

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



**Belfast
City Council**

8th September, 2020

MEETING OF PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet remotely via Microsoft Teams on Tuesday, 15th September, 2020 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

1. **Routine Matters**
 - (a) Apologies
 - (b) Minutes (Pages 1 - 24)
 - (c) Declarations of Interest
2. **DoF Consultation on Proposed Building (Amendment) Regulations (NI) 2020 (Pages 25 - 54)**
3. **Committee Site Visit** (Report to follow)
4. **Planning Decisions Issued** (Pages 55 - 74)
5. **Planning Appeals Notified** (Pages 75 - 76)
6. **Abandonment** (Pages 77 - 82)

7. **Planning Applications**

- (a) LA04/2019/1614/F - Redevelopment of existing all-weather playing field to provide new 3G flood-lit sports pitch, redevelopment of former tennis courts to provide new flood-lit multi use games area (MUGA pitch), pitch side fencing and ball-stop nets, car parking, landscaping and associated site works on land including and adjacent to the existing all-weather sports pitch at Stranmillis University College Stranmillis Road (Pages 83 - 106)
- (b) LA04/2019/2334/F - 3 apartment buildings with a total of 20 x 2 bed apartments providing off street car parking and associated groundworks at 141 & 149 Upper Newtownards Road (Pages 107 - 124)
- (c) LA04/2019/1537/F - Replacement of existing dwelling with 2 detached dwellings and new access onto New Forge Lane with associated landscape works at 28 Piney Lane (Pages 125 - 132)
- (d) LA04/2019/1254/F - 16 Independent Living Units on lands at former Kings Hall and to the rear of 17-23 Harberton Park (Pages 133 - 150)
- (e) LA04/2020/0325/F - redevelopment of vacant surface level car park to facilitate the erection of a Mixed-Use building ranging from 4. to 9. storeys in height (plus roof plant) comprising ground floor retail/restaurant/coffee shop/business uses with 'Grade A' offices above. Development includes associated public realm, landscaping and all other associated site works on vacant lands at existing surface level car park bound by North Street Winetavern Street and Gresham Street north west and south west of 108 North Street and 1 Gresham Street and north of 23 Winetavern Street - *Report to follow*
- (f) LA04/2019/2285/F - 12 storey building to provide an extension to the purpose built management student accommodation development currently under construction at 123 York Street (Ref: Z/2015/0177/F) comprising 94 x student accommodation rooms with communal living rooms/kitchens, associated office space and all other site works on lands at the corner of Little York Street and Little Patrick Street adjacent to 123 York Street 14 Little Patrick Street and opposite 23-33 Little York Street (Pages 151 - 168)
- (g) LA04/2019/2971/F - Demolition of the existing Avoniel leisure centre buildings and construction of a new 2 storey pavilion including ground floor changing room facilities, multipurpose rooms, and 250 seat spectator stand, relocated car parking, 1no new 90m x 55m 3G pitch, 1no new 50m x 30m pitch, 2no. 30m x 20m pitches, and 3no covered 30m x 20m pitches, fencing, landscaping and floodlighting and retention of existing linkages to the Connswater Greenway. (Pages 169 - 190)

8. **Miscellaneous Items**

- (a) Housing Monitor Report (Pages 191 - 210)
- (b) **Restricted Item** - Finance Update (Pages 211 - 238)

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SPECIAL MEETING OF PLANNING COMMITTEE HELD REMOTELY VIA MICROSOFT TEAMS

- Members present: Councillor Hussey (Chairperson);
Councillors Brooks, Carson, Collins,
Garrett, Groogan, Hanvey, Maskey,
McCullough, Murphy, Nicholl and O'Hara.
- In attendance: Mr. A. Thatcher, Director of Planning and
Building Control;
Mr. E. Baker, Planning Manager
(Development Management);
Ms. N. Largey, Divisional Solicitor; and
Mrs. L. McLornan, Democratic Services Officer.

Apologies

Apologies for inability to attend were reported from Councillors Hutchinson and McKeown.

Minutes

The minutes of the Special meetings of 21st and 28th July were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 10th August, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

Councillor Groogan declared an interest in the proposed pre-emptive site visit to Havelock House, in that she had previously made representation in respect of the application and had engaged with objectors and, as such, would not take part in the discussion or decision regarding the application.

Councillor O'Hara declared an interest in LA04/2019/1540/F - Centralised Anaerobic Digestion (CAD) plant on lands to the northwest of existing Belfast City Council Waste Transfer Station, 2a Dargan Road, in that he was on the Board of the Belfast Harbour Commissioners and that the Belfast Harbour Commission was objecting to the application. He advised that, as it was a Council appointment and as he did not have a pecuniary interest, he could fully participate in the discussion on the item.

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Motion - Restoration and Listing of Historic Street Signs

The Committee considered the undernoted motion which, in accordance with Standing Order 13(f), had been immediately referred to the Planning Committee by the Council at its meeting on 1st July:

“This Council:

1. notes the valuable contribution that Belfast's historic tiled street signs make to the character of the areas in which they are situated and laments the loss of so many of these signs over the years;
2. further notes that a number of freestanding tiled street signs in Belfast have been listed and thereby protected from destruction or removal, but that most such signs have no protection at all;
3. requests its officers :-
 - to take all necessary steps to effect the repair and restoration of the freestanding tiled street signs identified below* and to take steps to identify other such signs and to take all necessary steps to effect the repair and restoration of those signs; and
 - to request that the Department for Communities adds those signs which are of particular quality and merit to the list of buildings of special architectural or historic interest.
4. The street signs referred to above are situated at the junctions of :
 - (a) Kensington Road/Knock Road.
 - (b) Cherryvalley Park/Kensington Road.
 - (c) Kingsden Park/Knock Road.
 - (d) Knockland Park/Barnett's Road.
 - (e) Summerhill Parade/Barnett's Road.
 - (f) Belmont Road/Massey Avenue [the unlisted sign].
 - (g) Wandsworth Road/Belmont Road [2 signs].
 - (h) Belmont Church Road/Sydenham Avenue.
 - (i) Belmont Church Road/Belmont Road [the unlisted sign].
 - (j) Eastleigh Drive/Kincora Avenue.
 - (k) Clonlee Drive/Upper Newtownards Road.
 - (l) Beersbridge Road/Upper Newtownards Road.”

The Committee agreed that a report be submitted to a future meeting providing further information on the issues raised.

Committee Site Visits

Note of Site Visits

It was noted that the Committee had undertaken site visits on 12th August in respect of the following three planning applications:

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- LA04/2018/2876/F - Lands opposite 13, 15, 17 and 32 Somerdale Park;
- LA04/2020/0757/F - Upgrade of existing gravel pitch to synthetic sand dressed hockey pitch, with floodlighting, fencing, acoustic barrier, storage container at West Pitch, Downey House, Pirrie Park Gardens; and
- LA04/2018/1411/F - Upgrade of existing gravel pitch to synthetic sand dressed hockey pitch, with floodlighting, fencing, acoustic barrier, storage container at East Pitch Downey House, Pirrie Park Gardens.

Proposed Pre-Emptive Site Visit

In response to a suggestion from the Planning Manager (Development Management) relating to a number of major planning applications which were due to be considered by the Committee over the next few months, the Committee agreed to undertake a pre-emptive site visit to:

- LA04/2020/0067/F: Demolition of existing buildings and erection of 270 no. apartment building comprising 8, 5 and 3 storey elements, provision of hard and soft landscaping including communal courtyard gardens, public realm, provision of 40 no. car parking spaces, cycle parking, substation and associated works. (Further information and amended plans received) at Havelock House, Ormeau Road, Belfast.

Planning Decisions Issued

The Committee noted a list of decisions which had been taken under the delegated authority of the Director of Planning and Building Control, together with all other planning decisions which had been issued by the Planning Department between 15th July and 7th August.

Planning Appeals Notified

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

**DfI Notification - Provision of Accessible/
Disabled Parking Bay**

The Committee noted correspondence which had been received from the Department for Infrastructure, advising of its intention to provide an accessible/disabled parking bay at 26 Fortwilliam Crescent.

Miscellaneous Item

Graffiti/defacing of Street Furniture

The Committee considered the undernoted report:

“1.0 Purpose of Report or Summary of main Issues

- 1.1 To bring to the Committee’s attention the outcomes of cross-departmental discussions regarding graffiti and defacing of street furniture. A Motion was presented to the Council at its meeting on 4th February, and discussed at Planning Committee on 19th February 2019.**

2.0 Recommendations

- 2.1 The Committee is requested to:**

- Note the outcomes of cross-departmental discussions and the intention to move forward with the public art project.**

3.0 Main report

Background

- 3.1 The motion regarding street furniture, which was proposed by Councillor Boyle, and seconded by Councillor Dudgeon, was presented to the Council at its meeting on 4 February 2019:**

“This Council recognises that it is difficult to contact those responsible for the maintenance of street furniture, utility boxes, phone boxes and masts, post boxes, advertising facilities and any other structure that sits on or in the footpath or in a public place throughout the City.

The Council supports the need for people to be able to contact those responsible for the cleaning and maintaining of these structures. Accordingly, the Council will undertake a piece of work to identify whose ownership these are in and will encourage those responsible for maintaining and cleaning same to put their details on these structures and ensure their details remain on these structures so that they can be contacted when needed. Furthermore, the Council agrees that any future planning approvals for street furniture, boxes etc. as listed above, will include a condition requiring the contact details of those responsible for cleaning and

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maintaining and servicing them to be prominently displayed.”

- 3.2 In accordance with Standing Order 13(f), the Motion was referred without discussion to the Planning Committee.
- 3.3 Planning Committee meeting on 19th February 2019; The Director confirmed to the Committee that not all items of street furniture required planning permission and that the requirement to provide contact details was not a material planning consideration. However, he explained to the Members that, where an application was in front of the Committee, it could add an informative on the consent requiring the owners of the equipment to include contact details on the piece of street furniture. He outlined to the Committee that cross-departmental meetings were taking place to look at the issue of graffiti on street furniture.
- 3.4 In response to a Member’s question, he confirmed to the Committee that it could, by condition, require that owners maintained street furniture in good order, whereby the enforcement team could ensure that those conditions were upheld.
- 3.5 The Committee agreed that a report be submitted to a future meeting on the outcomes of any cross-departmental discussions relating to the issues of graffiti/defacing of street furniture.
- 3.6 Outcomes of any cross-departmental discussions relating to the issues of graffiti/defacing of street furniture
- 3.7 Under The Local Government (Miscellaneous Provisions) (NI) Order 1985 the Council’s City and Neighbourhood Services Department may remove or obliterate graffiti, placards and posters. In the case of graffiti if it is detrimental to the amenity of land in its district and for fly-posting if displayed in contravention of the advertising regulations. Additionally, the Council has further limited enforcement powers in relation to graffiti and defacement of street furniture.

(i) Fixed Penalty Notices

An £80 Fixed Penalty Notice (FPN) can be issue in certain circumstances to anyone who is caught in the act of graffiti on any road, tree, road traffic signs or where anyone is caught displaying fly-posters which contravene the Planning Act (NI) 2011 (Displaying

advertisements in contravention of regulations made under Section 130 of the Act).

(ii) Removal Notices

A two-day removal notice can be served on an individual who is identified as being responsible for the graffiti asking them to remove the graffiti. This also applies if the graffiti, placard or poster publicises the goods, services or concerns of an identifiable person. In which case the notice is served on the business or person advertised. Failure to comply with the notice may result in the removal of the graffiti or poster by the Council and the recovery of debt as a civil debt.

(iii) Defacement Removal Notices:

A Defacement Removal Notice can be served on the owners of a relevant surface, such as a utility box or building controlled by a statutory undertaker, in certain circumstances to request that they remove graffiti from their properties. A defacement removal notice allows the owner twenty-eight days to remove the defacement from their property. If they fail to do so the council may remove the defacement and recover the costs as a civil debt. The Guidance suggest that Councils should seek to achieve co-operation through a partnership approach and that the use of these Notices should be a last resort.

3.8 Operational impacts and ability to respond

Graffiti related activity tends to happen under the cover of darkness and is difficult to detect, with the result that the above FPN and Removal Notice powers have limited impact as the perpetrator is very rarely observed whilst in the act of defacing surfaces.

Following engagement with statutory agencies and utility companies, officers within the enforcement team have undertaken some proactive monitoring to identify hotspot areas and engage with the respective statutory agencies and utility companies to achieve removal of the graffiti. This has resulted in the removal of some graffiti from bridges, telephone boxes and utility boxes. Unfortunately in a number of instances, the graffiti has re-appeared within days of its removal.

In relation to fly-posting on utility boxes and other surfaces, the Council's enforcement and planning enforcement team work collaboratively to address

defacement of property and street furniture due to flyposting activity using the above powers contained within the Clean Neighbourhood and Environment Act (NI) 2011 in the first instance. Where there is persistent illegal fly-posting advertising, the cases can be referred to the Planning enforcement team for further investigation under the Planning Act 2011 and the Control of Advertisement Regulations (NI) 2015.

3.9 The Belfast Canvas Pilot Project

Following approval in March 2019 meeting of City Growth and Regeneration Committee, the Council developed a pilot public art project in partnership with Destination Cathedral Quarter and Belfast One Business Improvement District to improve the area's appearance through animation of utility boxes. The project aimed to decrease incidences of graffiti/tagging, fly posting, and other anti-social behaviours associated with utility boxes. Professional street artists, collaborating with community groups and university students, decorated 18 utility boxes in the city's main retail heart, to transform them into unique works of art, adding colour to the cityscape. Following an evaluation of Phase 1, a more detailed proposal was planned for delivery of Phase 2 on the Belfast Rapid Transport route, involving engagement with community groups from east and west Belfast. Following the relaxation of lockdown and in anticipation of developing Phase 2, it is hoped to have 4 pilot boxes in East and West painted by end of July 2020 with a view to extending this project across the BRT route and further across the city centre when funding can be made available to support this project.

3.10 Financial and Resource Implications

None.

3.11 Equality or Good Relations Implications

None."

The Committee noted the content.

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Planning Applications

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

Withdrawn Items

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

- LA04/2019/1598/F - Apart-Hotel (87no. bedrooms & 26no. serviced apartments), 14no. Business Studios and 10no. live/work studios with associated car parking and landscaping at Adelaide Business Centre, Apollo Road – as the applicant had withdrawn the application from the planning process; and
- LA04/2019/1540/F - Centralised Anaerobic Digestion (CAD) plant on lands to the northwest of existing Belfast City Council Waste Transfer Station, 2a Dargan Road, due to recent correspondence which had been received from the applicant which required further consideration by the officers.

**(Reconsidered) LA04/2020/0454/F - House of
Multiple Occupancy at 19 Balfour Avenue**

The Committee was advised that the application had previously been listed for consideration by the Committee on 16th June 2020, during the period of delegated authority in respect of Covid 19. However, Members of the Committee had advised that they did not feel that they had been given sufficient time to consider the late items, which had been submitted on behalf of the applicant, in order to form a view at that time. Consequently, consideration of the item was deferred.

The Case officer provided the Committee with an overview of the application. She explained that the key considerations in the assessment of the proposal were the principle of development and the impact on amenity. The Members were advised that the site was located within a zoned Housing Action Area in accordance with the BUAP and within the proposed Lower Ormeau Area of Townscape Character in draft BMAP.

As the application site fell within a designated HMO policy area, the Case officer explained that Policy HMO 1 applied and that within designated HMO Policy Areas, planning permission would only be granted where the number of HMO dwelling units did not, as a result, exceed 30% of all dwelling units within the Policy Area. The Committee was advised that, out of 370 domestic properties within the Lower Ormeau Policy Area, 122 were HMOs, equating to 32.9%.

