Belfast, Antrim, BT14 7QA
 The Owner/Occupier, 174 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 176 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 178 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 18 Deerpark Gardens, Belfast, Antrim, BT14 7QA
 The Owner/Occupier, 180 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 182 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 184 Ballysillan Road, Belfast, Antrim, BT14 7QR
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 The Owner/Occupier, 194 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 196 Ballysillan Road, Belfast
 The Owner/Occupier, 196 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 198 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 2 Bilston Road, Belfast

The Owner/Occupier, 2 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 2 Deerpark Parade,Belfast,Antrim,BT14 7QB
 The Owner/Occupier, 2 Wheatfield Drive, Belfast
 The Owner/Occupier, 20 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 20 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 200 Deerpark Road,Belfast,Antrim,BT14 7PY
 The Owner/Occupier, 202 Ballysillan Road,Belfast,Antrim,BT14 7QS
 The Owner/Occupier, 202 Deerpark Road,Belfast,Antrim,BT14 7PY
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 The Owner/Occupier, 216 Ballysillan Road,Belfast,Antrim,BT14 7QS
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 The Owner/Occupier, 610 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 612 Oldpark Road,Belfast,Antrim,BT14 6QL
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 The Owner/Occupier, 616 Oldpark Road,Belfast,Antrim,BT14 6QL
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 The Owner/Occupier, 62 Alliance Road, Belfast
 The Owner/Occupier, 624 Oldpark Road,Belfast,Antrim,BT14 6QL
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 The Owner/Occupier, 628 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 630 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 632 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 634 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 636 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 638 Oldpark Road,Belfast,Antrim,BT14 6QL
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 The Owner/Occupier, 640 Oldpark Road,Belfast,Antrim,BT14 6QL
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 The Owner/Occupier, 644 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 646 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 650 Oldpark Road,Belfast,Antrim,BT14 6QL
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 The Owner/Occupier, 658 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 66 Alliance Road, Belfast
 The Owner/Occupier, 662 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 664 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 666 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 668 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 670 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 672 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 674 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 676 Oldpark Road,Belfast,Antrim,BT14 6QN

The Owner/Occupier, 678 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 68 Alliance Road, Belfast
 The Owner/Occupier, 680 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 684 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 686 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 688 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 690 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 692 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 694 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 696 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 698 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 7 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 7 Deerpark Parade,Belfast,Antrim,BT14 7QB
 The Owner/Occupier, 70 Alliance Road, Belfast
 The Owner/Occupier, 700 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 702 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 704 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 706 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 708 Oldpark Road, Belfast
 The Owner/Occupier, 710 Oldpark Road, Belfast
 The Owner/Occupier, 72 Alliance Road, Belfast
 The Owner/Occupier, 74 Alliance Road, Belfast
 The Owner/Occupier, 74 Alliance Road,Belfast,Antrim,BT14 7JB
 The Owner/Occupier, 76 Alliance Road, Belfast
 The Owner/Occupier, 78 Alliance Road,Belfast,Antrim,BT14 7JB
 The Owner/Occupier, 8 Deerpark Parade,Belfast,Antrim,BT14 7QB
 The Owner/Occupier, 80 Alliance Road, Belfast
 The Owner/Occupier, 82 Alliance Road, Belfast
 The Owner/Occupier, 84 Alliance Road, Belfast
 The Owner/Occupier, 86 Alliance Road, Belfast
 The Owner/Occupier, 88 Alliance Road, Belfast
 The Owner/Occupier, 88 Ardoyne Road, Belfast
 The Owner/Occupier, 9 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 9 Deerpark Parade,Belfast,Antrim,BT14 7QB
 The Owner/Occupier, 90 Alliance Road, Belfast
 The Owner/Occupier, 90a ,Ardoyne Road,Belfast,Antrim,BT14 7JX
 The Owner/Occupier, 90b ,Ardoyne Road,Belfast,Antrim,BT14 7JX
 The Owner/Occupier, 90c ,Ardoyne Road,Belfast,Antrim,BT14 7JX
 The Owner/Occupier, 90d ,Ardoyne Road,Belfast,Antrim,BT14 7JX
 The Owner/Occupier, 90e ,Ardoyne Road,Belfast,Antrim,BT14 7JX
 The Owner/Occupier, 90f ,Ardoyne Road,Belfast,Antrim,BT14 7JX
 The Owner/Occupier, 90g ,Ardoyne Road,Belfast,Antrim,BT14 7JX
 The Owner/Occupier, 90h ,Ardoyne Road,Belfast,Antrim,BT14 7JX
 The Owner/Occupier, 92 Alliance Road, Belfast
 The Owner/Occupier, 92 Ardoyne Road, Belfast
 The Owner/Occupier, 94 Alliance Road, Belfast
 The Owner/Occupier, 94 Ardoyne Road, Belfast
 The Owner/Occupier, 94j ,Ardoyne Road,Belfast,Antrim,BT14 7JX
 The Owner/Occupier, 94k ,Ardoyne Road,Belfast,Antrim,BT14 7JX
 The Owner/Occupier, 96 Alliance Road, Belfast

The Owner/Occupier, 98 Alliance Road, Belfast

The Owner/Occupier, Carrs Glen Bowling Club, 239 Ballysillan Road, Belfast, Antrim, BT14 7QT

The Owner/Occupier, Changing Pavilion, 81 Ballysillan Road, Belfast, Antrim, BT14 7QQ

The Owner/Occupier, Our Lady Of Mercy Girls School, Bilston Road, Belfast, BT14 7QR