She advised that the proposed development was therefore contrary to Policy HMO 1 of the Houses in Multiple Occupancy (HMOs) Subject Plan for the Belfast City Council Area 2015, in that the number of HMO dwelling units already exceeded 30% of all dwelling units within the Policy Area.

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The Committee was advised that the application had been neighbor notified and that no representations had been received. However, the Case officer outlined that an objection had been received since the June Committee from Councillor Gormley.

The Committee's attention was drawn to the Late Items pack, whereby the applicant's son had rebutted a number of points which had been raised in the objection, including that a Special Action Area had not yet been designated. The Case officer provided the Members with the officers' response to those issues, during which she confirmed that, as the Special Action Area had not yet been designated, it had not been afforded any weight in assessing the application.

The Chairperson welcomed Councillor Gormley to the meeting. He advised the Committee that:

- the proposal was contrary to Policy HMO1 of the HMO Subject Plan 2015;
- the Council had proposed to designate the Holyland and Lower Ormeau Area (including Balfour Avenue) as a Special Action Area, within which the return of properties to family dwellings would be favoured and that allowing new HMO developments ran directly contrary to that intention;
- in addition to HMOs, over 40% of houses in Balfour Avenue were privately rented and only 25% were owner occupied/NIHE, which impacted the sense of community in the area; and
- it posed a detrimental impact on parking and residential amenity.

The Chairperson the welcomed Mr. R. Kerr, the son of the applicant, to the meeting. He outlined to the Committee that:

- he felt the figures used by the Planning Department, to calculate the number of HMOs in the Lower Ormeau Road area, were incorrect and were 16 years out of date;
- there were only 69 HMOs in the HMO Lower Ormeau policy area;
- he had received information from the Council's HMO licensing team which differed from the information provided in the case officer's report; and
- that the Local Development Plan had not yet been finalised, nor adopted, and so it was not relevant.

In response to a Member's question, Mr. Kerr advised that he felt that his father was being penalised for following the correct legal process of registering an HMO, by applying for planning permission.

A number of Members queried the difference in the figures used by the Planning Department and the figures used by the Licensing Department and whether there were plans to bring the Planning register up to date.

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The Director of Planning and Building Control advised the Committee that, as part of the new Local Development Plan, new, more agile policies would be adopted which would allow officers to be more responsive instead of the inherited policies which specifically dictated the figures that officers needed to use. He added that the 2004 figures were updated as part of the assessment of each new application.

The Committee agreed with the officer's recommendation to refuse the application, with delegated authority granted to the Director of Planning and Building Control to finalise the refusal reasons subject to no new substantive planning issues being raised by third parties.

**(Reconsidered) LA04/2018/2876/F - Residential
development comprising 16 units on lands opposite
13 15 17 and 32 Somerdale Park**

The Principal Planning officer presented the details of the application to the Committee.

She reminded the Committee that, at its meeting on 21st July, it had agreed to defer the application for a site visit to allow the Members to acquaint themselves with the location and the proposal at first hand. She advised that the site visit had taken place on Wednesday, 12th August.

The Members were advised of the key issues which were considered during the assessment of the proposed development, including the impact on open space, the layout, parking and access, impact on residential amenity, and height, scale and design.

The Principal Planning officer explained that, under the adopted Belfast Urban Area Plan (BUAP) 2001 the site was zoned for open space and recreation. The 2004 version of Draft Belfast Metropolitan Area Plan (dBMAP) had also designated the site as lands reserved for open space and recreation. She explained that, at the public inquiry to draft BMAP 2004 the PAC had recommended that the site be re-designated as housing land, which the former Department of the Environment (DoE) carried through to the 2015 version of Draft Belfast Metropolitan Area Plan 2015 which was unlawfully adopted and subsequently quashed. The Committee was reminded that, therefore, there was a conflict between the statutory adopted BUAP 2001 and the draft BMAP 2015 version.

She explained that significant weight was afforded to the adopted BUAP 2001 and its designation as open space and the draft BMAP 2004 version which also designated the site as existing open space. The 2015 version remained a material consideration however it did not carry greater weight than the existing adopted plan, the BUAP 2001, despite its vintage.

The Committee was advised that, whilst a previous planning application had been granted in 1996 for a residential use at the location, it was a decision of the previous Authority, the DoE, which was a Central Government decision by which the Council was not bound and was also within a different policy context, pre the introduction of PPS 8 – Open Space and Recreation.

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The Principal Planning officer explained that the applicant was afforded the opportunity to submit a PPS 8 statement to address policy OS1 but it was not submitted, and the statement that had been submitted did not address the policy tests of OS 1 and focused on a reliance on the status of the draft BMAP 2015 version instead. She outlined that the applicant had failed to address the policy context and therefore the proposed land use for housing was considered unacceptable in principle.

She advised the Committee that the proposed design, was acceptable but that the scheme resulted in overdevelopment, as the number of units created a layout dominated by parking, minimal or no front gardens, with rear gardens backing onto the front access laneway resulting in a safety and surveillance concern at a sensitive interface. The Members were advised that the scheme was not reflective of the character of the area and failed to provide a quality residential environment and was considered to be contrary to policies QD1 of PPS 7 and LC1 of Addendum to PPS7.

The Committee was advised that, since the site visit had taken place, six objections had been received, the details of which were listed within the Late Items pack. The objections listed issues regarding a lack of neighbour notification, a history of sectarian incidents in the area, that the development might create another sectarian interface, traffic volume and that there was a lack of open space in North Belfast.

She added that Environmental Health, NIEA, the Local Development Plan Team, NI Water, Rivers Agency and DFI Roads had all been consulted and had offered no objection to the proposal, subject to conditions.

The Chairperson welcomed Mr. A. Larkin, agent, to the meeting. He advised the Committee that:

- it was entirely within its rights to set aside the open space zoning of the site in making its decision and, having visited the site, he was sure that it would agree that the land was not publicly accessible, nor did it offer any public amenity or value as open space;
- the PAC had come to the same conclusion when it assessed the site in 2009 as part of the public inquiry into draft BMAP and it was on that basis that the most recent iteration of BMAP 2014 that the site was zoned for housing;
- since 1995 there had been no attempt by the Council to acquire the site as public open space;
- the Council's own Area Plan team had recommended that more weight be given to the housing zoning afforded to the site under BMAP 2014;
- the proposed layout did not constitute overdevelopment and that the Development Management Group, in April 2019, confirmed the proposed layout in front of the Committee was acceptable and that a change in personnel seemed to have seen a change in opinion, demonstrating how finely balanced that refusal reason was;
- the existing density in Somerdale Park was between 27-36 dwellings per hectare and the proposed density, at 30 dwellings per hectare, was well within the existing range;

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- low level retaining walls were proposed to make rear garden spaces level and more usable and the assertion that they would dominate the scheme was misleading;
- due to the presence of a security turnstile and gate on the walkway, if units 11-13 were turned around to front the walkway as had been suggested, it was unreasonable to expect occupants to access the front of their dwellings via this turnstile and locked gate;
- the Council's Physical Programmes Department had recently lodged an application to upgrade the walkway as part of the ForthMeadow Greenway shared space initiative, whereby lighting of that section of walkway was proposed and the turnstile was to be removed and replaced with a gate closer to the playing fields which would continue to be locked in the evenings; and
- guidance in paragraph 5.28 of creating places stated that, in exceptional circumstances, where rear boundaries were exposed to public areas, measures such as high quality boundary walls and landscaping were necessary to provide security and privacy and that was exactly what was proposed.

In response to a Member's question as to why the applicant had not submitted a PPS Statement outlining the "substantial community benefits" which the development would bring in order to warrant the exception, he advised the Committee that it had to determine how much weight to give to the most recent zoning of the site. He explained that the provisions of PPS8 did not apply, as the site was not publicly accessible, nor did it offer any public amenity or value as open space, even if it was zoned as such.

Mr C. Bryson, agent, also added that the site did not comply with any of the typologies of open space listed within PPS8 Annex A, and that therefore those policies did not apply.

A further Member stated that, upon visiting the site as part of the site visit, it seemed to be a poorly maintained open space with years of overgrowth. He sought further clarification in relation to the height of the retaining walls to the rear of a number of the properties. The agent advised that they would range from between two to three feet in height. The agent responded to a further question regarding the rear facing houses, units 11-13.

The Principal Planning officer and the agent sought to provide Members with further clarification on the potential relocation of the turnstile, in response to a Member's question.

In response to a further Member's question regarding which part of PPS8 the officers felt was applicable to the application, the Principal Planning officer advised that any open space was not required to be maintained or be in good order and that typology vi, Natural Urban Green Spaces, applied.

The Principal Planning officer, in response to a further Member's question, confirmed that officers had calculated that the density proposed was 32 units/hectare,

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compared to 23 units/hectare in Somerdale and Ingledale, which were in the immediate context.

Moved by Councillor Murphy,
Seconded by Councillor Maskey,

That the Committee agrees the application, as the loss of open space was justified, in that there would be a greater community benefit through the development of housing at the site, given the chronic housing shortage in North Belfast and that the residential amenity would not be adversely impacted as a result; that there was open space within the surrounding area, specifically the Clarendon Playing Fields; that car parking was not a good enough reason to refuse the application; and, that only three of the properties would be impacted by the retaining walls.

On a vote, five Members voted for the proposal and seven against and it was declared lost.

Accordingly, the Chairperson put the officer's recommendation to refuse the application to the Committee, with delegated authority granted to the Director of Planning and Building Control to finalise the refusal reasons subject to no new substantive planning issues being raised by third parties.

On a vote, seven members voted for the proposal and five against and it was declared carried.

LA04/2020/0757/F - Upgrade of existing gravel pitch to synthetic sand dressed hockey pitch, with floodlighting, fencing, acoustic barrier, storage container at West Pitch, Downey House, Pirrie Park Gardens

The Principal Planning officer provided the principal aspects of the application to the Committee. She pointed out that a related application, at the adjoining east pitch under reference LA04/2018/1411/F, was also under consideration at the meeting.

The Committee noted that a site visit had taken place at the pitches on 12th August.

The Principal Planning officer outlined that the main issues to be considered in the assessment of the proposal were:

- the principle of development;
- design, visual amenity and impact on character of locality;
- landscaping / ecology / draft LLPA;
- impact on residential amenity;
- access, movement and parking; and
- flooding / infrastructure capacity.

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She explained that the proposed hours of operation of the pitch were from 9.00 am to 6.00 pm, Monday to Friday, and 8.00 am to 1.00pm on Saturdays. There would be no use of the pitch on Sundays. The Members were advised that the applicant had confirmed that the pitch was for the primary use of the school only with the occasional use of the pitches for Easter and summer camps as per the existing arrangements with Pirrie Park.

She explained that the proposal involved upgrade works to an existing hockey pitch, thus retaining its recreational use in accordance with Policy OS1 of PPS8 and paragraph 6.205 of the SPPS.

The Committee was advised that 195 representations had been received, comprising of 71 objections from local residents, 119 letters of support from the general public and 5 letters of support from school staff.

The objections raised issues including that the applications should be a major development and that the applicant had sought to avoid the requirements of a major application, lack of an Environmental Impact Assessment statement, light spillage, access issues, noise, significant harm to the visual amenity of residents and wider area, traffic congestion, parking and highway safety issues, drainage/flooding and health and safety concerns.

The representations of support cited that the current facilities were outdated, substandard and unsafe, the development would help the enhancement of girls' sporting activities, physical and mental health benefits, there was adequate existing parking and access via Ardenlee Avenue, it would benefit children currently attending school, future generations and the local community, the proposed mitigation would limit harm to neighbours and it would provide a positive aesthetic effect on the surrounding area.

The Committee was advised that DfI Roads, Rivers Agency, NI Water, DAERA, Environmental Health and the Landscaping Section had been consulted and had no objection to the proposal.

The Members' attention was drawn to the Late Items pack whereby six additional objections had been received. The Principal Planning officer advised the Committee of the Planners' response to the points raised and also clarified two minor errors within the report. She explained that, immediately before the meeting, an additional objection had been received. The Members were advised that it was in relation to a DfI Roads response which had been received by the Council earlier that day in respect of the two pitch applications. She explained that the objector was concerned that he had not had time to consider the information within it but she explained that public consultation was not carried out in respect of consultation responses.

The Committee noted that Environmental Health had recommended a construction management condition.

The Chairperson welcomed Mr. S. Crawford, objector, to the meeting. He advised the Committee that:

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- there had been 71 objections in respect of the application, representing 35 neighbouring properties, which represented the properties immediately adjacent to the pitch;
- the vast majority of the supporters of the schemes did not live near the proposed pitches and that only 8 of those supporters resided in the vicinity;
- none of the 8 supporters lived in properties adjacent to Downey House/ Pirrie Park itself i.e. their properties did not run along the boundary of same and thus they would not be directly impacted by the proposed pitches;
- the residents were not objecting to new upgraded hockey pitches being built but rather they objected to the overwhelming scale of what was being proposed, i.e. 2 International standard hockey pitches shoehorned into the corner of Pirrie Park, only a few metres away from the neighbouring properties, to be surrounded by high netting (up to 5 metres high in parts) and fencing and floodlit by 15 metre high lighting columns;
- there was no need for floodlighting and that school hockey had, and could continue to, operate without the need for floodlighting;
- the school very rarely, if ever, played hockey beyond 4pm on weekdays and if matches were necessary after that time in the dark Winter months then it already owned a floodlight astro-turf pitch (recently relaid) at Belfast Harlequins at Deramore Park, which was closer to the school;
- if the applications were successful, a further application would likely be brought down the line to take full advantage of the floodlighting and to extend the hours of usage to 10 pm, Monday to Friday, and extensive weekend usage as originally planned, regardless of the residents' concerns, thereby allowing the school to make a substantial income from 3rd party usage;
- no legally binding guarantee could be given that the school would not apply for extended hours involving extensive 3rd party usage;
- the school submitted two separate applications for the two pitches, thereby sidestepping the requirements which would be required under a major application;
- both applications failed to comply with Planning Policy Statement 8 (PPS 8) Open Space, Sport and Outdoor Recreation and in particular Policy OS 7 (POS 7);
- it was hard to think of a greater adverse impact on residents' visual amenity and character than 2 very large, caged, floodlit hockey pitches, just meters from the boundaries of their homes, where once there were ground level pitches, darkness and peaceful enjoyment from dusk to dawn;
- no objective evidence had been produced by the applicant, such as a Landscape and Visual Impact Assessment;
- the Council had acknowledged the need to comply with the above planning policies when it had built the multi sports pitch at Cherryvale, where the nearest neighbouring property was 37metres from the pitch, not the 3metres proposed here.

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The Chairperson then welcomed Mr. S. Beattie QC, representing the applicant, to the meeting. He advised the Committee that:

- neither Methodist College, nor Fullerton House, had any open space and that Downey House and Pirrie Park were key to the sports activities;
- there was a focus on enhancing sport facilities for females within the college;
- the school currently rented pitches for £2,000/week which was unsustainable;
- the two pitches at Pirrie park were 58 years old, they were used and would continue to be used and that considerable weight should therefore be attached to that fact;
- the hours of use and the hours of floodlighting would be restricted;
- hockey was a pretty dangerous sport, with sticks and a hard ball moving at pace, and floodlighting was therefore regarded as a necessity and as a safety feature;
- the suggestion by an objector that a further application would be submitted to extend the hours of operation was without evidence and merit, that the conditions were perfectly clear and enforceable and that the College had commended those conditions;
- considerable weight should be given to the independent expert reports regarding drainage, noise, equality and landscaping;
- statutory consultees had no objections to the proposal;
- the site would benefit from enhanced drainage and a betterment in terms of landscaping in terms of the treatment of the boundaries; and
- in terms of consultation, the school had met with groups of residents, had conducted an open hearing at Pirrie Park and that, due to the ongoing pandemic, planning officers had delivered copies of the plans to residents to ensure that they had sight of them.