The Owner/Occupier, Unit 2, 225 Ballysillan Road, Belfast, Antrim, BT14 7QT

The Owner/Occupier, Unit 4, 225 Ballysillan Road, Belfast, Antrim, BT14 7QT

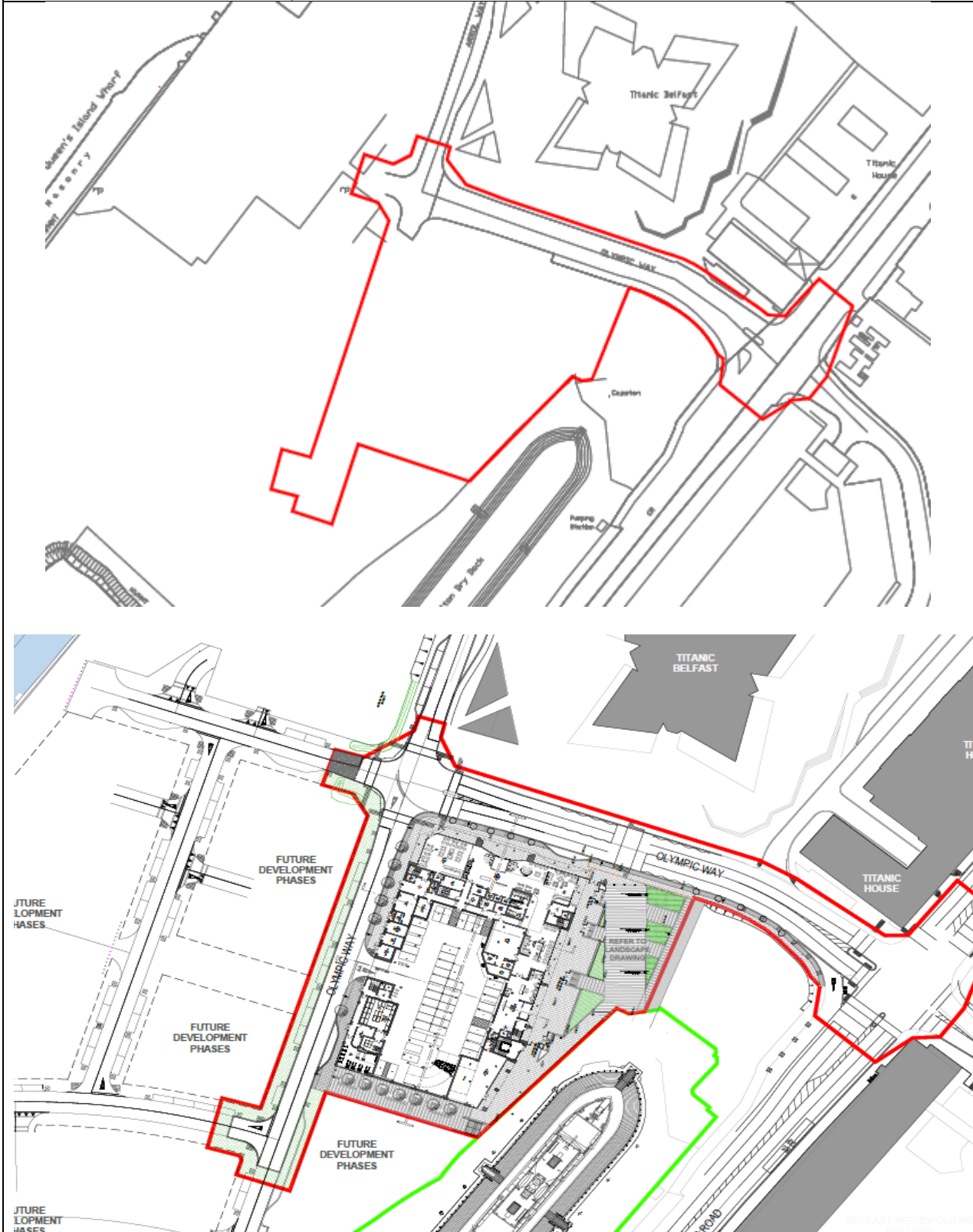
Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Tuesday 29 th June 2023	
Application ID: LA04/2023/2688/F	
Proposal: Application to vary condition 36, of the proposed hotel/aparthotel development, approved under LA04/2022/0293/F, to extend the maximum length of stay of occupants from 30 days to 90 days. (Aparthotel element only)	Location: Lands directly south of Titanic Belfast and north-west of Hamilton Dock located off Queens Road, Belfast.
Referral Route:	Major development
Recommendation:	Approval
Applicant Name and Address: JMK Group c/o Turley	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<p>Executive Summary:</p> <p>This application seeks to vary Condition 36 of planning permission LA04/2022/0293/F (full report provided in Appendix A) under Section 54 of the Planning Act (Northern Ireland) 2011. Condition 36 relates to the maximum stay of occupants which is restricted to 30 days with no return within a further 30 days.</p> <p>Planning approval (LA04/2022/0293/F) was granted on 07.09.2022 for '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.' This was an amended scheme to extant approval (LA04/2019/1636/F) also for hotel use which was approved by the Council on 27.02.2020.</p> <p>The proposed amended wording of Condition 36 by the applicant seeks to vary the maximum stay to 90 days within a 12-month period. The applicant's view is that 30 days (with no return within 30 days) is overly restrictive and that a longer period would help attract key customers such as those <i>'working in the construction sector, the burgeoning film industry and other key sectors including creative and digital, financial and professional services, technology and advanced engineering'</i> which are located within Titanic Quarter.</p> <p>The thrust of the original condition was to preclude permanent residential use within the proposed building as the application was not considered against residential use policies. The amended wording retains a suitable limit which prevents long-term residential use but permits flexibility for stays beyond 30 days. Extension of the maximum stay to 180 days was explored by the applicant with the Council, however, an unrestricted 180-day policy has the potential to materially change the hotel/ aparthotel use as approved to residential. To ensure compliance with Policies TLC3 and HOU13 of the LDP Plan Strategy and in line with custom and practice, a maximum of 90 days could be allowed for the aparthotel units with the hotel units retained as such. Beyond 90 days could trigger a change of use to residential which would undermine the original approval.</p> <p>No consultations were necessary, and one representation has been received objecting to the maximum stay extension.</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 requested for the Director of Planning and Building Control to finalise the wording of conditions and deal with any other matters which may arise.

Case Officer Report

Site Location Plan/Site Layout



CGI Views



Characteristics of the Site and Area

1.0	<u>Description of Proposed Development</u>
1.1	The description of the proposal is as follows: 'Application to vary condition 36 to extend maximum length of stay of LA04/2022/0293/F'.
1.2	The amended wording of Condition 36 seeks to vary the maximum stay to 90 days within a 12-month period. The appellant's view is that 30 days is overly restrictive and that a longer period would help attract key customers such as those 'working in the construction sector, the burgeoning film industry and other key sectors including creative and digital, financial and professional services, technology and advanced engineering' which are located locally in Titanic Quarter.

2.0	<u>Description of Site and Area</u>
2.1	The site is a flat grassed site with an area of approximately 1.3 Ha and is located within a former industrial/ commercial area within the wider Titanic Quarter and forms part of the mixed-use Titanic Quarter zoning in dBMAP 2015.
2.2	The site is not located within any specific designations; however, it is located close to: <ul style="list-style-type: none"> - Victoria Park Area of Special Scientific Interest (ASSI); - Inner Belfast Lough ASSI; - Belfast Lough Special Protection Area (SPA); - Belfast Lough Open Water SPA; and - the proposed East Coast (Northern Ireland) Marine SPA.
2.3	Belfast Lough is hydrologically connected to the Outer Ards SPA and Ramsar Site; Larne Lough SPA and Ramsar Site; Copeland Island SPA; and Strangford Lough SPA, SAC and Ramsar Site.
2.4	The area is notable for its wide range of uses including the Odyssey Pavilion and Arena, Titanic Belfast, Titanic Hotel, Belfast Metropolitan College, ARC apartments and other offices and uses.
Planning Assessment of Policy and other Material Considerations	
3.0	Planning History Full details are available at Annex A, those recent and specific to the site are detailed below:
3.1	Z/2006/2864/O - Residential led mixed use development including Titanic Experience Building, public realm areas and associated infrastructural works. Address: Titanic Quarter Phase II-Land bounded to the south by Abercorn Basin, to the east by Queen's Road, to the west & north by River Lagan and including the listed former Harland & Wolff HQ, Belfast. Decision: Approval Date: 25.06.2008 This outline planning permission for Phase 2 of Titanic Quarter included a number of documents including a Development Framework, Concept Masterplan and Design Principles. This permission had a lifespan of 12 years but has now expired.
3.2	Z/2009/1260/F - Erection of hotel comprising 244 bedrooms, ancillary restaurant and conference facilities, hotel offices, landscaped public realm, basement car park and associated site and road works. Address: Lands adjacent to the north of Hamilton Dock, north of Abercorn Crescent/Queen's Road, Queen's Island, Belfast. Decision: Approval Date: 01.07.2010
3.3	LA04/2019/1636/F - Erection of hotel comprising 276 beds, conference facilities, restaurant /cafe/bar uses (including roof top bar), landscaped public realm, car parking and associated site and road works. Address: Lands directly south of Titanic Belfast and North-West of Hamilton Dock located off Queens Road, Belfast. Decision: Permission Granted Decision Date: 27.02.2020

3.4	<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)</p> <p>Address: Lands adjacent to and southeast of the river Lagan, west of Olympic Way of Queen's road, Queen's Island, Belfast, BT2 9EQ,</p> <p>Decision: Permission Granted</p> <p>Date: 11.08.2022</p>
3.5	<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.</p> <p>Address: Former Harland And Wolff Headquarters Building and Drawing Offices, Queens Road, Belfast.</p> <p>Decision: Permission Granted</p> <p>Date: 16.05.2017</p>
3.6	<p>LA04/2021/2318/PAN - Erection of Hotel/Aparthotel comprising Circa 260 beds conference facilities, restaurant/cafe/bar uses (including roof top bar), landscaped public realm, car parking and associated site and road works (Amendment to previously approved hotel scheme)</p> <p>Address: Lands directly south of Titanic Belfast and north-west of Hamilton Dock located off Queen's Road, Belfast,</p> <p>Decision: PAN Acceptable</p> <p>Decision Date: 18.10.2021</p>
3.7	<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.</p> <p>Address: Lands directly south of Titanic Belfast and north-west of Hamilton Dock located off Queen's Road, Belfast,</p> <p>Decision: Permission Granted</p> <p>Decision Date: 07.09.2022</p>
4.0	Policy Framework
4.1	<p>Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035</p> <p>Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p>
4.2	<p>Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS) Belfast Agenda</p>
5.0	<p><u>Statutory Consultees</u> None required.</p>

6.0	<u>Non-Statutory Consultees</u> None required.
7.0	<u>Representations</u>
7.1	1 objection was received which objected to raising the threshold from 30 to 180 days. The objector further commented that hundreds of hotel beds have been removed from the Belfast tourism offer, with hotels stopping taking tourist guests and that this hotel was a welcome increase in hotel beds available to tourists visiting Belfast. To raise the maximum stay would be to dramatically change the nature of this accommodation, making it more residential in nature, removing beds from the tourist offer. Short stay visitors and their associated spend should be encouraged.
7.2	In light of the adoption of the new Belfast LDP, the appellant agreed to reduce the maximum stay to 90 days for the 94 aparthotel rooms, with the 162 hotel bedrooms to remain as such. This is further considered in the assessment below.
8.0	<u>ASSESSMENT</u>
8.1	<u>Development Plan</u>
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.
8.2	<u>The principle of amending Condition 36:</u>
8.2.1	Condition 36 states: <i>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</i>

	<p><i>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.</i></p> <p><i>Reason: Residential use of the building would require further consideration by the Council having regard to the Local Development Plan and relevant material considerations.</i></p>
8.2.2	<p>The proposed amended wording by the agent is: <i>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 the same occupant shall be no more than 90 days within any 12-month period, in accordance with written records which shall be made available to the Council at all reasonable times.</i></p> <p><i>Reason: Residential use of the building would require further consideration by the Planning Authority having regard to the Local Development Plan and relevant material considerations.</i></p>
8.2.3	<p>The applicant's view is that 30 days is overly restrictive and that a longer period would help attract key customers such as those <i>'working in the construction sector, the burgeoning film industry and other key sectors including creative and digital, financial and professional services, technology and advanced engineering'</i> which are located locally in Titanic Quarter. And seeks to change the length of stay to <i>'ensure the commercial longevity of the scheme is sustained whilst providing much needed short-term accommodation for the sectors mentioned above'</i>.</p>
8.2.4	<p>The necessity for the original condition arose from precluding permanent residential use within the proposed building as the application was assessed as a hotel proposal and not considered against residential use policies.</p>
8.2.5	<p>Policy TLC3 of the Plan Strategy is now applicable in that the original application was granted for overnight tourist accommodation whilst Policy HOU13 of the Plan Strategy is applicable to the aparthotel element of the proposal.</p> <p>Aparthotels already fall within the definition set out within HOU 13 and there would be no demonstrable harm to amend the condition to allow this element of the proposal to have a maximum stay of up to 90 days as specified at para 7.1.89 of the Plan Strategy.</p> <p>The hotel/aparthotel was not assessed as permanent residential housing and the restriction to 90 days will allow the ethos of the original permission to be retained.</p> <p>On balance it is considered appropriate to amend the condition as follows;</p> <p><i>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. For the 94 aparthotel rooms as identified on Drawing No.s 10, 11, 12 and 13 of LA04/2022/0293/F, the maximum stay by the same occupant shall be no more than 90 days within any 12-month period, in accordance with written records which shall be made available to the Council at all reasonable times.</i></p>

	<i>Reason: Residential use of the building would require further consideration by the Planning Authority having regard to the Local Development Plan and relevant material considerations.</i>
8.3	<u>Statutory Consultation</u>
8.3.1	The scheme was advertised on 7 th April 2023 and 9 th June 2023 and neighbour notifications were issued on 6 th April 2023.
8.4	<u>Conclusion</u>
8.4.1	The proposed amendment to Condition 36 will permit more flexibility for visitors whilst ensuring that no permanent residential use can take place. 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.
9.0	Summary of Recommendation:
9.1	The proposal to vary condition 36 to extend the maximum length of stay of occupants from 30 days to 90 days, for the 94 aparthotel rooms only, is considered to be on balance acceptable. It is recommended that planning permission is granted subject to conditions with delegated power given to the Director of Planning and Building Control to finalise the wording of conditions.
9.2	The variation of condition will create a new standalone planning permission and it will be necessary to repeat the conditions on the original permission, subject to the variation granted by this decision.
11.0	Proposed Conditions:
01	As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before 7 th September 2027. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
02	No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council. The POW shall provide for: - The identification and evaluation of archaeological remains within the site; - Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ; - Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and - Preparation of the digital, documentary and material archive for deposition. All construction thereafter must be in accordance with the approved POW. Reason: To ensure that archaeological remains within the application site are properly identified, protected and appropriately recorded.
03	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 02. These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

	Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated, and the excavation archive is prepared to a suitable standard for deposition.
04	<p>No site works or development of any nature shall take place unless a Vibration Monitoring Method Statement for monitoring the structure of Hamilton Dock during construction works has been submitted to and approved in writing by the Council. This must set the acceptable threshold value at a peak component particle velocity (PCPV) between 2.5 and 5.0 mm/s.</p> <p>All construction thereafter must be in accordance with the approved Vibration Monitoring Method Statement.</p>
05	<p>Reason: To protect the structure of Hamilton Dock from unacceptable levels of vibration during construction.</p> <p>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:</p> <ul style="list-style-type: none"> 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. <p>All construction thereafter must be in accordance with the approved CEMP unless otherwise agreed in writing by the Council</p>
06	<p>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.</p> <p>The development hereby permitted shall not be occupied unless the remediation measures and groundwater monitoring as described in the RPS Remedial Strategy report, Hamilton Dock Hotel Ref. IBR1144 dated February 2022 have been implemented to the satisfaction of the Council. The Council must be given 2 weeks written notification prior to the commencement of remediation work.</p>
07	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease immediately and the Council shall be notified immediately in writing. No further development shall proceed until this new contamination has been fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks. In the event of unacceptable risks being identified, a remediation strategy shall be agreed</p>

	<p>with the Council in writing, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use and for the protection of human health.</p>
08	<p>After completing the remediation works under Conditions 06 and 07; and prior to occupation of the development, a verification report must be submitted to and agreed in writing with the Council. This report must be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks.</p> <p>The verification report shall present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
09	<p>In the event that piling is required, no development or piling work shall commence on this site unless a Piling Risk Assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", has been submitted to and agreed in writing with the Council. The methodology is available at: http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf.</p> <p>All construction thereafter must be in accordance with the approved Piling Risk Assessment unless otherwise agreed in writing by the Council.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10	<p>Once a contractor has been appointed, a final Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Council, at least 4 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.</p> <p>All construction thereafter must be in accordance with the approved CEMP unless otherwise agreed in writing by the Council.</p> <p>Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment and to ensure the project will not have an adverse effect on the integrity of any European site.</p>
11	<p>Prior to the occupation or operation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the RPS Group Plc report entitled Hamilton Dock Hotel/Aparthotel, Remedial Strategy (dated February 2022 and referenced IBR1144) have been implemented.</p> <p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use. It must demonstrate that the identified human health contaminant linkages are effectively broken. The Verification Report</p>