A Member asked whether the College would consider engaging with residents and replacing more of the non-retractable floodlights with retractable posts. Mr. Beattie QC advised the Committee that a light assessment had been carried out as part of the application process which detailed within the case officer's report. He explained that none of the statutory consultees had requested that any of the floodlights should be retractable. The Committee was advised that the College had already, in response to feedback from residents, agreed to make the three floodlights to the west of the pitch retractable.

In response to a further question, as to whether a condition could be added, in respect of whether a further number of the floodlights could be replaced with retractable posts, the Principal Planning officer explained that the lighting had been assessed both individually and cumulatively as detailed within the report, and that as no statutory consultee had any issue with the proposed lighting, it would therefore be difficult to add an onus onto the applicant for an issue which did not exist.

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The Director of Planning and Building Control added that any conditions which were attached to a permission must be reasonable and meet the relevant Planning tests.

In response to a further Member's question, the Principal Planning Officer confirmed that if any future application was lodged to vary to the hours of use at the site, it would be submitted for the Committee's consideration.

Moved by Councillor Nicholl,
Seconded by Councillor Hanvey,

That the Committee agrees to refuse the application, on the basis that it is contrary to PPS8 OS4 and OS7, in terms of its impact upon residential amenity, specifically the visual impact of the 15metre high pylons and the impact of the floodlighting on nearby houses.

On a vote, three Members voted for the proposal and nine against and it was declared lost.

Accordingly, the Chairperson put the officer's recommendation to approve the application to the Committee, with delegated authority granted to the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by third parties, and it was agreed.

LA04/2018/1411/F - Upgrade of existing gravel pitch to synthetic sand dressed hockey pitch, with floodlighting, fencing, acoustic barrier, storage container at East Pitch, Downey House, Pirrie Park Gardens

(Councillor O'Hara left the meeting at this point in proceedings)

The Principal Planning officer provided the principal aspects of the application to the Committee. She pointed out that this was the adjoining pitch to the previous application, LA04/2020/0757/F.

The Committee noted that a site visit had taken place at the pitches on 12th August.

The Principal Planning officer outlined that the main issues to be considered in the assessment of the proposal were:

- the principle of development;
- design, visual amenity and impact on character of locality;
- landscaping / ecology / draft LLPA;
- impact on residential amenity;
- access, movement and parking; and
- flooding / infrastructure capacity.

She explained that the proposed hours of operation of the pitch were from 9.00 am to 6.00 pm, Monday to Friday, and 8.00 am to 1.00 pm on Saturdays. There would be no

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use of the pitch on Sundays. The Members were advised that the applicant had confirmed that the pitch was for the primary use of the school only with the occasional use of the pitches for Easter and summer camps as per the existing arrangements with Pirrie Park.

As the proposal involved upgrade works to an existing hockey pitch, she explained that retaining its recreational use was in accordance with Policy OS1 of PPS8 and paragraph 6.205 of the SPPS.

The Principal Planning officer explained that 238 representations had been received, comprising 118 objections from local residents, 51 of which were in objection to the original and 67 to the amended scheme. She advised that 115 letters of support had been received from general public, with 5 letters of support from school staff.

The objections cited that the applications should be a major development and that the applicant had sought to avoid the requirements of a major application, lack of an Environmental Impact Assessment statement, light spillage, noise, significant harm to the visual amenity of residents and wider area, traffic congestion, parking and highway safety issues, access issues, drainage/flooding and health and safety concerns.

The representations of support cited that the current facilities were outdated, substandard and unsafe, the development would help the enhancement of girls' sporting activities, physical and mental health benefits, there was adequate existing parking and access via Ardenlee Avenue, it would benefit children currently attending school, future generations and the local community, the proposed mitigation would limit harm to neighbours and it would provide a positive aesthetic effect on the surrounding area.

The Committee was advised that DfI Roads, Rivers Agency, NI Water, DAERA, Environmental Health and the Landscaping Section had been consulted and had no objection to the proposal.

The Members were advised of a number of late items and the officers response to the issues raised which were within the Late Items pack. The Committee noted that Environmental Health had recommended a construction management condition.

The Chairperson welcomed Mr. M. Graham, objector, to the meeting. He advised the Committee that:

- the process had been flawed in that he felt that the Council's 2017 decision regarding the Pitch Development at Cherryvale was pertinent, and that officers had taken a different approach to this application;
- in the Cherryvale pitch application, officers had taken measurements from the residential boundaries and not from the length of the gardens, which was different to the Pirrie Park pitch applications;
- the drainage assessment had been submitted in 2018 and had not covered the specific areas of the two applications;
- a DfI Roads Service response which had been received that day, he was unaware that issues were still to be addressed and

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particularly an overlap in the use of Pirrie Park as a Park and Ride facility for Ulster Rugby matches on Friday evenings;

- no independent objective assessment had been carried out regarding the requirement for floodlights at Pirrie Park, and pointed out that a 69 page visual impact assessment had been submitted as part of the ongoing Stranmillis College pitch application;
- in terms of Draft BMAP, the site fell within a Local Landscape Policy Area and that without a proper objective impact assessment it did not meet POS7 of PPS8; and
- no account had been taken of the impact of the pitches in a night time setting.

The Chairperson invited Mr. S. Beattie QC, representing the applicant, to speak. He advised the Committee that:

- the Planning Department required the pitches to be cumulatively assessed and updated to contain a cumulative impact assessment;
- in terms of noise, it was concluded that the upgrades proposed would be an improvement on the current pitches and were below the levels determined by guidance;
- there would also be a betterment in terms of drainage on site;
- the movement of the pitch 5.5 metres to the east, in response to feedback from residents, made no material difference to the drainage assessment and that statutory consultees were content with this;
- the Cherryvale Pitch decision was not the precedent and nor should it be approached as one, and nor were the distances guidance or policy;
- the suggestion that the length of gardens was not a material consideration exercise by the officers and independent experts was wrong – it was a material consideration and it was a question of the weight which should be attached to it;
- the DfI Roads response simply clarified issues which they'd already stated and had no objection;
- statutory consultees had not requested that any of the floodlights be retractable and that floodlighting plans had been submitted with the application;
- the 6.00 pm deadline for the use and hours of floodlighting was significant to note; and
- documents had been submitted assessing the residential amenity.

The Principal Planning officer clarified a number of points to the Committee. She explained that, in relation to drainage, a meeting had been held with a number of elected members, the College and residents. The College subsequently withdrew the West pitch application and resubmitted it, having moved the boundary 5.5 metres away from residents. She advised that Rivers Agency were content with the information which had been submitted to them, including the drainage assessment and the addendum, and did not require a new assessment to be carried out.

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She added that DfI Roads and the other consultees had been consulted throughout the process as there had been a number of technical objections. She explained that DfI Roads had reiterated today that they were content with the numbers provided by the school and the numbers that exist currently, cumulatively.

A Member stated that, while he did not feel that there were adequate reasons to refuse the application, it would be useful if the College would engage with those residents who had objections to the proposals, insofar as was possible, in order to maintain good community relations with their neighbours.

Moved by Councillor Nicholl,
Seconded by Councillor Hanvey,

That the Committee agrees to refuse the application on the basis that it is contrary to PPS8 OS4 and OS7 in terms of its impact upon residential amenity, specifically the visual impact of the 15 metre high pylons and the impact of the floodlighting on nearby houses.

On a vote, three Members voted for the proposal and eight against and it was declared lost.

Accordingly, the Chairperson put the officer's recommendation to approve the application to the Committee, with delegated authority granted to the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by third parties, and it was agreed.

LA04/2019/1540/F - Centralised Anaerobic Digestion (CAD) plant to include a bunded tank farm, (6no. digester tanks, 2no. buffer tanks, 1no. storage tank and associated pump rooms), biogas holder, biogas conditioning system, temperature control system, waste-water treatment plant (WWTP), motor circuit control room building, hot/cold water recovery system, feedstock reception and digestate treatment building, product storage building, odour control system and associated tanks, emergency gas flare, back-up boiler, administration/office building, car parking, 3no. Weighbridges, fire water tank and pump house, pipelines to existing combined heat and power (CHP) plant engines, switchgear earth bunding, 3no. Accesses to existing Giant's Park Service road infrastructure and ancillary plant/site on lands to the northwest of existing Belfast City Council Waste Transfer Station, 2a Dargan Road

The Chairperson reminded the Committee that this item had been withdrawn from the agenda by officers, due to correspondence which had been received from the applicant immediately prior to the meeting.

The Committee agreed to undertake a site visit in order to acquaint itself with the location and the proposal at first hand.

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The Divisional Solicitor advised the Members that the two objectors had requested five minutes each to address the Committee on the issue, and had provided exceptional circumstances as to why they required the additional time. The Committee agreed to grant the objectors five minutes each to address the Committee, and subsequently that the applicant/agent would be given ten minutes, at the meeting at which the application would be considered.

The Committee noted that, as the application had not been presented, all Members' present at the next meeting, would be able to take part in the debate and vote on this item.

LA04/2020/0010/F - Aquarium, car parking and associated infrastructure on lands to the South East of Titanic Hotel, North East of Bell's Theorem Crescent and South West of Hamilton Road

Moved by Councillor Groogan,
Seconded by Councillor Collins,

That the application be deferred to allow a representative from the Department for Infrastructure to attend, in order to answer questions surrounding the number of trips associated with the application and the trigger for providing mitigating roads infrastructure.

On a vote, eight members voted for the proposal and three against and it was declared carried.

The Committee noted that, as the application had not yet been presented, all Members' present at the next meeting would be able to take part in the debate and vote on this item.

(Reconsidered) LA04/2020/0662/A - Mesh banner Signage at Former Belfast Telegraph Printworks

The Case officer explained that advertisement consent was sought for a temporary mesh banner sign.

She outlined that the key issues which were considered in the assessment of the proposal were the impact on local amenity, public safety and the setting of listed buildings.

The Committee was advised that, whilst the sign was contrary to PPS17 Outdoor Advertisements, it was accepted that by granting consent for a period of one year was acceptable in the circumstances, given that the locality was going through a period of transition with the construction of the university campus and that future plans for the host building were also well advanced.

She explained that the Belfast Telegraph Building was listed and that the Historic Environment Division had been consulted and had no objection to the proposal, subject to the temporary approval being for one year.

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The Members were advised that no representations had been received.

A Member highlighted that the policy test had not been met and that she was concerned that if the Committee was to approve it, it would set a precedent. She added that the Council had taken action previously against similar banners on listed buildings and that it should be leading the way and following policy.

The officer's recommendation, to approve the application for a temporary period of one year, was then put to a vote whereby ten Members voted for it and one against, and it was declared carried.

**LA04/2020/1063/F - Re-siting of James Connolly statue
from 275-277 Falls Road to 374-376 Falls Road**

The Committee was provided with the principal aspects of the application, for the re-siting of a James Connolly statue from 275-277 Falls Road to 374-376 Falls Road. The Case officer explained that the statue measured 3.75m in height with a plinth measuring 0.9m by 0.9m. She explained that the statue was proposed to be re-located to the front of the existing building, integrated within the existing planting.

The Members were advised that the proposed site was located within white land in the BUAP and was designated within a proposed Area of Townscape Character within dBMAP, as well as on an arterial route. The statue was to receive a new plinth of corten steel with backlit letters and the design was considered compatible within its new context in front of the Connolly Building. She outlined that the proposal would not harm the proposed Area of Townscape Character.

The Committee was advised that no representations had been received and that DFI Roads had offered no objection.

The Committee granted approval to the application, subject to the imposing of the conditions set out within the case officer's report and delegated power to the Director of Planning and Building Control for the final wording of the conditions.

**LA04/2019/2217/F - Public realm improvements and
removal of existing toilets on lands south of Albert Bridge
and directly north of 5 Ravenhill Road**

The Case officer provided the Members with the key aspects of the application which included the demolition and removal of existing public toilets, landscaping works, new paving, and provision of street furniture, lighting, railings, tree/hedgerow and all associated site works for a temporary period of three years.

She outlined the main issues which had been considered during the assessment of the proposals, which included the principle of development at this location, the impact on visual amenity, the potential of contaminated land, the impact on the setting of a listed structure and on existing open space.

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The Committee was advised that HED, DFI Roads, Rivers Agency, NIEA, BCC Environmental Health, the Tree and Landscape Team and the City Regeneration and Development Team had been consulted in relation to the proposals and had offered no objections subject to conditions.

The Case officer pointed out that one letter of representation had been received regarding measures to prevent graffiti and interference with the adjacent property at 5 Ravenhill Road.

She advised the Committee that the application site lay within the development limits for Belfast and that the proposals complied with the Development Plan and relevant policy.

The Committee granted approval to the application, subject to the imposing of the conditions set out within the case officer's report and delegated power to the Director of Planning and Building Control for the final wording of the conditions.

Chairperson

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Subject:	DoF Consultation on Proposed Building (Amendment) Regulations (NI) 2020
Date:	15 September 2020
Reporting Officer:	Aidan Thatcher, Director of Planning & Building Control, Ext. 2300
Contact Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435

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

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

1.0	Purpose of Report or Summary of Main Issues
1.1	To consider a draft response to a consultation on proposed amendments to Parts A, B and C and subsequent guidance changes to technical booklets B, C and E of the Building Regulations (Northern Ireland) 2020.
2.0	Decision(s) required and recommendations
2.1	To consider the draft response to the Department of Finance consultation and agree, subject to any amendments, a response on behalf of the Council.
2.2	The closing date for responses to this consultation is 4:00pm on Friday 09 October 2020.