	<p>shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. In particular, this Verification Report must demonstrate that:</p> <ul style="list-style-type: none"> - Gas protection measures commensurate with the Characteristic Situation 2 classification have been provided in the development in line with the requirements of BS 8485:2015+A1:2019. - Independent verification of the gas protection measures installed have been completed in accordance with CIRIA C735. <p>Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.</p>
12	<p>Prior to the operation of the hotel food preparation areas, the odour abatement systems detailed within the RPS Group Odour Impact Assessment Report ref: NI2467 dated February 2022 shall be installed. The systems shall terminate at the kitchen extract vents, 1m above the roof top plant room, as detailed in Figure D 1 of the Odour Impact Assessment Report ref: NI2467 dated February 2022.</p> <p>The approved extraction and ventilation system must be cleaned and maintained in accordance with Manufacturers' instructions and be retained thereafter.</p> <p>Reason: To protect residential amenity.</p>
13	<p>All demolition and construction activities shall be undertaken in line with best practice guidance. Demolition and construction activities shall pay due regard to the current standards; BS 5228-1:2009+A1:2014 and BS 5228-2:2009+A1:2014 A2: Noise and Vibration Control on Construction and Open Sites.</p> <p>Reason: To protect amenity and human health.</p>
14	<p>Prior to commencement of operation of the gym, the mechanical ventilation system shall be installed as per the recommendations contained within Hamilton Dock Hotel/Aparthotel, Titanic Quarter, Noise Impact Assessment, ref: NI2467 dated 1st February 2022 prepared by RPS group.</p> <p>The mechanical ventilation system must be cleaned and maintained in accordance with Manufacturers' instructions and be retained thereafter.</p> <p>Reason: In the interests of residential amenity.</p>
15	<p>No operation of the gym hereby permitted may occur unless the gym windows remain closed in accordance with the recommendations contained within the submitted report Hamilton Dock Hotel/Aparthotel, Titanic Quarter, Noise Impact Assessment, ref: NI2467 dated 1st February 2022 prepared by RPS group, unless otherwise agreed in writing with the Council.</p> <p>Reason: In the interests of residential amenity</p>
16	<p>Prior to operation of the external terrace associated with the rooftop bar, a 1800mm barrier, with no gaps, shall be installed in accordance with the submitted report Hamilton Dock Hotel/Aparthotel, Titanic Quarter, Noise Impact Assessment, ref: NI2467 dated 1st February 2022 prepared by RPS group.</p> <p>The barrier must be permanently maintained and retained thereafter.</p> <p>Reason: In the interests of residential amenity.</p>

17	<p>Access to and use of any external terrace associated with the rooftop bar shall not be permitted between the hours of 01:00hrs-08:00hrs.</p> <p>Reason: In the interests of residential amenity.</p>
18	<p>Patron occupancy of the external terrace associated with the rooftop bar shall be restricted to a maximum of 20 patrons at any one time.</p> <p>Reason: In the interests of residential amenity.</p>
19	<p>No entertainment or amplified music is permitted within the rooftop bar and the associated external terrace within the hereby permitted development, including any associated external areas, unless otherwise agreed in writing with the Council.</p> <p>Reason: In the interests of residential amenity.</p>
20	<p>The external areas associated with the café of the hereby permitted development, shall not be used outside the hours of 07:00 to 23:00hrs.</p> <p>Reason: In the interests of residential amenity.</p>
21	<p>Deliveries and collections to and from the hereby permitted development shall be limited to between the hours of 07:00 and 23:00hrs.</p> <p>Reason: In the interests of residential amenity.</p>
22	<p>The plant and equipment associated with the development hereby permitted, shall be selected and designed so as to achieve a rating level (LAr) no greater than the Background LA90 both during the daytime and during night-time when measured or determined at the nearest noise sensitive premises. All measurements and calculations must be conducted in line with the methodology outlined in BS4142:2014 Methods for rating and assessing industrial and commercial sound.</p> <p>Reason: In the interests of residential amenity.</p>
23	<p>Combustion plant shall meet the technical specification (low NOx technology) as indicated within <i>chapter 5.1.4 Air Quality Impact Assessment (AQIA), Hamilton Dock Hotel/Aparthotel, RPS (February 2022)</i>. Moreover, the flue of any combustion plant must terminate 1m above roof level.</p> <p>Reason: Protection of human health.</p>
24	<p>Prior to commencement on site, a Dust Management Plan that includes the mitigation measures outlined within Appendix B of <i>Air Quality Impact Assessment (AQIA), Hamilton Dock Hotel/Aparthotel, RPS (February 2022)</i> shall be implemented during any demolition or construction works.</p> <p>Reason: Protection of human health.</p>
25	<p>The development hereby permitted shall not become operational unless the vehicular access providing visibility splays of x-distance of 4.5 m and y-distance of 70.0 m has been constructed. The area within the visibility splays shall be cleared to provide a level surface with no obstruction higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.</p>

	Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.
26	The development hereby permitted shall not become operational until hard surfaced areas have been constructed in accordance with the approved layout Drawing Nos. 08 & 19 both published on the planning portal on 21 st February 2022 to provide adequate facilities for car parking (including for people with disabilities), cycle parking, servicing and circulating within the site.
	Reason: To ensure that adequate and accessible provision has been made for parking and servicing.
27	A minimum of 11 No. secure cycle parking spaces shall be provided and permanently retained within the ground floor of the building for use by hotel customers and staff and 6 No. cycle parking spaces shall be provided and be permanently retained close to the pedestrian accesses of the proposed development for use by visitors to the development.
	Reason: To encourage the use of alternative modes of transport for development users.
28	The development hereby permitted shall operate in accordance with the approved Travel Plan (and appended Service Management Plan) published on the planning portal on 8 th April 2022. This shall include provision of the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by DfI Roads.
	Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles and to ensure that adequate provision has been made for servicing in the interests of road safety and the convenience of road users.
29	All landscaping works shall be carried out in accordance with the approved details on drawing Nos 35, 36, 37, 38, 39, 40 and 41 uploaded 21 February 2021. The works shall be carried out prior to the completion of the development unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.
	Reason: In the interests of the character and appearance of the area
30	All trees and planting within the site shall be retained unless shown on the approved drawings as being removed (they can be stored temporarily at a safe appropriate location and transplanted onto the site as part of proposed landscaping measures). Any trees or planting indicated on the approved drawings which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.
	Reason: In the interests of visual amenity.
31	Prior to any work commencing all tree protective measures, protective barriers (fencing) and ground protection is to be erected or installed as specified and in accordance with the British Standard 5837: 2012 (section 6.2) on any trees to be

	<p>retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site. The Council shall be notified when the fencing is erected so that a site visit can be arranged to confirm that the fencing is installed in the correct locations.</p> <p>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.</p>
32	<p>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.</p> <p>Reason: To avoid compaction within the RPA of existing trees to be retained.</p>
33	<p>Maintenance and management of the open space and landscaped areas as shown on Plan No. 36 uploaded on 24 March 2022, shall be carried out in accordance with the Paul Hogarth Company 'Landscape Management Plan'. Any variations to these management arrangements shall be submitted to and approved in writing by the Council.</p> <p>Reason: To ensure successful establishment and maintenance of the open space and amenity areas in the interests of visual and residential amenity.</p>
34	<p>The proposed public realm works, as shown on approved Plan Nos 35, 36, 37, 38, 39, 40 and 41 uploaded 21 February 2021, shall be carried out prior to the occupation/operation of any part of the development hereby approved.</p> <p>Reason: To ensure the provision of a high quality of landscaping and public realm.</p>
35	<p>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:</p> <ol style="list-style-type: none"> 1. Brick 2. Cladding 3. Windows 4. Rainwater goods 5. Roofing materials <p>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.</p> <p>Reason: To ensure the material finish and detailing is sympathetic to the Conservation Area and the setting of nearby listed buildings.</p>
36	<p><i>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. For the 94 aparthotel rooms as identified on Drawing No.s 10, 11, 12 and 13 of LA04/2022/0293/F, the maximum stay by the same occupant shall be no more than 90 days within any 12-month period, in accordance with written records which shall be made available to the Council at all reasonable times.</i></p>