3.0	Main report
	<p><u>Key issues</u></p> <p>3.1 The Buildings Standards Branch of the Department of Finance (DoF) is seeking the views of the Council on their proposals to amend the Building Regulations (Northern Ireland) 2012 (as amended).</p> <p>3.2 Building regulations apply to most building work and are made principally to ensure the health, safety, welfare and convenience of people in and around buildings, the conservation of fuel and power, the protection and enhancement of the environment and the promotion of sustainable development.</p> <p>Fire Safety</p> <p>3.3 Since the Grenfell fire there has been much debate about compliance with the Building Regulations requirement for external walls on buildings to adequately resist the spread of fire. The objective of this policy change is to provide certainty about materials to be used in external wall systems of certain buildings ('relevant buildings').</p> <p>3.4 The consultation proposes an amendment to Part B (Materials and workmanship) legislation and accompanying guidance and a consequential amendment to Part A (Interpretation and general) legislation to introduce a new requirement to ban the use of combustible materials on the external walls of 'relevant buildings', mainly of a residential type. It is proposed that the ban will apply to:</p> <ul style="list-style-type: none"> • buildings with a floor 18 metres high above ground level which contain a dwelling, contain an institution or contain a room for residential purposes. This will mean flats, student accommodation, care homes, nursing homes, sheltered housing, hospitals and dormitories in boarding schools, all with a floor over 18m above ground level will be covered by the ban. • newly erected buildings or when there is a material change of use, alterations or extensions (as defined in building regulations) to an existing building. All elements of the external wall will be covered by the ban; including specified attachments (balconies, solar panels and sun shading devices). A list of exemptions from the ban for certain components will also be given. <p>3.5 In relation to meeting the requirements for external fire spread, there has been concern with the current approach to the use of Assessments in lieu of tests (AILOTs) for cladding systems. Therefore the proposals include an amendment to TBE to give more explicit guidance to the use of AILOTs. The purpose of this new guidance is to tighten up on the use of AILOTs and ensure that they are only used where appropriate, with sufficient relevant test evidence and that they are undertaken by competent staff within appropriately certified organisations.</p> <p>3.6 Full details of our comments on the proposals are contained within the consultation response. In summary, the proposals to review and update guidance and regulations pertaining to external fire spread is welcomed however we are concerned that the guidance concentrates on the methods to achieve adequate fire resistance in buildings containing a floor higher than 18m with potential proposals to cover 'relevant' buildings over 11m.</p> <p>3.7 The Department, through this consultation, reaffirms the requirement for adequate resistance to fire spread to be achieved in all buildings of any height or use however we feel that the lack of guidance in this area will lead to confusion and inconsistency across Northern Ireland with a lack of understanding of how to achieve compliance.</p>

	Radon protection
3.8	Radon is a naturally occurring radioactive colourless and odourless gas which is formed by the radioactive decay of the small amounts of uranium and radium that occur naturally in all rocks and soils. The gas can move through cracks and fissures in the subsoil and eventually to the atmosphere. Most radon disperses into the air outside, but some passes from the ground and collects in spaces under or within buildings. For residents of dwellings, exposure to high levels of radon for long periods increases the risk of developing lung cancer.
3.9	Radon protective measures can be included relatively easily and cost-effectively within new dwellings, extensions or alterations to existing dwellings and to buildings converted to dwellings through a material change of use. The areas on radon maps where radon-protective measures are necessary are called 'radon-affected areas'.
3.10	The consultation proposes an amendment to Part C (Site preparation and resistance to contaminants and moisture) to amend the definition of "radon affected area" to make reference to a 2015 Public Health England (PHE) publication 'Radon in Northern Ireland: Indicative atlas'. This atlas gives a much more accurate radon map for Northern Ireland. The amendment will be accompanied with guidance changes in Technical Booklet C (Site preparation and resistance to contaminants and moisture) to regulation 26(2) requirements on the measures to be taken to prevent or limit the ingress of radon from the ground into any dwelling situated in a radon affected area.
3.11	The proposals to update Part C to the current radon guidance are welcomed.
3.12	<p>The package of consultation documents can be found on the Department's website: - https://www.finance-ni.gov.uk/consultations and includes the following: –</p> <ul style="list-style-type: none"> • Consultation Proposals; • Consultation Response Form; • Consultation version only Technical Booklet B; • Consultation version only Technical Booklet C; • Consultation version only Technical Booklet E; and • Consultation Draft Regulatory Impact Assessments for the proposed changes. <p><u>Financial & Resource Implications</u></p>
3.13	None.
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.14	The proposed amendments have been screened out of equality impact assessment requirements by DoF. The equality impact screening assessment will be published separately on the Departmental Website.
4.0	Appendices – Document Attached
4.1	None.

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Building (Amendment) Regulations (Northern Ireland) 2020

Public consultation document C.3

Consultation Response Form

August 2020

(closing date for receipt of responses is 4:00 pm on Friday 09 October 2020)

Building (Amendment) Regulations (Northern Ireland) 2020 - Consultation

Completion of the Response Form

The Department will consider all responses to this consultation received on or before the closing date for receipt of responses which is **4.00 pm on Friday 09 October 2020**.

Submissions made after this date will not be considered.

We would be grateful if you would use e-mail to return the completed Response Form to:
info.bru@finance-ni.gov.uk

However it may be posted to –

Karen McKernon
Consultation Co-ordinator
Department of Finance
Building Standards Branch
Floor 6
Goodwood House
44-58 May Street
BELFAST BT1 4NN

Please refer to the package of Consultation Documents which outline fully the proposed amendments and to the consultation Regulatory Impact Assessments which accompany this Response Form.

These documents are available at –

<https://www.finance-ni.gov.uk/consultations>

Consultees are encouraged to respond on any aspects of the proposals. However, the Department would welcome answers to and comments on the questions in this Response Form.

For ease of use, questions relating to each aspect of the consultation are referenced by a letter relating to the Part of the Building Regulations that the aspect is considering, for example A1 is a question on Part A: Interpretation and general; B1 is a question on Part B: Materials and workmanship; C1 is a question on Part C: Site preparation and resistance to contaminants and moisture; while C2, C3 etc. are questions on Technical Booklet C: Site preparation and resistance to contaminants and moisture and E1, E2 etc. are questions on Technical Booklet E: Fire safety.

Click on the box (or insert an “x”) beside “Yes”, “No” or “No view” as appropriate. It is not essential to give an answer to every question. The last question is completely open to enable consultees to make suggestions or observations on relevant issues that are not addressed by answering the preceding questions.

Please make any comments you might have in the box provided. If you disagree with any of the proposals the Department would be interested to know why you disagree.

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Part B	Materials and workmanship: Questions 6
Part C/Technical Booklet C	Site preparation and resistance to contaminants and moisture: Questions 15
Technical Booklet E	Fire safety: Questions 19
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Respondent Details

In order for your response to be considered valid, you must provide the following information:

Name	Stephen Hewitt
Organisation (if any)	Belfast City Council
Address	City Hall Belfast BT1 5GS
Telephone	028 9027 0287
Email	Hewitts@belfastcity.gov.uk

Are you responding as an individual? ☐

Or are you representing the views of an organisation? ☒

Responses to this consultation may be made available to the Northern Ireland Assembly or for public inspection, either at the Building Standards Branch office or website.

Information provided in response to the consultation, including personal data may be published or disclosed in accordance with the access to information regimes (see paragraph 3.5 under 'Code of practice on consultations and Data management' and Annex A, in document C2 'Consultation proposals').

You have the option of indicating that you wish your response to remain confidential and the Department will generally respect that request. Should it be decided that the public interest must override that request the Department will contact you before disclosure and, if appropriate, provide an opportunity for your response to be withdrawn.

Is your response confidential? Yes ☐ No ☒

PART A, INTERPRETATION AND GENERAL: QUESTION

Part A of the Building Regulations (Northern Ireland) 2012 (as amended) (the Building Regulations) defines certain terms used in the regulations and establishes processes which relate to the application of the regulations.

(Refer to Section 4 of the Consultation proposals document)

It is proposed to amend Part A of the Building Regulations and in particular regulation 8 (Application to material change of use) so that, when a building becomes a 'relevant building' due to a material change of use, then that building will be subject to the new requirement of regulation 23(2).

The intention is to amend the existing Table to Regulation 8 (Application to material change of use) to demonstrate in the existing Cases where the new requirement in regulation 23(2) will apply.

Note:

This will mean any building which undergoes a material change of use and becomes a 'relevant building' by definition will be required to adhere to the requirements of regulation 23(2) i.e. remove all combustible material from the external walls and replace with non-combustible or limited combustible materials to A1 or A2-s1,d0 standard.

A1. *Do you agree with the proposal to require a building which becomes a 'relevant building' due to a material change of use to be subject to the requirements of new regulation 23(2)?*

Yes ☒ No ☐ No view ☐

Comments (if any):

We are of the opinion that any requirements to restrict fire spread over the external walls of new build residential buildings with a storey over 18m should equally be applied to residential buildings formed by a material change of use. The risk to occupants in either scenario from a fully involved external wall/cladding fire will be the same. However it is clear that the height at which this higher standard will apply is arbitrary in nature and the proposal does not take into consideration risks in buildings with a storey level lower than this height.

PART B, MATERIALS AND WORKMANSHIP: QUESTIONS

Part B of the Building Regulations sets out requirements in relation to the materials and workmanship used in construction.

(Refer to Section 5 of the Consultation Proposals document).

It is proposed to amend Regulation 23 'Fitness of materials and workmanship' to introduce a new requirement through regulation 23(2) so that materials which become part of an external wall, or specified attachment, of a 'relevant building' are of European Classification A2-s1, d0 or Class A1, classified in accordance with BS EN 13501-1: 2018 (an effective ban on the use of combustible materials for these buildings).

B1. *Do you agree that combustible materials (bar the exemption list - see proposed regulation 23(3)) in external walls of relevant buildings as defined, should be banned through law? If no, please comment how else the ban could be achieved.*

Yes ☒ No ☐ No view ☐

Comments (if any):

The new regulation will avoid the confusion which exists with the current performance based standard including the various methods of compliance provided in both building regulations guidance and adopted by industry. The current standard calls for an 'adequate' resistance to the spread of fire over the external walls of a building without any quantifiable measure of what is considered adequate. Whilst the established BS8414 test and classification methodology in BR 135 provides a mechanism for determining adequacy for tested systems there is little understanding of what rate of fire spread is achieved with various combinations of materials outside this route nor indeed what rate is deemed adequate. In addition the current guidance in Technical Booklet E which carries a presumption of compliance provides no restriction on the quantities or type of combustible material in the external walls of any building with a storey over 18m other than insulation material. The current guidance for example would not prevent the use of polyethylene filled aluminium composite materials (PE filled ACM's) which was the major cause of fire spread on Grenfell tower.

It is our opinion that a ban on combustible material ensures clarity on the requirements for 'relevant' buildings and should fully negate the impact of fire spread caused by the external walls for this category of building.

Please also refer to our answer in A1 with regard to the arbitrary nature of the height at which this new requirement applies.

It is proposed to apply the ban to buildings as defined by being a relevant building in regulation 23(4) i.e. a building 18m or more in height, that contains one or more dwellings, an institution or a room for residential purposes (excluding an hotel, hostel or boarding house).

Buildings not within the scope of the ban (for example office buildings) are usually considered to have lower risk due to their reduced occupancy overnight (i.e. no sleeping risk) and are provided with different fire safety provisions to those buildings within the scope of the ban.

Remembering that the requirement of regulation 36 'External fire spread' applies to all buildings irrespective of the requirements of the ban, designers should ensure buildings adequately resist fire spread over the external walls.

There have been several recent fires in hotels in England that have raised concerns. Hotels and hostels are often staffed overnight, can have multiple escape routes, signage and emergency lighting to assist evacuation and a higher level of fire detection and alarm systems in comparison to residential buildings. On the other hand, there is still a sleeping risk in these buildings and residents are generally less familiar with their surroundings than in their own residences.

B2. (a) *Do you agree that the ban should apply to the scope of buildings as defined by a relevant building?*

Yes ☒ No ☐ No view ☐

(b) *Do you think hotels, hostels and boarding houses should not be excluded in the definition of relevant building but rather included and thus be subject to the ban?*

Yes ☐ No ☒ No view ☐

Please provide any details and evidence why in the comments box below.
Comments (if any):

It would be appropriate to apply the ban to buildings where the highest risk to occupants from a fully involved external wall or cladding fire would occur. Taking into consideration factors such as sleeping risk, the lack of management control, the likelihood of a remain in place design and evacuation strategy, the number, design and construction of escape routes this would most likely be in high rise buildings containing dwellings. Whilst the majority of fire deaths in Northern Ireland are in single (low rise) dwellings the consequences of a cladding fire of the magnitude as seen at Grenfell tower would have a devastating impact on lives in any high rise residential building containing dwellings. We do however hold the opinion that the choice of height is arbitrary in nature and no analysis has been carried out to determine the appropriate cut off point for this higher standard based on risk or consequence to occupants.

The risk in high rise managed accommodation such as hotels would be less given they are subject to factors such as strict management control, the requirement for common alarm systems, total evacuation strategies and increased number of escape routes. A fire in a high rise hotel of the magnitude as seen at Grenfell tower would still pose a serious risk to occupants where there would be a reliance on fire warnings systems and management control to ensure a safe evacuation. However, the proposed changes to Technical Booklet E with regard to non-relevant buildings over 18m, i.e. more stringent restrictions applying to all materials in the external wall or alternatively provision of a test to BS8414, will increase the requirements in these buildings from their current level.

The proposed height threshold for the ban in a relevant building is 18m. In light of a recent fire in The Cube building in Bolton which was just under the 18m height, there may be a case to set the height threshold lower. Some suggest 11m is the accepted upper limit of traditional external fire-fighting techniques. 11m is currently used in Scotland for more stringent provisions on external wall construction, although not for an outright ban.

B3. (a) *Do you agree that the height threshold of the ban should be set at 18m?*

Yes ☐ No ☐ No view ☐ **(Please see comments)**

(b) *Do you think a lower height threshold of 11m should be set?*

Yes ☐ No ☐ No view ☐ **(Please see comments)**

Please provide evidence on (a) or (b) in the box below as to your reasons why.

Comments (if any):

Whilst we have no evidence with regard to the height at which control should be exercised we would point out that the threshold height of 18m would have limited impact even in Belfast given the number of residential buildings containing dwellings that fall into this category. If flammable cladding was specified as part of the external wall construction i.e. certain high pressure laminates (HPL's) or PE filled ACM's the impact may be equally devastating on residential buildings at heights lower than 18m with occupants reliant on remain in place strategies, no common alarm system, etc.

Whilst we understand further control may be placed on buildings lower than 18m to restrict the use of polyethylene in the external walls (outlined in this consultation) we do consider that the full ban could be extended to buildings lower than 18m. Perhaps there may be merit in considering building size (area) in conjunction with building height. For example a 5 storey building of limited footprint, typically with an uppermost storey height of 11 m may have less risk and consequence than a 4 storey building, typically 8.5m to floor level of uppermost storey which covers a much larger area and has a much increased level of occupancy. Whilst these larger buildings may have more than one stair they are still designed and operated on the basis of 'remain in place' in the initial instance of fire.

Introducing a ban on combustible materials requires consideration of what is meant by “combustible”. There are a number of possible classifications for combustibility that could be used (National classifications, European classifications and other International assessments). The current guidance in TBE includes reference to the National classifications for combustibility and the European classification system. The Department feels it would be more straightforward to reference a single system for external walls and that would be the more up to date European system.

The European classification system for combustibility is set out in BS EN 13501 and classifies construction products from Class A to Class E using a series of tests. Class A materials have the best performance in a fire and the proposal is to require A2 s1,d0 or better as the acceptable classification under the proposed ban. This is in line with England, Scotland and Wales and standards in a number of EU member states.

Alternative classifications Class A2fl-s1 and A1fl are available for materials tested horizontally as a floor. Some balcony floors are only tested to A2fl-s1 or A1fl classification. These classifications have equally stringent requirements as A2 or A1, however these materials need to be tested in a horizontal position rather than a vertical position.

B4. (a) *Do you agree that the European classification system should be used and do you consider that Class A2 s1, d0 or better to BS EN 13501-1 2018 is the correct classification for materials to be used in wall construction for relevant buildings?*

Yes ☒ No ☐ No view ☐

(b) *Do you think the classifications should include A2fl-s1 and Class A1fl for materials used horizontally?*

Yes ☒ No ☐ No view ☐

Please explain why.
Comments (if any):

We have no firm opinion on the classification system that should be used however we are not aware of a more relevant system of defining and classifying the reaction to fire characteristics of materials to be considered ‘non-combustible’.

The ban of combustible materials will also apply to specified attachments to the external wall. It is proposed that these specified attachments are balconies attached to the external wall, solar panels attached to the external wall and sun-shading devices (including but not limited to blinds and shutters) attached to the external wall. These will all be required to meet the performance requirements of regulation 23(2).

B5. *Do you agree with the ban applying also to specified attachments (as defined) to external walls?*

Yes ☒ No ☐ No view ☐

Comments (if any):

In some external facades the balcony construction can cover an extensive area and for this reason we think they should be considered as part of the external wall and should equally be controlled. This should include any fixed attachment which has the potential to cover an extensive area and therefore increase the potential for fire spread.