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

APPENDIX A

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Tuesday 16 th August 2022	
Application ID: LA04/2022/0293/F	
Proposal: Erection of hotel/aparthotel comprising 162 hotel beds and 94 aparthotel beds, conference facilities, restaurant /cafe/bar uses (including roof top bar), gym, landscaped public realm, car parking, cycle parking and associated site and road works.	Location: Lands directly south of Titanic Belfast and north-west of Hamilton Dock located off Queens Road, Belfast.
Referral Route:	Major development
Recommendation:	Approval
Applicant Name and Address: JMK Group 29 Welbeck Street London W1G 8DA	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE
Executive Summary: The application seeks full planning permission for a hotel/aparthotel with 162 hotel beds and 94 aparthotel beds, conference facilities, restaurant /cafe/bar uses (including roof top bar), gym, landscaped public realm, car parking, cycle parking and associated site and road works. The main issues to be considered in this case are; <ul style="list-style-type: none"> • The principle of a hotel at this location; • Loss of Open Space • Scale, Massing and Design; • Impact on Built and Archaeological Heritage; • Traffic and Road Safety; • Flooding and Drainage; • Impact on amenity; • Human health; • The impact on natural heritage; • Pre-application Community Consultation; • The consideration of developer contributions. <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>	

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

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

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

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

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

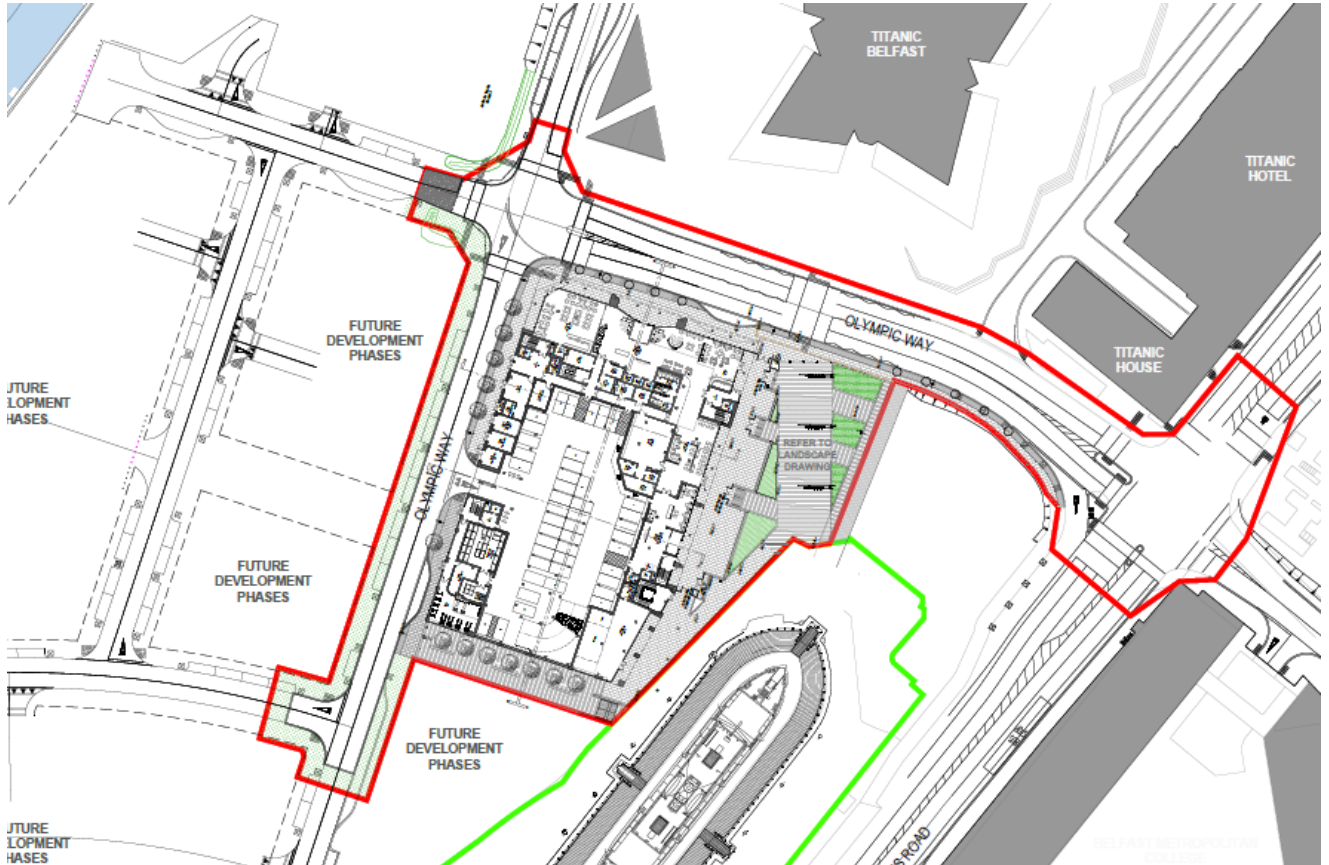
2 no objections were received and are detailed and considered in the report.

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

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

Case Officer Report

Site Location Plan/Site Layout/Elevations





PROPOSED ELEVATION 01



PROPOSED ELEVATION 03

PROJECT NOTES		REVISIONS				PROJ TITLE
1	001	REV	DATE	ISSUED	APPROVED	000-0
		001	01/01	01	01	000-0
						000-0
						000-0
						000-0
						000-0