Awnings are a sun shading device which will fall under the definition of specified attachment and hence subject to the ban. Retractable awnings provide benefits for commercial premises at ground level. We would welcome any views on exempting such awnings, particularly retractable awnings over shops at ground level.

B6. *Do you agree that retractable awnings fitted to the ground storey should be exempted?*

Yes ☒ No ☐ No view ☐

If yes what restrictions should be placed on these?

Comments (if any):

If they are limited to ground floor we are of the opinion that these should have a negligible impact on external fire spread on a façade which is otherwise non-combustible.

The proposed ban will apply to all components of the external wall system. There will obviously be some components of the wall system that are necessary for the wall to function correctly, and where a Class A1 or A2-s1, d0 product is not available.

The proposed exemption list is to allow the use of some components where there is no practical alternative to using materials that are not Class A1 or A2-s1, d0 and where the risk of external fire spread caused by the use of combustible materials would be so low that it would be disproportionate to ban their use.

Products such as boiler flues that have a plastic inner lining and the use of paint on masonry walls which is often applied on site, are products not on the list of exemptions. Cavity trays between two leaves of masonry are proposed to be exempt and there may be a case to exempt all cavity trays.

It is proposed that glass including laminated glass is exempt from the ban but only when included within a window frame or door. Laminated glass is also used in balcony construction. Under the proposal, laminated glass in balconies will have to comply with the new requirement of A1 or A2-s1, d0 classification.

Insulation and water proofing materials used below ground level are proposed to be exempt. These materials can be continued up to 250mm above ground to prevent moisture penetration of the external walls.

B7. (a) *Do you agree with the list of exemptions in Regulation 23(3)?*

Yes ☒ No ☐ No view ☐

(b) *Do you think boiler flues with a plastic inner lining should be added to the list?*

Yes ☒ No ☐ No view ☐

(c) *Do you think certain paints used on external masonry walls should be added to the list?*

Yes ☒ No ☐ No view ☐

(d) *Do you think all cavity trays should be exempt?*

Yes ☒ No ☐ No view ☐

(e) *Do you think laminated glass in balcony construction should not have to achieve A2-s1, d0 or A1 classification and be exempt?*

Yes ☐ No ☐ No view ☒

(f) *Do you think water proofing and insulation material from below ground level to up to 250mm above ground level should be exempt?*

Yes ☒ No ☐ No view ☐

Please explain your reasons why to the answers to any of the questions to **B7** in the box below.

Comments (if any):

Whilst a list of exemptions is useful we acknowledge it is difficult to provide an exhaustive, definitive list. It is important for the industry, including those involved in the design, construction and inspection of buildings, for there to be clear agreement on the types of materials and components that are exempt from the requirements. This list may need to be periodically updated as further components with negligible impact on fire spread are identified or a mechanism could be included by which these can be deemed to be exempt, i.e. a 'catch all' clause. However, this would have to be carefully worded.

Research carried out on behalf of Ministry of Housing, Communities and Local Government (MHCLG) in England indicates that products with a polyethylene core are by far the most hazardous cladding materials of those tested¹ post Grenfell fire tragedy. In New South Wales, Australia, the use of Aluminium Composite Metal (ACM) cladding (with a core comprised of 30% or more polyethylene by mass) has been banned with exceptions, in various buildings. As the use of polyethylene cored products as cladding materials poses such a high fire risk, we would like to hear views on an outright ban of their use on any buildings, regardless of height or purpose. The thinking would be to apply the ban to any metal composite panel (including but not limited to zinc and copper) with a core comprised of greater than 30% polyethylene by mass.

¹ <https://www.gov.uk/guidance/aluminium-composite-material-cladding>

B8. *Do you agree metal composite panels with a polyethylene core of 30% or more should be banned from being used in external wall construction of any building regardless of height or purpose? If no please explain why.*

Yes ☐ No ☒ No view ☐

Comments (if any):

We are fully aware of the highly flammable nature of polyethylene and the risk in certain buildings but we would have no evidence that would allow us to form a strong opinion that these materials should be banned on buildings of any height or purpose.

We would certainly see merit and would welcome a ban on any highly flammable cladding panels or materials on the external walls on a range of buildings especially those that contain a sleeping risk, irrespective of height.

We do acknowledge however the decision on which buildings this particular material should be banned is difficult and perhaps that leads to the conclusion that an outright ban is the only option. Outside a full ban this should be based on risk to occupants and the consequences of a fully involved cladding fire which is the worst case scenario.

Consideration should also be given to a ban on other products on external walls that have been found to promote and sustain rapid fire spread. We understand further studies are required however evidence in relation to products such as HPL's would indicate that particular classifications of these products may be equally dangerous on certain buildings including those that contain a sleeping risk, particularly buildings designed and operated on the basis of a 'remain in place' strategy.

The Department has published a Consultation Regulatory Impact Assessment (RIA) as part of the consultation documents and welcomes further evidence to inform a final stage RIA.

(Refer to Consultation Regulatory Impact Assessment)

B9. *Do you agree with the assumptions, costs and impacts set out in the consultation stage RIA?*

Yes ☐ No ☒ No view ☐

Comments (if any):

We are of the opinion that the times provided for the familiarisation of building control surveyors with the new requirements and the times taken for updating office guidance and disseminating same is unrealistic.

The time taken for a building control surveyor to familiarise themselves with this new regulation and guidance including attending any in-house training session and team discussions would be closer to 1 day or 7.5 hours.

In terms of updating and disseminating information for building control offices this should be based on an 11 Council model. The times taken for putting together briefing/training sessions including updating any relevant internal procedures and delivering these across all office's within a Council area would be more in the order of 2 days preparation and organisation and one day for delivery (3 days total per Council).

PART C, SITE PREPARATION AND RESISTANCE TO CONTAMINANTS AND MOISTURE: QUESTIONS

Part C of the Building Regulations sets out requirements in relation to: site preparation; resistance to contaminants (such as radon), subsoil drainage; resistance to moisture and weather, and interstitial condensation.

(See Section 5 of Consultation proposals)

The proposal is to amend the definition of “radon affected area” in regulation 25(3) to make reference to the Public Health England (PHE) publication ‘Radon in Northern Ireland: Indicative Atlas’. This will mean through the application of regulation 26(2) that a radon affected area for Northern Ireland can only be established through the use of this 2015 PHE publication. The subsequent measures that need to be taken to prevent or limit the ingress of radon from the ground into any dwelling in a radon affected area are then given in guidance in Technical Booklet C.

C1. *Do you agree with the proposal to update the definition of “radon affected area” to reference the PHE publication ‘Radon in Northern Ireland: Indicative Atlas’ of 2015?*

Yes ☒ No ☐ No view ☐

Comments (if any):

It is suggested that (where appropriate) the reference to Public Health England (PHE) should read “Public Health England (PHE) or its replacement the National Institute for Health Protection (NIHP)”.

It is suggested that reference to Radon in Northern Ireland: Indicative Atlas should be removed from regulation 25(3) (although retained in TBC) if there is a possibility that a document with a different title will replace the atlas. Whilst the date reference has been removed from Regulation 25(3) and also Paragraph’s 0.4 and 3.7 in Technical Booklet C, we would like a footnote added that whilst the 2015 maps are the most recent any future updated maps should be referenced; so that radon measures are based on the latest radon risk information available in the future without having to wait for map references to be updated in the Regulations/guidance document.

TECHNICAL BOOKLET C, SITE PREPARATION AND RESISTANCE TO CONTAMINANTS AND MOISTURE; QUESTIONS

The proposed amendment to regulation 25(3) will consequently mean an amendment to accompanying guidance in TBC. The Department is issuing a draft version of an amended TBC alongside this consultation package (see paragraph 3.1 of document C2 'Consultation proposals'). The amended guidance will:

- Reference the 2015 PHE publication 'Radon in Northern Ireland: Indicative Atlas', replacing the previous 'Radon in dwellings in Northern Ireland 2009 Review and Atlas';
- highlight the UKradon website for a free download of the 2015 PHE publication and also where free interactive UK maps of radon are available;
- replace the reference to the Northern Ireland Environment Agency with Public Health England, Geological Survey of Northern Ireland and the British Geological Survey for further advice;
- update the 'Radon protection in dwellings' guidance with reference to 2015 BRE publication BR 211 'Radon guidance on protective measures for new buildings' which incorporates for the first time, Northern Ireland indicative atlas maps for assessing the need and level of protection measures. This guidance replaces reference to the previous BRE publication BR 413;
- reference Section 4 of BR 211 which considers the level of protection measures required including consideration of the use of site specific radon risk reports (where available) as an optional measure in a radon affected area; and
- reference BR211 as appropriate guidance to follow in the application of regulation 26(2) for extensions, alterations to existing dwellings and buildings converted to a dwelling through a material change of use. Existing references to GBG 73 (2008) and BR 267 (2008) for radon protection measures for domestic extensions and alterations and conversions to existing dwellings respectively to be deleted.

The Northern Ireland indicative atlas maps contained in the 2015 PHE publication are for the first time replicated in BR 211 'Radon – Guidance on protective measures in new dwellings'. The new edition of the standard is proposed to be referenced in the amended guidance as the document to follow in relation to the measures needed to limit or prevent the ingress of radon from the ground into a dwelling. The BR 211 standard not only gives guidance for new dwellings but also extensions and alterations to existing dwellings and to dwellings created as a consequence of a material change of use.

C2. *Do you agree with the inclusion of BR 211 in the draft Technical Booklet C as the guidance to follow in relation to the measures for preventing or limiting the ingress of radon in new dwellings?*

Yes ☒ No ☐ No view ☐

Comments (if any):

Reference should also be made to GBG 73, GBG 74 & GBG 75 (all 2015) in the guidance as reference documents. These were created by the same author as BR 211 at the same time and are intended to be companion references to BR 211.

Paragraph 3.11 of Technical Booklet C makes reference to BR 211 with (i) and (ii) stating the 2015 Edition. In the BR 211 document it states that the guidance is updated from time to time and users should ensure they are using the most current edition. It is felt that, as with the maps, a footnote should be added stating that any future updates would be relevant, as this is already a document that is 5 years old and could potentially be updated.

C3. *Do you agree with the citing of BR 211 in the draft Technical Booklet C as the guidance to follow in relation to the measures needed in relation to preventing or limiting the ingress of radon for extensions and alterations to existing dwellings or to buildings converted to a dwelling through a material change of use?*

Yes ☒ No ☐ No view ☐

Comments (if any):

Although the GBG 73, GBG 74 & GBG 75 are more practical, BR 211 provides comprehensive guidance.

Section 4 of BR 211 gives guidance on determining the level of protection required for radon in a radon affected area or not. The level of protection is site specific and can vary from no protection to basic protection measures (provision of a radon barrier) to full radon protection measures (provision of a barrier plus subfloor de-pressurisation e.g. a sump and stub duct).

BR 211 also suggests the use of site specific radon risk reports for new development sites or for existing dwellings with a postcode as an optional measure, that if followed may allow a lower level of protection than would otherwise be required.

C4. *Do you agree with the use of site specific radon risk reports in BR 211 for new development sites or for existing dwellings with a postcode, as an optional measure to take that may allow a lower level of protection than would otherwise be required?*

Yes ☒ No ☐ No view ☐

Comments (if any):

The Department has published a Part C Consultation Regulatory Impact Assessment (RIA) as part of the consultation documents and welcomes further evidence to inform a final stage RIA.

(Refer to Part C Consultation Regulatory Impact Assessment)

C5. *Do you agree with the analysis/principal assumptions, costs and impacts set out in the Part C consultation stage RIA?*

Yes ☐ No ☐ No view ☒

Comments (if any):

TECHNICAL BOOKLET E, FIRE SAFETY; QUESTIONS

Part E of the Building Regulations sets out fire safety requirements in relation to buildings.

(Refer to Section 6 of the Consultation Proposals document and consultation version Technical Booklet E).

No changes to Part E legislation are to take place however a number of changes to Technical Booklet E (TBE) are proposed. The Department is issuing a consultation version of a TBE indicating the proposed changes as part of this consultation (see paragraph 3.1 of document C2 'Consultation proposals'). The amended TBE will provide guidance on demonstrating compliance with the new Part B requirement 23(2).

This new guidance to regulation 23(2) in Part B will be placed in Section 5 'External fire spread' of TBE.

E1. *Do you agree with the guidance proposals in Section 5 of the consultation version TBE for 'relevant buildings'?*

Yes ☒ No ☐ No view ☐

Comments (if any):

We would agree that the guidance proposals in relation to 'relevant buildings' appears to provide sufficient guidance to industry with regard to the new Part B requirement for 'non-combustible facades'

The proposal will also involve an amendment to the existing guidance in Section 5 of TBE to give recognition to the alternative method of compliance with external fire spread requirements via a BS 8414 large scale test and BR135 classification report for other non-relevant buildings.

E2. *Do you agree with the guidance proposals regarding changes to external fire spread requirements in external walls which includes introduction of the alternative method of compliance via a BS8414 test and BR135 classification report for non-relevant buildings?*

Yes ☒ No ☐ No view ☐

Comments (if any):

As an alternative to restricting the combustibility of individual elements within the external walls of non-relevant buildings over 18m we would have no evidence or reasons to suggest this methodology should not be included as an alternative means of compliance.

The current guidance in TBE includes reference to the National classifications for combustibility and the European classification system. The Department feels it would be more straightforward to reference a single system and that would be the more up to date European system. The European classification system for combustibility is set out in BS EN 13501 and classifies construction products from Class A to Class E using a series of tests.

The exclusion of the alternative British Standard classifications from the guidance does not necessarily mean these classifications are not acceptable for demonstrating compliance with regulation 36 for non-relevant buildings. The change brings TBE into alignment with England and Wales equivalent ADBs and Scottish Technical Handbook guidance in referencing the European classifications only in relation to reaction to fire tests for external surfaces of walls.

E3. *Do you agree that TBE uses only the European classifications for the specification for reaction to fire performance of external surfaces of walls for all buildings?*

Yes ☒ No ☐ No view ☐

Comments (if any):

See answer to B.4 above

The functional requirement of regulation 36 of the Building Regulations 2012 requires that – “the external walls and roof of a building shall be so designed and constructed that they offer adequate resistance to the spread of fire over them, and from one building to another, having regard to in the case of an external wall- the use, position and height of the building”. This requirement applies to buildings of any height.

Whilst these consultation proposals do not intend to expressly prohibit the use of combustible materials within or attached to the external walls of buildings below 18m, it is necessary to consider the risk from fire spread to health and safety in relation to buildings of any height. Designers should ensure that the building adequately resists fire spread over the external walls, not just in relation to buildings over 18m in height but also to low rise buildings. New guidance in TBE will give effect to this clarification.

E4. *Do you agree with the new guidance in relation to external fire spread considerations in relation to all buildings irrespective of height or use?*

Yes ☐ No ☒ No view ☐

Comments (if any):

We are of the opinion that the new guidance is inadequate with regard to buildings with a top storey lower than 18m in height. Apart from recommendations on measures to restrict the combustibility of external surfaces Technical Booklet E provides no guidance to industry on how to ensure the external walls of these other buildings can be constructed to adequately resist the spread of fire. In practice there is no industry or regulatory understanding of what ‘adequate’ resistance to spread of fire means quantitatively, nor is there sufficient understanding of how any specific resistance can be achieved by different combinations of materials. Further guidance is required outlining what the regulators expectation is with respect to adequate resistance to spread of fire over the external walls of buildings of any height or use and methods of how this can be achieved. Without this, the industry, including those involved in the enforcement of the regulations have no understanding of what is required or how this can be achieved.