PROPOSED ELEVATION 02



CGI Views



Characteristics of the Site and Area													
1.0	<u>Description of Proposed Development</u>												
1.1	The description of the proposal is as follows: <i>‘Erection of hotel/aparthotel comprising 162 hotel beds and 94 aparthotel beds, conference facilities, restaurant /cafe/bar uses (including roof top bar), gym, landscaped public realm, car parking, cycle parking and associated site and road works.’</i>												
1.2	The Design and Access Statement (DAS) states that <i>‘except for the inclusion of the aparthotel beds replacing some of the hotel beds, and some other minor changes which are described in Section 3, the proposed development is similar to the hotel scheme (reference: LA04/2019/1636/F) approved by Belfast City Council on 28 January 2020. The overall massing, design, siting and materiality does not deviate from the previously approved scheme.’</i>												
1.3	<p>The proposed hotel is a 7-storey building including the mezzanine level. There is a small increase in height of 150mm to 23.85m compared to the extant scheme. And also a small increase in overall floorspace to 16,769 sq m from 16140sq m . See below comparison table from the Design and Access Statement (DAS):</p> <table><tr><td></td><td>Floor Space (GIA)</td><td>Height (HPL Level)</td><td>Ground Floor Datum</td></tr><tr><td>2020 Approved Scheme</td><td>16,140sqm</td><td>6 Storeys 23.7m</td><td>4.2m</td></tr><tr><td>Proposed Development</td><td>16.769sqm</td><td>6 Storeys 23.85m</td><td>4.2m</td></tr></table>		Floor Space (GIA)	Height (HPL Level)	Ground Floor Datum	2020 Approved Scheme	16,140sqm	6 Storeys 23.7m	4.2m	Proposed Development	16.769sqm	6 Storeys 23.85m	4.2m
	Floor Space (GIA)	Height (HPL Level)	Ground Floor Datum										
2020 Approved Scheme	16,140sqm	6 Storeys 23.7m	4.2m										
Proposed Development	16.769sqm	6 Storeys 23.85m	4.2m										
1.4	The building surrounds a central courtyard. A large section of which has been identified as conference spill out space with a diagonal route including a glass covered area linking to a hotel guest garden space on the northern side. This diagonal route is flanked by grassed areas and planting.												
1.5	A total of 96 no car parking spaces including 4 no disabled spaces are provided located at ground and mezzanine level. 18 no cycle parking spaces are also included as well as showering and changing facilities. This is 4 no less than the extant approval.												
2.0	<u>Description of Site and Area</u>												
2.1	The site is a flat grassed site with an area of approximately 1.3 Ha and is located within a former industrial/ commercial area within the wider Titanic Quarter and forms part of the mixed-use Titanic Quarter zoning in dBMAP 2015.												
2.2	<p>The site is not located within any specific designations; however, it is located close to:</p> <ul style="list-style-type: none">- Victoria Park Area of Special Scientific Interest (ASSI);- Inner Belfast Lough ASSI;- Belfast Lough Special Protection Area (SPA);- Belfast Lough Open Water SPA; and- the proposed East Coast (Northern Ireland) Marine SPA.												
2.3													

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

3.6	<p>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>LA04/2021/2318/PAN - Erection of Hotel/Aparthotel comprising Circa 260 beds conference facilities, restaurant/cafe/bar uses (including roof top bar), landscaped public realm, car parking and associated site and road works (Amendment to previously approved hotel scheme) Address: Lands directly south of Titanic Belfast and north-west of Hamilton Dock located off Queen's Road, Belfast, Decision: PAN Acceptable Decision Date: 18.10.2021</p>
4.0	Policy Framework
4.1	<p>Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014) Belfast Local Development Plan 2035 – Draft Plan Strategy</p>
4.2	<p>Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS) Planning Policy Statement 2 – Natural Heritage (PPS2) Planning Policy Statement 3 – Access, Movement and Parking (PPS3) Planning Policy Statement 4 – Planning and Economic Development (PPS4) Planning Policy Statement 6 – Planning, Archaeology and the Built Environment (PPS6) Planning Policy Statement 8 – Open Space, Sport and Recreation (PPS8) Planning Policy Statement 15 – Planning and Flood Risk (PPS15) Parking Standards (former Department of Environment) Developer Contributions Framework (adopted 2020)</p>
5.0	<p><u>Statutory Consultees</u> DfI Roads – no objections in principle, subject to conditions DfI Rivers – no objections NIEA Natural Heritage – no objections subject to condition NIEA Land, Soil, and Air – no objections subject to conditions Shared Environmental Services - no objections subject to conditions NIW – No objection Historic Environment Division – no objection City Airport – no objection</p>
6.0	<p><u>Non-Statutory Consultees</u> Environmental Health BCC – no objection subject to conditions Landscape BCC – no objection Tree Officer BCC – no objection subject to conditions</p>
7.0	<u>Representations</u>
7.1	2 no representation were received from local residents.
7.2	<p>The issues raised can be summarised as follows:</p> <ol style="list-style-type: none"> Noise from rooftop bar

7.3	<p>2. Hours of operation of rooftop bar</p> <p>3. Licensing of rooftop bar</p> <p>4. Noise mitigation</p> <p>These issues have been considered in the main body of the report. Noise, in particular, is considered below at para 8.11. Licensing is required for bar premises however this does not fall under the remit of the planning process.</p>
8.0	<u>ASSESSMENT</u>
8.1	<u>Development Plan</u>
8.1.1	<p>Section 45 (1) of the Planning Act (NI) 2011 requires the Council to have regard to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the said Act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p>
8.1.2	<p>Following the Court of Appeal decision that quashed the adoption of the Belfast Metropolitan Area Plan 2015, the extant Development Plan is now the Belfast Urban Area Plan 2001 (BUAP). Both the draft Belfast Metropolitan Area Plan 2015 (dBMAP v2004) and Belfast Metropolitan Area Plan (dBMAP v2014) are material considerations. The weight to be afforded the draft Belfast Metropolitan Area Plan is a matter of judgement for the decision maker. The Committee is advised that significant weight should be afforded to the latest version of dBMAP 2015 (v2014) given the advanced stage it reached in the adoption process and that the only outstanding areas of contention related to retail policies at Sprucefield, Lisburn.</p>
8.1.3	<p>The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.</p>
8.2	<u>The principle of a hotel at this location</u>
8.2.1	<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>
8.2.2	<p>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.</p>
8.2.3	<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.

8.2.4	<ul style="list-style-type: none"> - LA04/2019/1636/F (Erection of hotel comprising 276 beds, conference facilities, restaurant /cafe/bar uses (including roof top bar), landscaped public realm, car parking and associated site and road works) approved on 27.02.2020 and remains extant. - LA04/2016/0096/F (Amendment to permission Z/2014/1555/F for refurbishment, part restoration, change of use and extension to listed former Harland & Wolff Headquarters Building and to provide 36no. additional hotel bedrooms (120No. in total) in a new annex, including service area, covered terrace, ancillary uses and associated access and site works) approved on 16.05.2017. <p>A condition is recommended by officers to ensure that the apart hotel cannot be used as long-term residential accommodation as the proposal has not been assessed against the relevant policies for residential accommodation and may be inappropriate for such use. The condition would ensure that a maximum stay was 30 days with no return within a further 30 days by the same occupant.</p>
8.3 8.3.1	<p><u>Loss of Open Space</u></p> <p>Given that the site is located within a maintained grass area the proposal has been assessed against Policy OS1 of PPS8 'Protection of Open Space'. Although Policy OS1 has the presumption against the loss of existing open space, the planning history in this instance must be given substantial weight. The site is located within an area identified for redevelopment within an approved Masterplan, part of the 2008 Outline permission for Titanic Quarter, as detailed above in Section 3. The principle of development was reinforced through the granting of planning permissions for a hotel in 2010 and 2020 (the latter remains extant). These considerations outweigh PPS8 policy considerations. For these reasons the principle of redeveloping the site is deemed acceptable.</p>
8.4 8.4.1 8.4.2 8.4.3 8.4.4 8.4.5	<p><u>Scale, Massing and Design</u></p> <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.</p> <p>There are no significant design alterations to the extant approval as the current application is a result of largely internal alterations to respond to market demands.</p> <p>The scale, height and massing is virtually the same as considered acceptable under the extant permission was and is also considered acceptable in the context of the setting including the listed H&W Drawing Office (Titanic Hotel).</p> <p>The Urban Design Officer's response from the previous scheme remain applicable. His response reflects on the previous design alterations that were negotiated and states: <i>'The break-up of the massing and articulation of the building takes design cues from the neighbouring Harland and Wolff building, particularly in relation to how horizontal elements within the elevations of the building have been composed. Here horizontal banding above GF and 2F levels across the entire façade pick up on key horizontal features/detailing found within the listed Harland and Wolff drawing office'</i>. The fifth floor setback also <i>"visually sits comfortably at this level and reads as a lighter, subservient element which is again welcomed. This treatment also results in a strong shoulder height at 4F level which picks up on the upper roof height of the Harland and Wolff building"</i>.</p> <p>The Urban Design Officer had previously expressed reservations regarding the extent and location of roof plant however, officers were content that on balance this was acceptable</p>

	given no objections from HED. The roof plant in this current application has been reduced and is considered acceptable.
8.4.6	In terms of the materiality the Urban Design Officer goes on to state <i>'the use of dark brick in the lower five floors alongside bronze/gold accents within window reveals, horizontal banding and corner detailing is undoubtedly bold, yet the overall composition is confident in its own right and provides an appropriate contrast to both the contemporary materials of Titanic Belfast and the more traditional rustic tones of the listed drawing offices'</i> .
8.4.7	A condition is recommended relating to materials which stipulates that samples are made available for inspection on site and are approved in writing in advance by the Council.
8.5	<u>Built Heritage</u>
8.5.1	The proposal is adjacent to HB26/07/009 - Administration and drawing office block (Harland & Wolff), a Grade B+ listed building of special architectural and historic interest, protected under Section 80 of the Planning Act (NI) 2011.
8.5.2	There were detailed negotiations under the previous approval in order to achieve an appropriate scheme. HED: Historic Buildings were consulted and responded to state that they note <i>"that this proposal, albeit slightly taller than the previous approval, is not significantly different in scale or mass to affect the understanding or experience of the listed building to harm its essential character, including setting"</i> .
8.5.3	The proposal is therefore considered compliant with Strategic Planning Policy Statement for Northern Ireland (SPPS) para(s) 6.12 and of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage (PPS6) Policy BH11 (Development affecting the Setting of a Listed Building).
8.6	<u>Archaeological Heritage</u>
8.6.1	HED: Historic Monuments state in their response that: <i>'Hamilton Graving Dock was the first of five docks to be built on the Co. Down side of the River Lagan. Its service basin, the Abercorn Basin, opened in 1867, was created out of open water facing the Harland and Wolff shipbuilding berths known as Abercorn Shipyard. The dock is 450ft long and the basin covers over 12 acres of water. It was used to finish the fitting out of ships once they had left the shipways and is constructed with stepped sides down the floor. A wharf, now removed, extended into Abercorn basin to the south west of the dock and was used to tie up ships before and after their time in the dock. Together with Abercorn Basin, Titanic and Olympic Slipways and Harland and Wolff Drawing Office, this area of industrial heritage forms a key element of the renowned Harland and Wolff shipyard on Queen's Island and along with other docks and quays in the area is part of the story of the shipbuilding industry in Belfast. The site is now one of Northern Ireland's premier tourist attractions and forms part of a heritage trail in 'Titanic Quarter' on Queen's Island.'</i>
8.6.2	HED: Historic Monuments refer to their response under LA04/2019/1636/F and are content that the proposal satisfies Policy BH4 of PPS 6 subject to the grant of a Scheduled Monument Consent (SMC) and conditions for the agreement and implementation of a developer-funded programme of archaeological works. A Vibration Monitoring Method Statement is also required.
8.7	<u>Ecology and Natural Heritage</u>
8.7.1	The application site is in close proximity to the following national, European and international designated sites;

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

8.11 8.11.1	<p><u>Noise</u> Environmental Health has reviewed the Noise Impact Assessment and advised that it meets the relevant requirements.</p>
8.11.2	<p>The proposal includes a rooftop bar with an external terrace. The bar will be open until 1am. Environmental Health have provided conditions regarding the following in order to protect nearby residents from loss of amenity:</p> <ul style="list-style-type: none"> - Patron occupancy of the external terrace associated with the rooftop bar to be restricted to a maximum of 20 patrons at any one time - Access to and use of any external terrace associated with the rooftop bar shall not be permitted between the hours of 01:00hrs-08:00hrs - Prior to operation of the external terrace associated with the rooftop bar, a 1800mm barrier, with no gaps, to be installed - No entertainment or amplified music to be provided within the rooftop bar and the associated external terrace within the hereby permitted development, including any associated external areas - Hours of use for external areas, associated with the café of the hereby permitted development, to be restricted to between the hours of 07:00 to 23:00hrs - Deliveries and collections to and from the hereby permitted development to be limited to between the hours of 07:00 and 23:00hrs - The plant and equipment associated with the development hereby permitted, shall be selected and designed so as to achieve a rating level (LAr) no greater than the Background LA90 both during the daytime and during night-time - During operation of the gym, the gym windows are to remain closed
8.12 8.12.1	<p><u>Air Quality</u> Environmental Health has reviewed the Air Quality Assessment and advised that it meets the relevant requirements. Conditions have been provided.</p>
8.13 8.13.1	<p><u>Odour</u> Environmental Health has reviewed the Odour Impact Assessment and advised that it meets the relevant requirements. Conditions have been provided.</p>
8.14 8.14.1	<p><u>Site Drainage/Flood Assessment</u> DfI Rivers Flood Maps (NI) indicates that the site is affected by the 1 in 200 year coastal plain. The proposal has therefore been assessed against Policy FLD1 of Revised Planning Policy Statement 15. No development is permitted within the 1 in 200-year coastal flood unless it is deemed to meet one of the exceptions listed within FLD 1. It is the remit of the planning authority to grant such an exception. It is considered that the proposal is an exception under part (b) of FLD1 in that the land is raised above the floodplain, it is not dependant on new coastal flood defences, it is not within an area likely to be at risk from coastal erosion and the elevation of development above the flood plain will not unduly disrupt the provision and ongoing delivery of essential services.</p>
8.14.2	<p>DfI Rivers has reviewed the Flood Risk & Drainage Assessment by RPS Consulting dated February 2022 and subject to the Council's confirmation of an exception under FLD1, would not object.</p>
8.14.3	<p>With regards to Policy FLD 3, the Drainage Assessment provides evidence that the surface water is to be discharged the existing 900mm storm pipe and then to the sea. Back flooding</p>

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

8.15.10	<p>The proposed access road and parking tie in with the existing road infrastructure and new road layout which serves this section of Titanic Quarter.</p> <p>The site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;</p>
	<p>The proposed hotel will not be detrimental to visual amenity. The overall composition provides an appropriate contrast to both the contemporary materials of Titanic Belfast and the more traditional rustic tones of the listed drawing offices.</p>
8.15.11	<p>Appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;</p>
	<p>The proposal has been accompanied by a comprehensive planting scheme which will enhance and tie into the existing public realm in the Titanic Quarter. As the proposed hotel has elevations on all four sides of the block, it was acknowledged from an early stage that particular stretches would inevitably be impacted by the non-active uses, normally associated with 'back of house' service requirements and car parking provision. It is noted that the consultant team has worked hard to restrict non-active sections and where possible to break them up.</p>
8.15.12	<p>Is designed to deter crime and promote personal safety;</p>
	<p>The active ground floor frontage will promote surveillance and help discourage anti-social behaviour within an illuminated area of public realm.</p>
8.16	<p><u>Pre-Community Consultation</u></p>
8.16.1	<p>For applications that fall within the major category a prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on the applicant for planning permission to consult the community in advance of submitting an application. Also relevant are the Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020 which removed the requirement for in-person events due to the pandemic for a temporary period.</p>
8.16.2	<p>Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2021/2318/PAN) was submitted to the Council on 08 October 2021 and was deemed acceptable on 18 October 2021.</p>
8.16.3	<p>Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report (PACC) to accompany the planning application. A PACC Report has been submitted in support of this application which details a project website, social media campaign, leaflets, hotline number and the public advertisement.</p>
8.16.4	<p>According to the PACC report, there were:</p> <ul style="list-style-type: none"> - 754 page views of the website - 56 downloads of the project information pack - 21,337 people reached by social media - 4 attendees at the project webinar - 4 feedback forms received
8.16.5	<p>Of the 4 feedback forms received, 75% did not support the planning application but did support the principal of enhancing Belfast's status as a tourist destination and investment/job creation for Titanic Quarter.</p>