We would further point out in relation to the guidance provided for non-relevant buildings above 18m in height the recommendations of paragraph 5.4 relating to

restrictions on the combustibility of the external wall construction appears to conflict with the recommendations for the surface combustibility of external walls in paragraph 5.3 and table 5.1A. Paragraph 5.3 and table 5.1A allows a lower standard for surfaces with no guidance on what constitutes the extent of the 'surface' and how this relates to the rest of the external wall controlled by paragraph 5.4.

Assessments in lieu of tests (AILOTs)

The purpose of this new guidance in Technical Booklet E (TBE) is to introduce requirements on the use of AILOTs and to ensure that they are only used where appropriate, with sufficient and relevant test evidence and that they are carried out by organisations with the necessary expertise. Organisations listed as 'notified bodies' in accordance with the European Construction Products Regulation or laboratories accredited by UKAS for the relevant test standard can be assumed to have the necessary expertise.

E5. *Do you agree with the guidance proposals in relation to Assessments in lieu of tests in the consultation version Technical Booklet E?*

Yes ☒ No ☐ No view ☐

Comments (if any):

A methodology and procedure including advice on the experience and qualifications of those individuals within appropriately certified organisations deemed competent to carry out these assessments is to be welcomed however further consideration should be given to the extent to which these assessments should be allowed. Those involved in the design, construction and inspection of buildings will be reliant on the expertise of the assessor and given the degree of subjectivity involved with these assessments there may be situations based on risk and consequence that their use should be banned rather than a reliance on the competency of individuals within certified organisations. Whilst these assessments will be effectively banned on relevant buildings over 18m (based on consultation proposals) consideration could be given to the banning of these assessments in other situations, for example in buildings that contain a sleeping risk.

GENERAL COMMENTS

The Department encourages consultees to respond on any aspects of the proposals, therefore the last question is completely open to enable consultees to make suggestions or observations on relevant issues that are not addressed by answering the preceding questions.

G1. *Please set out any additional comments you have below.*

Comments (if any):

The proposals to review and update guidance and regulations pertaining to external fire spread is welcomed however we are concerned that the guidance concentrates on the methods to achieve adequate fire resistance in buildings containing a floor higher than 18m with potential proposals to cover 'relevant' buildings over 11m.

The Department through this consultation reaffirms the requirement for adequate resistance to fire spread to be achieved in all buildings of any height or use however we feel that the lack of guidance in this area will lead to confusion and inconsistency across NI with a lack of understanding of how to comply.

The proposals to update Part C to the current radon guidance is welcomed.

NEXT STEPS

The consultation will close on 09 October 2020. Responses to this consultation will be analysed and the Department response will follow.

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Planning decisions issued between 10 August and 28 August 2020 - No. 122