8.16.6	It is considered that the PACC Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.
8.17	<u>Statutory Consultation</u> The scheme was advertised on 25 th February 2022. Neighbour notifications were issued on 16 th March 2022.
8.17.1	<u>Developer Contributions</u> Para 5.69 of the SPPS states that "Planning authorities can require developers to bear the costs of work required to facilitate their development proposals". Relevant further guidance is provided by the Council's Developer Contributions Framework, adopted in 2020.
8.18	The Economic Development Team recommended that developer contributions under Section 76 relating to employability and skills during the construction and operational phases should be applied. As there is an extant approval which was approved shortly before the publication of the Developer Contributions Framework, and there is public realm included in the proposal, it is considered that it would be unreasonable to request a Section 76 for employability and skills given the fallback position.
8.18.1	New public realm works are provided as part of the proposal and this will be secured via condition.
8.18.2	
8.18.3	<u>Conclusion</u> 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.
8.19	
8.19.1	
10.0	Summary of Recommendation:
10.1	It is recommended that planning permission is granted subject to conditions with delegated power given to the Director of Planning and Building Control to finalise the wording of conditions.
11.0	Proposed Conditions:
11.1	The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
11.2	No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council. The POW shall provide for: <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>
11.3	<p>A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under 11.2. These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.</p> <p>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.</p>
11.4	<p>No site works or development of any nature shall take place unless a Vibration Monitoring Method Statement for monitoring the structure of Hamilton Dock during construction works has been submitted to and approved in writing by the Council. This must set the acceptable threshold value at a peak component particle velocity (PCPV) between 2.5 and 5.0 mm/s.</p> <p>All construction thereafter must be in accordance with the approved Vibration Monitoring Method Statement.</p> <p>Reason: To protect the structure of Hamilton Dock from unacceptable levels of vibration during construction.</p>
11.5	<p>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:</p> <ol style="list-style-type: none"> Construction methodology and timings of works, including the Continuous Flight Auger (CFA) piling design; Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site; Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures; Water Quality Monitoring Plan; Environmental Emergency Plan; Details of the appointment of an Ecological Clerk of Works (ECow) and/or Marine Mammal Observer (MMO) and their roles and responsibilities during the piling phase of construction. <p>All construction thereafter must be in accordance with the approved CEMP unless otherwise agreed in writing by the Council</p> <p>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.</p>
11.6	<p>The development hereby permitted shall not be occupied unless the remediation measures and groundwater monitoring as described in the RPS Remedial Strategy report, Hamilton Dock Hotel Ref. IBR1144 dated February 2022 have been implemented to the satisfaction</p>

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

11.12	<p>Prior to the occupation or operation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the RPS Group Plc report entitled Hamilton Dock Hotel/Aparthotel, Remedial Strategy (dated February 2022 and referenced IBR1144) have been implemented.</p> <p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use. It must demonstrate that the identified human health contaminant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. In particular, this Verification Report must demonstrate that:</p> <ul style="list-style-type: none"> - Gas protection measures commensurate with the Characteristic Situation 2 classification have been provided in the development in line with the requirements of BS 8485:2015+A1:2019. - Independent verification of the gas protection measures installed have been completed in accordance with CIRIA C735. <p>Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.</p>
11.13	<p>Prior to the operation of the hotel food preparation areas, the odour abatement systems detailed within the RPS Group Odour Impact Assessment Report ref: NI2467 dated February 2022 shall be installed. The systems shall terminate at the kitchen extract vents, 1m above the roof top plant room, as detailed in Figure D 1 of the Odour Impact Assessment Report ref: NI2467 dated February 2022.</p> <p>The approved extraction and ventilation system must be cleaned and maintained in accordance with Manufacturers' instructions and be retained thereafter.</p> <p>Reason: To protect residential amenity.</p>
11.14	<p>All demolition and construction activities shall be undertaken in line with best practice guidance. Demolition and construction activities shall pay due regard to the current standards; BS 5228-1:2009+A1:2014 and BS 5228-2:2009+A1:2014 A2: Noise and Vibration Control on Construction and Open Sites.</p> <p>Reason: To protect amenity and human health.</p>
11.15	<p>Prior to commencement of operation of the gym, the mechanical ventilation system shall be installed as per the recommendations contained within Hamilton Dock Hotel/Aparthotel, Titanic Quarter, Noise Impact Assessment, ref: NI2467 dated 1st February 2022 prepared by RPS group.</p> <p>The mechanical ventilation system must be cleaned and maintained in accordance with Manufacturers' instructions and be retained thereafter.</p> <p>Reason: In the interests of residential amenity.</p>
11.16	<p>No operation of the gym hereby permitted may occur unless the gym windows remain closed in accordance with the recommendations contained within the submitted report Hamilton Dock Hotel/Aparthotel, Titanic Quarter, Noise Impact Assessment, ref: NI2467 dated 1st February 2022 prepared by RPS group.</p> <p>Reason: In the interests of residential amenity.</p>
11.17	<p>Prior to operation of the external terrace associated with the rooftop bar, a 1800mm barrier, with no gaps, shall be installed in accordance with the submitted report Hamilton Dock</p>

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

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

11.32	<p>Prior to any work commencing all tree protective measures, protective barriers (fencing) and ground protection is to be erected or installed as specified and in accordance with the British Standard 5837: 2012 (section 6.2) on any trees to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site. The Council shall be notified when the fencing is erected so that a site visit can be arranged to confirm that the fencing is installed in the correct locations.</p> <p>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.</p>
11.33	<p>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.</p> <p>Reason: To avoid compaction within the RPA of existing trees to be retained.</p>
11.34	<p>Maintenance and management of the open space and landscaped areas as shown on Plan No. 36 uploaded on 24 March 2022, shall be carried out in accordance with the Paul Hogarth Company 'Landscape Management Plan'. Any variations to these management arrangements shall be submitted to and approved in writing by the Council.</p> <p>Reason: To ensure successful establishment and maintenance of the open space and amenity areas in the interests of visual and residential amenity.</p>
11.35	<p>The proposed public realm works, as shown on approved Plan Nos 35, 36, 37, 38, 39, 40 and 41 uploaded 21 February 2021, shall be carried out prior to the occupation/ operation of any part of the development hereby approved.</p> <p>Reason: To ensure the provision of a high quality of landscaping and public realm.</p>
11.36	<p>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:</p> <ol style="list-style-type: none"> 1. Brick 2. Cladding 3. Windows 4. Rainwater goods 5. Roofing materials <p>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.</p> <p>Reason: To ensure the material finish and detailing is sympathetic to the Conservation Area and the setting of nearby listed buildings.</p>
11.37	<p>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.</p>

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

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

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

Decision: PG

Decision Date: 30.10.2017

Ref ID: LA04/2016/1482/F

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

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

Decision: Permission Granted

Decision Date: 20.06.2017

Ref ID: Z/2014/0419/F

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

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

Decision: Permission Granted

Decision Date: 18.07.2014

Ref ID: Z/2014/0414/F

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

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

Decision: Permission Granted

Decision Date: 18.07.2014

Ref ID: Z/2014/0421/F

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

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

Decision: Permission Granted

Decision Date: 18.07.2014

Ref ID: Z/2014/1580/LBC

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

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

Decision: Consent Granted

Decision Date: 23.07.2015

Ref ID: Z/2014/0423/F

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

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

Ref ID: Z/2014/0415/F

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

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

Ref ID: Z/2014/1555/F

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

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

Ref ID: Z/2011/0435/F

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

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

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