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2018/1056/LBC	LOCDEV	Former Belvoir Park Hospital Site Hospital Road Belfast BT8 8JP	Conversion of listed mortuary; Internal and external alteration and extension of south gate lodge; Demolition of existing extension to listed Administration Building, internal and external alterations and erection of replacement extension; Demolition of internal courtyard ancillary service towers, internal alteration and extension to listed West House; Repair of entrance gates and railings.	PERMISSION GRANTED
LA04/2018/1219/F	MAJDEV	Former Belvoir Park Hospital Site Hospital Road Belfast BT8 8JP	Residential development for the erection of 79 residential units in total, comprising new build apartments ranging from 3-4 stories, inclusive of underground parking, amendments to previously approved conversion and extension/alteration of listed buildings, conversion of listed mortuary, parking, landscaping and associated site works. {amended scheme}	PERMISSION GRANTED
LA04/2018/1411/F	LOCDEV	East Pitch Downey House Pirrie Park Gardens Belfast BT6 0AG Irish Grid ref - J35346 72421X (Easting) - 335346 Y (Northing) - 372421	Upgrade of existing gravel pitch to synthetic sand dressed hockey pitch, with floodlighting, fencing, acoustic barrier, storage container (AMENDED LANDSCAPING PLANS, ADDITIONAL INFORMATION)	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2018/1482/F	LOCDEV	39 Fitzroy Avenue Belfast BT7 1HS	Substantial demolition with facade retention of dwelling and erection of 3no residential apartments (amended description)	PERMISSION GRANTED
LA04/2018/2876/F	LOCDEV	Lands opposite 13 15 17 and 32 Somerdale Park Belfast.	Residential development comprising 16No. units (10 semi-detached and 6 detached), associated landscaping access and car parking.	PERMISSION REFUSED
LA04/2019/0004/DCA	LOCDEV	1 Marlborough Park and 127 Marlborough Park South Belfast BT9 6XS.	Demolition of eastern facade fronting Malone Road; the hipped roof and western facade of the single storey extension located to the south of the existing building. It is proposed to retain the remaining ground floor party walls of this extension. the first floor, the second floor roof and two skylight windows on the northern section of the roof. The property will be converted and extended to provide 9 no. apartments.	PERMISSION REFUSED
LA04/2019/0021/F	LOCDEV	Residential development at 730-760 Shore Road Belfast.	Erection of 9No. two storey dwellings (1 No. detached and 8No. semi-detached) with associated site works. (Change of house type from previously approved under Z/2013/0095/F)	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2019/0024/F	LOCDEV	1 Marlborough Park and 127 Marlborough Park South Belfast BT9 6XS.	Conversion and extension of vacant office/clinic to 9No. apartments(8No. 2 bed apartments and 1No. 1 bed apartment). Includes demolition of eastern front facade to facilitate 3 storey front extension, and demolition of part of southern rear return to facilitate three storey and single storey extensions. Also includes amendment to car parking layout, proposed landscaping, bin store, retention of existing access onto Marlborough Park and creation of new private access onto Marlborough Park South.	PERMISSION REFUSED
LA04/2019/0363/F	LOCDEV	lands known as Malone Ridge 62-72 Upper Malone Road Belfast BT9 5NJ.	Variation of condition 4 (landscaping) of planning enforcement appeal ref 2014/E0021 for amendments to and phasing of landscaping previously approved under planning application Z/2009/0746/F	PERMISSION REFUSED
LA04/2019/0760/F	LOCDEV	3 Grand Parade Belfast BT5 5HG.	Change of use to deli/ hot food cafe and take away (Retrospective)	PERMISSION REFUSED
LA04/2019/1081/NMC	LOCDEV	123-137 York Street Belfast BT15 1AB.	Non Material Change Z/2015/0177/F	NON MATERIAL CHANGE GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2019/1121/F	LOCDEV	Lands situated to the south of Nos 45-57 Glencollyer Street West of Nos 25 Crosscollyer Street and adjacent and north of Crosscollyer Street Evangelical Presbyterian Church Crosscollyer Street Belfast.	Residential development of 14No. units comprising 6No. detached dwellings, 4no. semi detached dwellings and 4No. apartments/maisonettes, car parking, landscaping and all associated site and access works.	PERMISSION GRANTED
LA04/2019/1415/A	LOCDEV	Land adjacent to 60 Victoria Street Belfast BT1 3GL.	Display of 6No. fixed signs.	PERMISSION GRANTED
LA04/2019/1617/RM	LOCDEV	Lands between No.8 & No.20 Upper Braniel Road Belfast BT5 7TS.	Proposed erection of 1no infill dwelling with attached garage.	PERMISSION GRANTED
LA04/2019/1702/F	LOCDEV	25 Kings Road Belfast BT5 6JG.	Part-retrospective application for landscaping works to rear garden area of dwelling, including augmentation of site levels with retention of existing inert fill and proposed planting.	PERMISSION GRANTED
LA04/2019/1793/F	LOCDEV	'Go Grand Parade' 77 Grand Parade Belfast BT5 5HG.	Retrospective planning for redevelopment of existing filling station to an unattended 24hr operating filling station to include 2 X new underground fuel tanks and public ATM, plus dispensers associated site works + boundaries, canopy cladding and 3 fuel dispensers	PERMISSION REFUSED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2019/1880/F	LOCDEV	Lands at Castlehill south of No's 4-6 Woodcroft Rise and immediately south of No's 43-49 Lower Braniel Road Belfast BT5 7GU.	Residential development of 3No. detached dwellings, garages, retaining structures, landscaping, relocation of play area within the open space area previously approved and all other associated site and access works (amendment to plots 61, 62 and 63 of previously approval LA04/2017/0510/RM.	PERMISSION GRANTED
LA04/2019/2325/F	LOCDEV	75 Antrim Road Belfast BT36 7PS.	Conversion and extension of worship hall to create new dwelling with ancillary garage	PERMISSION GRANTED
LA04/2019/2419/LDE	LOCDEV	30 Chadwick Street Malone Lower Belfast BT9 7FD.	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2019/2420/LDE	LOCDEV	18 Strandview Street Malone Lower Belfast BT9 5FF.	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2019/2421/LDE	LOCDEV	16 St Albans gardens Malone Lower Belfast BT9 5DR.	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2019/2425/LDE	LOCDEV	41 Ridgeway Street Malone Lower Belfast BT9 5FB.	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2019/2427/LDE	LOCDEV	39 Ridgeway Street Malone Lower Belfast BT9 5FB.	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2019/2430/LDE	LOCDEV	36 Stranmillis Street Malone Lower Belfast BT9 5FE.	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2019/2432/LDE	LOCDEV	34 Stranmillis Street Malone Lower Belfast BT9 5FE.	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2019/2586/F	LOCDEV	889 Crumlin Road Belfast BT14 8AB.	Change of use from retail unit to hot food take away.	PERMISSION GRANTED
LA04/2019/2677/DC	LOCDEV	140 Donegall Street Belfast BT1 2GX.	Discharge of conditions 2, 5, 6 & 7 LA04/2015/0609/F.	CONDITION DISCHARGED
LA04/2019/2701/F	LOCDEV	82 Mount Merrion Park Belfast BT6 0GB	2 storey extension to rear and side and single storey rear extension	PERMISSION GRANTED
LA04/2019/2718/F	LOCDEV	63 Houston Park Belfast BT5 6AT	New pair of two storey semi- detached dwellings	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2019/2757/LBC	LOCDEV	2-14 Little Donegall Street Belfast BT1 2JD.	Refurbishment of existing front bar on the ground floor and first floor. Works to comprise improvements to the external facades; reinstating original Library Street elevation door window, as well as reinstating the ground floor full height bay windows.	PERMISSION GRANTED
LA04/2019/2881/F	LOCDEV	2-14 Little Donegall Street Belfast BT1 2JD	Refurbishment of the existing front bar on the ground floor and first floor. Works to comprise improvements to the external facades; reinstating original Library Street elevation door and window, as well as reinstating the ground floor full height bay windows.	PERMISSION GRANTED
LA04/2019/2887/F	LOCDEV	30 University Road Belfast BT7 1NH	Material change of use from 2 existing residential apartments (Use Class C1) to class C2 Serviced Accommodation	PERMISSION GRANTED
LA04/2019/2912/F	LOCDEV	Approximately 50m north east of number 80 Sydenham Road Belfast BT3 9DP.	Construction of a 110/33KV substation including 2No. 90 MVA transformers, associated switchgear, 33KV switch room, control building, underground cables and associated site works inclusive of a perimeter red brick boundary wall and palisade fencing, access road and site drainage.	PERMISSION GRANTED
LA04/2019/2948/LBC	LOCDEV	Grand Opera House Great Victoria Street Belfast BT2 7HR	Consent to display external vinyl poster signage on the front elevation of an already approved scheme	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2019/2949/A	LOCDEV	Grand Opera House Great Victoria Street Belfast BT2 7HR	Consent to display external vinyl poster signage on the front elevation of an already approved scheme	PERMISSION GRANTED
LA04/2019/2972/DC	LOCDEV	The Kings Hall & RUAS site South of Upper Lisburn Road/Balmoral Avenue West of Harberton Park and North - east of Balmoral Golf Club Belfast BT9 6GW.	Discharge of condition 36 LA04/2018/0040/F.	CONDITION DISCHARGED
LA04/2020/0023/F	LOCDEV	213-223 Newtownards Road Belfast.	Demolition of existing retail showroom building and proposed residential development comprising 24 apartments, landscaping, communal amenity space, pedestrian access, cycle parking, bin storage and all associated site works (Amended Address)	PERMISSION GRANTED
LA04/2020/0024/F	LOCDEV	Lands opposite 1 Wolfhill Manor Mill Avenue Ligoneil Belfast BT14 8EL	Detached dwelling (Updated Plans)	PERMISSION REFUSED
LA04/2020/0040/F	LOCDEV	19 Windsor Avenue Belfast	Proposed change of use from residential garden to private drive (further to previously approved application for 6no. apartments under planning reference LA04/2015/0666/F	PERMISSION GRANTED
LA04/2020/0043/F	LOCDEV	Mercy College Belfast 1 Bilston Road Belfast BT14 7QR	Proposed perimeter site fencing replacement to existing Mercy College Belfast. (fronting onto Ballysillan Road and Bilston Road	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0049/F	LOCDEV	82 Sandhurst Drive Belfast BT9 5AZ.	Re-roofing to include three new front velux windows and a rear metal clad dormer window. Internal space alterations for conversion of roof space into bedroom. Velux window to kitchen return. Alterations to door and window openings to rear of dwelling. (amended description)	PERMISSION GRANTED
LA04/2020/0065/F	LOCDEV	Finaghy Primary School Finaghy Road South Belfast BT10 0EF.	Modular extension to school and associated site works.	PERMISSION GRANTED
LA04/2020/0153/F	LOCDEV	231 Donegall Road Belfast BT12 5NB.	Change of use from existing residential to short term holiday let accommodation (Retrospective).	PERMISSION GRANTED
LA04/2020/0174/DC	LOCDEV	Open space west of Stewartstown Road and south of Pantridge Road Belfast BT17 0FB	Discharge of condition no.3 - LA04/2018/1890/F	CONDITION NOT DISCHARGED
LA04/2020/0248/DC	LOCDEV	Northern Ireland Fire and Rescue Training Centre 79 Boucher Crescent Belfast BT12 6HU.	Discharge of condition 12 LA04/2015/0185/F.	CONDITION DISCHARGED
LA04/2020/0260/F	LOCDEV	6 Cyprus Avenue Belfast BT5 5NT.	Single storey rear extension with canopy, first floor rebuild of oriel bay, associated internal alterations and landscaping works.	PERMISSION GRANTED
LA04/2020/0262/LBC	LOCDEV	6 Cyprus Avenue Belfast BT5 5NT.	Single storey rear extension with side and rear canopy, first floor rebuild of oriel bay, associated internal alterations and landscaping works.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0288/F	LOCDEV	55 Belvedere Park Stranmillis Belfast BT9 5GT.	Single and two storey rear extension and two storey side extension with extended raised patio to rear. (Amended plans)	PERMISSION GRANTED
LA04/2020/0316/LDP	LOCDEV	46 Dunlambert Park Belfast BT15 3NL	Single storey extension and patio to the rear of the property.	PERMITTED DEVELOPMENT
LA04/2020/0417/DC	LOCDEV	454-458 Donegall Road Belfast BT12 6HS.	Discharge of conditions 3, and 4 LA04/2017/2472/F (Risk assessment)	CONDITION DISCHARGED
LA04/2020/0442/O	LOCDEV	11 Downview Avenue Belfast BT15 4EZ	Proposed detached dwelling and new access arrangement (outline Planning application)	PERMISSION GRANTED
LA04/2020/0454/F	LOCDEV	19 Balfour Avenue Belfast BT7 2EU.	Conversion of existing residential dwelling to 4 bedroom HMO, with cycle parking to rear yard area. (No external alterations are proposed to the facade).	PERMISSION REFUSED
LA04/2020/0461/F	LOCDEV	92-108 North Queen Street Belfast.	Existing peace wall and security fence removal. Private gardens to be extended with railings provided.	PERMISSION GRANTED
LA04/2020/0474/F	MAJDEV	Lands immediately north and south of existing film studios north of Dargan Road Belfast (within wider Belfast City Council lands known as North Foreshore/Giants Park). [Amended address]	Construction of film studios complex including ancillary offices, workshops, ancillary car parking, services and access from existing internal access road, landscaping and associated site works.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0499/F	LOCDEV	Belvoir Park Golf Club 73 Church Road Newtownbreda Belfast BT8 7AN	Resurfacing existing practice ground driveway (including designating parking bays), new footpath, removal of leylandii hedge and new crossing point.	PERMISSION GRANTED
LA04/2020/0533/F	LOCDEV	49 Lockview Road Malone Lower Belfast BT9 5FJ	Change of use of 2 storey detached property from office use to cosmetic beauty clinic (Class D1(a))	PERMISSION GRANTED
LA04/2020/0571/F	LOCDEV	Parkgate Avenue Gospel Hall 9 Parkgate Avenue Belfast BT4 1JA.	Single storey extension to foyer with increased roof height and new mono-pitched roof.	PERMISSION GRANTED
LA04/2020/0591/F	LOCDEV	54 Mount Merrion Park Belfast BT6 0GB.	Two storey extension to side and rear, roofspace conversion including rear dormers, rendering of external walls and new boundary fencing.	PERMISSION GRANTED
LA04/2020/0628/LDE	LOCDEV	205 Dunluce Avenue Belfast BT9 7AX	House in multiple occupation (HMO)	PERMITTED DEVELOPMENT
LA04/2020/0629/LDP	LOCDEV	16 Kingsway Gardens Belfast BT5 7DQ	Proposed kitchen and shower room side extension to an existing semi-detached dwelling - Single storey.	PERMITTED DEVELOPMENT
LA04/2020/0638/F	LOCDEV	21 Premier Drive Belfast BT15 3LX	Single storey extension to rear of existing dwelling.	PERMISSION GRANTED
LA04/2020/0640/F	LOCDEV	25 Hillhead Park Belfast BT11 9GB	Single storey side extension	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0650/F	LOCDEV	24 Wynchurch Road Belfast BT60JH.	Single storey rear extension.	PERMISSION GRANTED
LA04/2020/0662/A	LOCDEV	Former Belfast Telegraph Printworks 124-132 Royal Avenue Belfast BT1 1DN.	Mesh banner signage (19.1m X 9.84m) (tempoary for 1 year)	PERMISSION GRANTED
LA04/2020/0678/F	LOCDEV	83 Bloomfield Avenue Belfast BT5 5AB.	Single storey extension to rear	PERMISSION GRANTED
LA04/2020/0685/LDE	LOCDEV	20 Sandhurst Gardens Belfast BT9 5AW.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2020/0703/DC	LOCDEV	Lands at Benview Avenue and Benview Parade to the South of Buttermilk Loney Ballysillan Belfast	Discharge of condition 7 LA04/2016/0549/F relating to verification of remediation measures for land contamination	CONDITION DISCHARGED
LA04/2020/0733/F	LOCDEV	62-64 Wellington Park Belfast BT9 6ND.	Residential extension and internal reconfiguration to include six additional apartments (15 total units), landscaping, amenity space and other ancillary site works.	PERMISSION REFUSED
LA04/2020/0788/F	LOCDEV	10 Thirlmere Gardens Belfast BT15 5EF.	Single storey extension to side and rear with external alteration including new/modified windows to rear and side, and new dormer to rear of existing roof.	PERMISSION GRANTED
LA04/2020/0802/F	LOCDEV	84 Castlemore Avenue Belfast BT6 9RG.	Retrospective planning application for approval of tiered decking with retaining wall at rear of dwelling.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0807/F	LOCDEV	James House Cromac Avenue Belfast BT7 2JB	Alterations to existing elevations to provide replacement curtain walling, windows and automatic glazed doors.	PERMISSION GRANTED
LA04/2020/0808/F	LOCDEV	2 Kingsberry Park Belfast BT6 0HT	Single storey rear extension.	PERMISSION GRANTED
LA04/2020/0814/F	LOCDEV	53 Martinez Avenue Belfast BT5 5LY	Single storey rear extension	PERMISSION GRANTED
LA04/2020/0822/DCA	LOCDEV	62-64 Wellington Park Belfast BT9 6ND	Proposed demolition of rear returns, internal demolition works and demolition of external walls.	PERMISSION REFUSED
LA04/2020/0831/LDE	LOCDEV	81 Wellesley Avenue Malone Road BT9 6DH	House in multiple occupancy - HMO	PERMITTED DEVELOPMENT
LA04/2020/0843/F	LOCDEV	55 Park Road Belfast BT7 2FX	Construction to single storey extension to the rear of the property.	PERMISSION GRANTED
LA04/2020/0851/F	LOCDEV	39 Tweskard Park Belfast BT4 2JZ.	Two storey rear extension and integral garage/ utility to side.	PERMISSION GRANTED
LA04/2020/0853/F	LOCDEV	747 Lisburn Road Belfast. BT9 7GW	Proposed single storey rear and side extension and new garden store and demolition of existing garage	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0854/LDE	LOCDEV	Flat 2 33 Ashley Avenue Belfast BT9 7BE	House in multiple occupation - HMO	PERMITTED DEVELOPMENT
LA04/2020/0856/F	LOCDEV	57 Glengoland Park Belfast BT17 0JB	Conversion of garage to bedroom accommodation, single storey extension of kitchen to the rear. Alteration of window proportions to the front elevation with render finish to the front facade.	PERMISSION GRANTED
LA04/2020/0860/F	LOCDEV	7 Stormount Street Belfast BT5 4NX.	Conversion of existing dwelling to an HMO.	PERMISSION GRANTED
LA04/2020/0866/LDE	LOCDEV	25 Agincourt Avenue Belfast BT7 1QA	House in multiple occupation - HMO	PERMITTED DEVELOPMENT
LA04/2020/0887/F	LOCDEV	16 Irwin Crescent Belfast BT4 3AQ	Single storey extension to rear replacing dining room and garden room.	PERMISSION GRANTED
LA04/2020/0903/F	LOCDEV	38 Iveagh Crescent Belfast BT12 6AW.	Single storey rear extension.	PERMISSION GRANTED
LA04/2020/0912/F	LOCDEV	26 Beechgrove Drive Belfast.	Two storey rear extension	PERMISSION GRANTED
LA04/2020/0933/CONTPO	LOCDEV	30a Knockdene Park South Belfast BT5 7AB.	Felling and tree surgery on 4 trees numbers 8,9,18.19 horse chestnut and lime in rear garden.	WORKS TO TREES IN CA - AGREED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0938/LDE	LOCDEV	Flat 2 54 Sandymount Street Belfast BT9 5DP.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2020/0939/F	LOCDEV	5 Carolhill Gardens Belfast BT4 2FS.	Two storey rear extension and part single storey rear extension	PERMISSION GRANTED
LA04/2020/0943/LDE	LOCDEV	67 Carmel Street Belfast BT7 1QF.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2020/0974/DC	LOCDEV	Site Adjacent to 90 Sydenham Road Belfast BT3 9DJ.	Discharge of conditions no's. 7 & 8 of LA04/2018/2305/F (Contaminated Land Risk Assessment)	CONDITION NOT DISCHARGED
LA04/2020/0990/LDE	LOCDEV	Flat 3 11 Ulsterville Avenue Belfast BT9 7AS.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2020/1006/DC	LOCDEV	32-36 Great Victoria Street Belfast BT2 7BA	Discharge of condition no. 6 of LA04/2019/0335/F (samples of the materials)	CONDITION DISCHARGED
LA04/2020/1036/DC	LOCDEV	Old Park Terrace/Lands south west of No. 22 Old Park Terrace Belfast BT14 6NP.	Discharge of condition no. 2 of LA04/2019/1475/F (social housing register)	CONDITION DISCHARGED
LA04/2020/1042/F	LOCDEV	23 Forthriver Dale Belfast BT13 3TL.	Single storey rear extension.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/1095/F	LOCDEV	9 Sunninghill Gardens Belfast BT14 6SP	Single storey rear extension	PERMISSION GRANTED
LA04/2020/1099/F	LOCDEV	15 Nendrum Gardens Belfast BT5 5LZ.	2 storey extension to rear and part single storey rear extension with new windows to existing gable wall.	PERMISSION GRANTED
LA04/2020/1110/LDP	LOCDEV	23 Marguerite Park Belfast BT10 0HF	Single storey rear extension	PERMITTED DEVELOPMENT
LA04/2020/1116/F	LOCDEV	7 Burnaby Park Belfast BT12 5RP.	Single storey rear extension.	PERMISSION GRANTED
LA04/2020/1157/NMC	LOCDEV	18-19 Donegall Square East Belfast BT1 5HE.	Non material change LA04/2018/2271/F	NON MATERIAL CHANGE REFUSED
LA04/2020/1164/F	LOCDEV	21 Cyprus Gardens Belfast BT5 6FB.	Single storey side and rear extension.	PERMISSION GRANTED
LA04/2020/1183/DC	LOCDEV	75 University Road and lands to the rear of 71-75 University Road and 2-8 Fitzwilliam Street Belfast BT7 1NF.	Discharge of condition 3 LA04/2019/1582/LBC.	CONDITION DISCHARGED
LA04/2020/1185/LDE	LOCDEV	23 Pakenham Street Belfast BT7 1AB	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/1190/DC	LOCDEV	Open space west of Stewartstown Road and south of Pantridge Road Belfast BT170FB.	Discharge of conditions 10 & 11 LA04/2018/1890/F	CONDITION DISCHARGED
LA04/2020/1205/CONTPO	LOCDEV	5 Harberton Drive Belfast BT9 6PE.	Felling of 2 rotting trees.	WORKS TO TREES IN CA - AGREED
LA04/2020/1209/F	LOCDEV	125 My Ladys Road Belfast BT6 8FE.	Change of use from dwelling to HMO. No changes internal or external (Retrospective).	PERMISSION GRANTED
LA04/2020/1217/NMC	LOCDEV	Vacant Land to west of no 75 Alliance Avenue	NMC to LA04/2017/2629/RM change of fence type	NON MATERIAL CHANGE REFUSED
LA04/2020/1242/DC	LOCDEV	Land at Tesco's carpark Knocknagony Road Belfast	Discharge of condition no. 1 of LA04/2019/2113/F (variation of condition no. 7 of LA04/2017/2776/F) noise verification report	CONDITION DISCHARGED
LA04/2020/1258/DC	LOCDEV	Lands at Kings Works Channel Commercial Park Queens Road Titanic Quarter Belfast	Discharge of conditions 8,9,10,11 and 13 of planning approval LA04/2019/0683/f	CONDITION DISCHARGED
LA04/2020/1259/DC	LOCDEV	1-3 Eglantine Place Belfast BT9 6EY.	Discharge of condition no. 3 of LA04/2018/2890/F (materials)	CONDITION DISCHARGED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/1263/DC	LOCDEV	Lands at Kings Works Channel Commercial Park Queens Road Titanic Quarter Belfast.	Discharge of condition 14 LA04/2019/0683/F.	CONDITION DISCHARGED
LA04/2020/1325/NMC	LOCDEV	15-17 Upper Lisburn Road Belfast BT10 0GW.	Non material change to LA04/2018/1170/F	NON MATERIAL CHANGE GRANTED
LA04/2020/1340/NMC	LOCDEV	47 Marlborough Park Central Belfast BT9 6HN.	Non material change LA04/2019/0007/F	NON MATERIAL CHANGE GRANTED
LA04/2020/1371/DC	LOCDEV	Lands at 35-37 Diamond Gardens Belfast.	Discharge of condition no. 9 of LA04/2018/0009/F (Tree's removal)	CONDITION NOT DISCHARGED
LA04/2020/1374/F	LOCDEV	6 Knockbreda Gardens Belfast BT6 0HH.	2 storey and single storey extension to both side and rear.	PERMISSION GRANTED
LA04/2020/1380/F	LOCDEV	3 Danesfort Park Court Malone Lower Belfast BT9 7RF.	Single storey rear/side extension.	PERMISSION GRANTED
LA04/2020/1394/NMC	LOCDEV	92 Ann Street Belfast BT1 3HH.	Non material change to LA04/2019/0069/F	NON MATERIAL CHANGE GRANTED
LA04/2020/1441/F	LOCDEV	4 Glencreagh Court Belfast BT6 0PA	Conversion of attached garage into study and W.C.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/1529/CONTPO	LOCDEV	56A Myrtlefield Park Belfast BT9 6NG.	Tree surgery to 5 trees, 2 ash, cherry, conifer and lime alongside perimeter and roadside.	WORKS TO TREES IN CA - AGREED
LA04/2020/1548/CONTPO	LOCDEV	Rear of 73 Myrtlefield Park Belfast.	1 overhanging fir tree	WORKS TO TREES IN CA - AGREED
LA04/2020/1549/CONTPO	LOCDEV	St Johns Church 141 Malone Road Belfast.	Felling 1 spruce tree	WORKS TO TREES IN CA - AGREED
LA04/2020/1550/CONTPO	LOCDEV	45 Cranmore Gardens Belfast BT9 6JL.	Felling and tree surgery to 4 Trees	WORKS TO TREES IN CA - AGREED
LA04/2020/1552/DC	LOCDEV	Lands to the east and adjacent to no 8 Upper Braniel Road Belfast BT5 7TS	Discharge of condition no. 9 of LA04/2019/2776/F (entrance gates and pillars)	CONDITION DISCHARGED

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PLANNING COMMITTEE – 15 SEPTEMBER 2020

APPEALS NOTIFIED

COUNCIL: BELFAST

ITEM NO 1 PAC REF: 2020/A0011

PLANNING REF: LA04/2019/2782/F

APPLICANT: Mr Andrew Smyth

LOCATION: 9 Ulsterdale Street, Belfast

PROPOSAL: Change of House to Multiple Occupation (HMO)

PROCEDURE:

ITEM NO 2 PAC REF: 2020/E0010

PLANNING REF: LA04/2018/0465/CA

APPLICANT: Diocese of Down and Connor

LOCATION: Lands or Premises at Good Shepherd Church, Ormeau Road, Belfast

PROPOSAL: Alleged unauthorised erection of extraction flue, on the west elevation of ancillary buildings associated with the Good Shepherd Church adjacent to the boundary with the apartments on Rossmore Drive

PROCEDURE:

ITEM NO 3 PAC REF: 2020/A0013

PLANNING REF: LA04/2019/2099/A

APPLICANT: Value Carparks Ltd

LOCATION: 19-35 Grosvenor Road, Belfast, BT12 4GR

PROPOSAL: 430 x 7200 mm Multilingual Car Park Information Screen providing intermittent changeable messages

PROCEDURE:

PLANNING COMMITTEE – 15 SEPTEMBER 2020

APPEAL DECISIONS NOTIFIED

ITEM NO 1 PAC REF: 2019/E0064

PLANNING REF: EN/2019/0216

RESULT OF APPEAL: Withdrawn

APPLICANT: Mr Steven Nicoll

LOCATION: Land at 33 Church Lane, Belfast

PROPOSAL: Alleged unauthorised change of use of the upper floor of 33 Church Lane from offices (Class 2 - financial, professional and other services) to Escape Rooms, Belfast (Class D - Assembly and Leisure)

ITEM NO 2 PAC REF: 2019/A0179

PLANNING REF: LA04/2019/0112/F

RESULT OF APPEAL: Dismissed

APPLICANT: Mr Douglas Hughes

LOCATION: 163-169 Donegall Road, Belfast

PROPOSAL: Change of use to 2 houses in multiple occupation and 2 dwellings

ITEM NO 3 PAC REF: 2019/A0231

PLANNING REF: LA04/2019/2530/A

RESULT OF APPEAL: Dismissed

APPLICANT: Conor McGarry

LOCATION: Forecourt of 425 Upper Newtownards Road

PROPOSAL: Replace existing standard 48 sheet display panel with one standard 48 sheet light box display unit

Transport Policy Division



The Chief Executive
Belfast City Council
BELFAST
BT1 5GS

Room 301
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

generalenquiries@belfastcity.gov.uk

Tel: (028) 90540510
Email: blathnaid.mcalorum@infrastructure-ni.gov.uk
Your reference:
Our reference: IN1-19-4347

18th August 2020

Dear Lewis

The Footpath to the rear of Albert Street, Quadrant Place and Cullingtree Road, Belfast (Abandonment) Order (Northern Ireland) 2020 – S. R. 2020 No. 184

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

Yours sincerely

Blathnaid McAlorum

Blathnaid McAlorum
Transport Legislation Branch

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ABANDONMENT – Albert Street, Quadrant Place and Cullingtree Road, Belfast

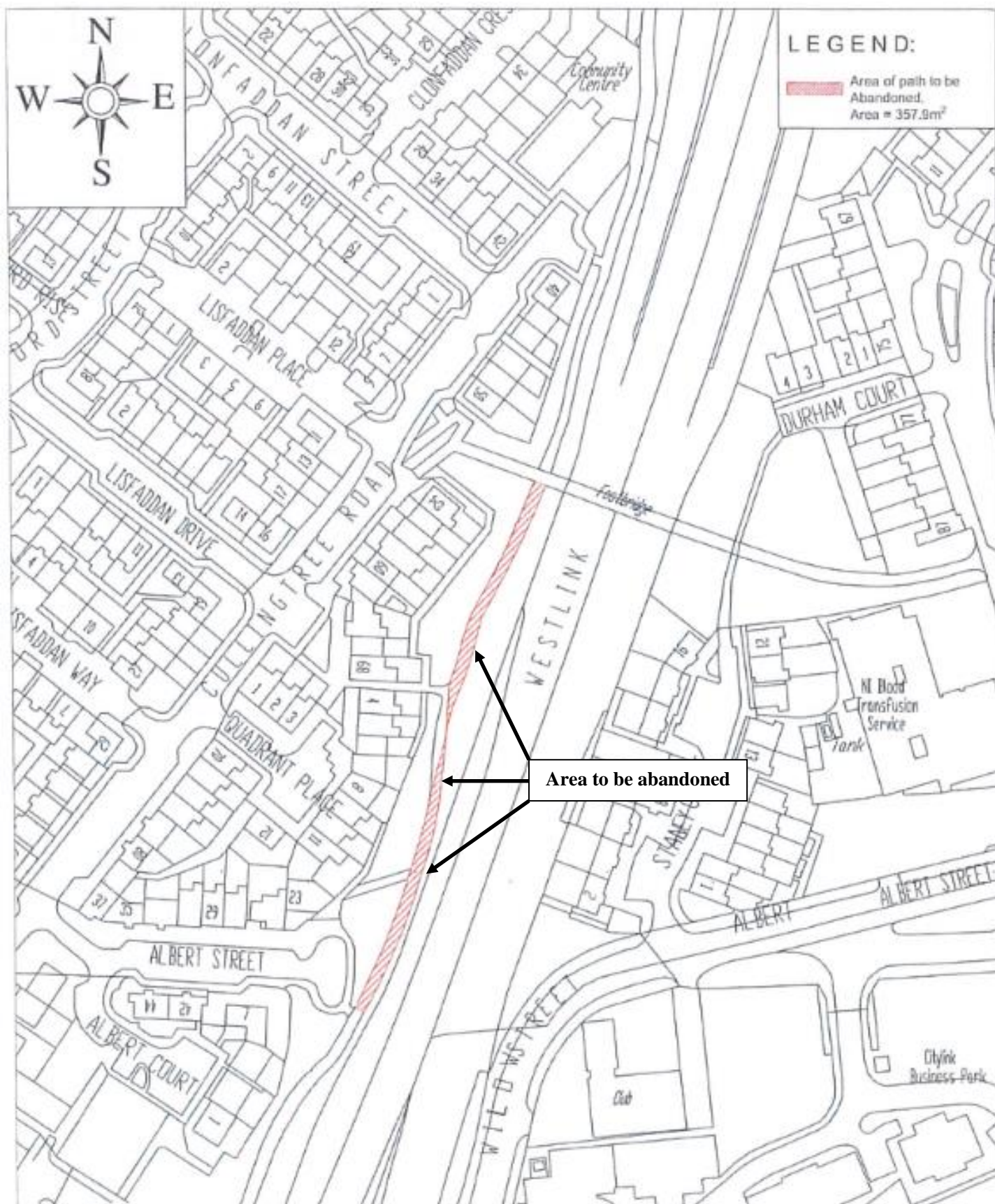
The Department for Infrastructure has made a Statutory Rule entitled “The Footpath to the rear of Albert Street, Quadrant Place and Cullingtree Road, Belfast (Abandonment) Order (Northern Ireland) 2020” (S.R. 2020 No. 184) which comes into operation on 7th October 2020.

The effect of the rule is to abandon an area of 357.9608 square metres of footpath on the western side of the Westlink.

During the current Covid-19 restrictions, a copy of the Rule may be viewed at DfI offices during office hours (Monday to Friday 9.00 a.m. to 5.00 p.m.) by appointment only. Appointments can be arranged either by email to lands.eastern@infrastructure-ni.gov.uk or by telephone on 0300 200 7899. The Rule may be viewed online at <http://www.legislation.gov.uk/nisr>



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DEPARTMENT FOR INFRASTRUCTURE

Map No. IN1/19/337774 referred to in “The Footpath to the rear of Albert Street, Quadrant Place and Cullingtree Road, Belfast (Abandonment) Order (Northern Ireland) 2020” made by the Department on 18th August 2020 and coming into operation on 7th October 2020.

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

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Development Management Report Committee Application

Summary	
Committee Decision Date: Tuesday 15 September 2020	
Application ID: LA04/2019/1614/F	
Proposal: Redevelopment of existing all-weather playing field to provide new 3G flood-lit sports pitch, redevelopment of former tennis courts to provide new flood-lit multi use games area (MUGA pitch), pitch side fencing and ball-stop nets, car parking, landscaping and associated site works.	Location: Land including and adjacent to the existing all-weather sports pitch at Stranmillis University College Stranmillis Road Belfast BT9 5DY.
Referral Route: Major Application	
Recommendation:	Approval
Applicant Name and Address: Stranmillis University College Stranmillis Road Belfast BT9 5DY	Agent Name and Address: Resolve Planning & Development Innovation Factory Forthriver Business Park 385 Springfield Road Belfast BT12 7DG
Executive Summary: The site is located within the Stranmillis University College campus and comprises a gravelled pitch and tarmacked tennis courts areas, within the north-western corner of the campus. The topography of the pitch areas is relatively level, however it sits below adjacent university building including a refractory building immediately adjacent to the gravel pitch, with halls of residence buildings beyond. Cleaver Park is located to the north, a residential area comprising largely detached dwellings, which is elevated above the pitches area by approximately 4 – 5m. The key issues in the assessment of the proposal are as follows: <ul style="list-style-type: none"> • The principle of the development of at this location; • Visual impacts of the proposal; • Impact on amenity / character of the area; • Impact on built heritage; • Impact on the natural environment; • Impact on transport and other infrastructure; • Flood risk from the proposal. The proposal comprises improvements to existing sports pitches comprising a gravel sports pitch albeit in poor condition and subject to little use for sporting activities in recent years. The main pitch, at closest points would be located 29m from the nearest dwelling at 28 Beechlands, and approximately 51.6m from the nearest dwelling in Cleaver Park (number 28). Whilst the proposal will result in the reduction of the playing surface area to allow for car parking facilities, these facilities	

are necessary and a policy requirement to support the proposal. The provision of improved/refurbished pitch facilities is considered acceptable in principle. Access to the campus will be unaffected by the proposals.

The proposal would not adversely impact on amenity, traffic, heritage assets or flooding. The proposed scale, form, massing, design and materials of structures proposed are considered acceptable and will not adversely impact on local character. Existing trees within the site and around the site periphery, in addition to new planting would filter views of these structures. All structures are of a scale and character that would be reasonably expected at a sports facility. Changing rooms facilities originally proposed through conversion of existing ancillary buildings have been removed from the proposal in order to safeguard their heritage contribution, with provision relocated to existing facilities within the campus. On balance the proposal would not result in detrimental visual impacts.

DFI Roads, Historic Environment Division, NI Water, Rivers Agency, Conservation Officer, Natural Environment Division, Environmental Health and DEARA NED have no objections to the proposal.

Conditions are necessary to mitigate impacts of the development, including hours of operation of the facility and restriction of floodlighting use to between the months of October and February.

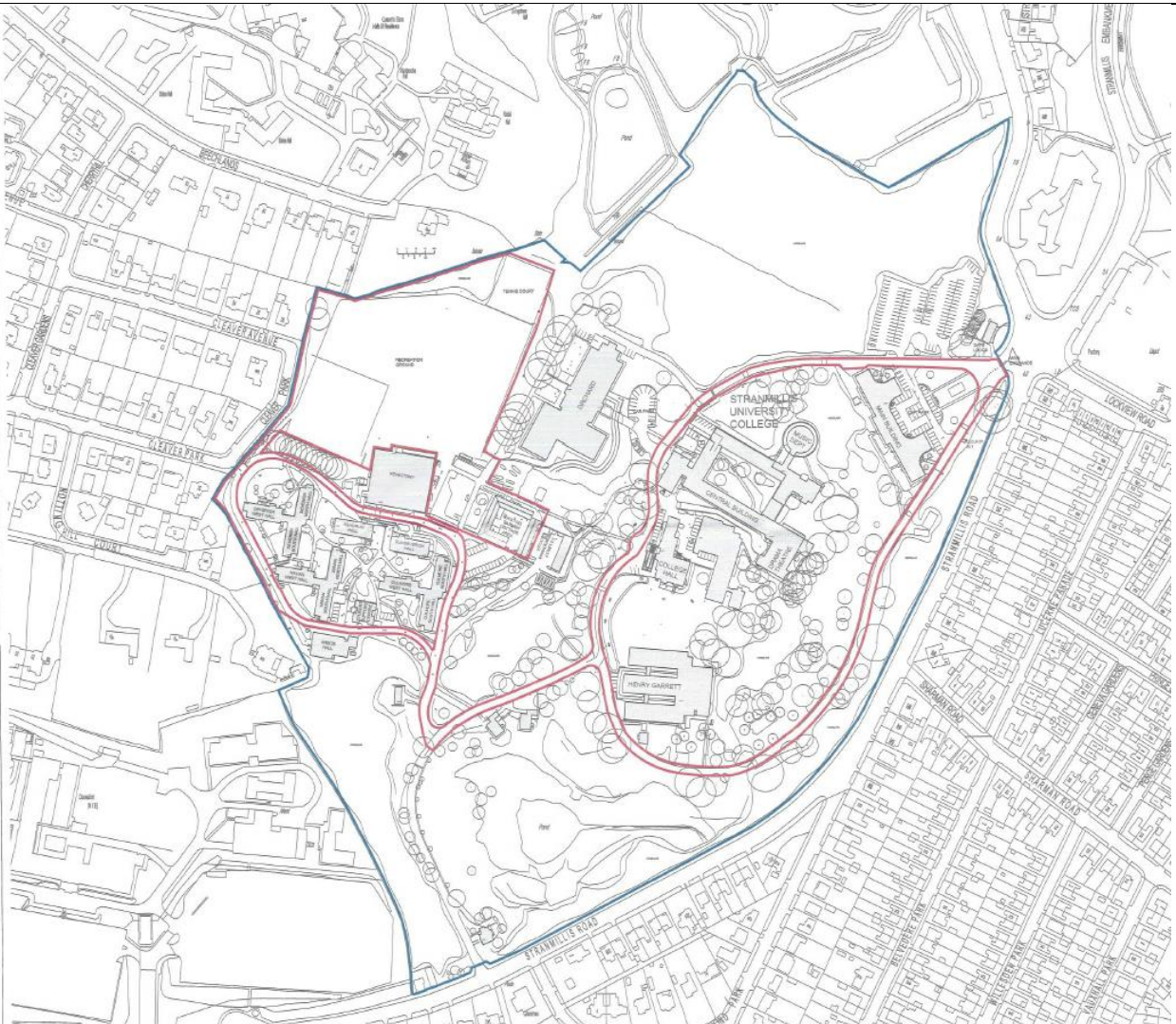
116 objections have been received and have been considered in the report.

Having regard to the development plan, policy context and other material considerations, the proposal is considered acceptable and approval of planning permission is recommended due to compliance with policy and taking account of consultation responses and representations.

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

Case Officer Report

Site Location Plan





Separation Distance to Neighbouring Properties and Location of 'Orchard Building' (highlighted yellow) where existing changing room facilities will be used:



Representations:

Letters of Support	None Received
Letters of Objection	116
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Representations from Elected Representatives	Paula Bradshaw MLA – objection Alderman Jim Rodgers - objection
Neighbour Notification Checked	Yes

1.0	Description of Proposed Development The application seeks planning permission for the redevelopment of existing all-weather playing field to provide new 3G flood-lit sports pitch, redevelopment of former tennis courts to provide new flood-lit multi use games area (MUGA pitch), pitch side fencing and ball-stop nets, car parking, landscaping and associated site works.
2.0	Description of Site
2.1	The site is located within the Stranmillis University College campus and comprises a gravelled pitch and tarmacked tennis courts areas, within the north-western corner of the campus. The topography of the pitch areas is relatively level, however it sits below adjacent university building including a refractory building immediately adjacent to the gravel pitch, with halls of residence buildings beyond. Cleaver Park is located to the north, a residential area comprising largely detached dwellings, which is elevated above the pitches area by approximately 4 – 5m. There is a belt of mature trees and vegetation along the western and northern boundaries of the site with Cleaver Park. There is further housing on Beechlands to the north west. The southern and eastern boundaries are

	undefined, with the remainder of the campus including landscaped areas and educational buildings beyond. There are a number of listed buildings within the wider campus.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History No relevant history
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2004 Draft Belfast Metropolitan Area Plan 2015 Developer Contribution Framework 2020
4.2	Regional Development Strategy (RDS); Strategic Planning Policy Statement (SPPS); PPS2: Natural Heritage; PPS3: Roads Considerations; PPS6: Built Heritage and Archaeology; PPS6 Addendum: Areas of Townscape Character (ATC); PPS8: Open Space, Sport and Recreation; PPS15: Planning and Flood Risk; Development Control Advice Note 15 Vehicular Access Standards
5.0	Statutory Consultee Responses
	DFI Roads – no objections NI Water – no objections Rivers Agency – no objections Natural Environment Division – final response outstanding
6.0	Non-Statutory Consultee Responses
	Environmental Health – no objections; Lagan Valley Park – objection – impact on Lagan Valley Park; BCC Tree Officer – no objections; BCC Landscape Section – no objection.
7.0	Representations
7.1	The application has been neighbour notified and advertised in the local press. Additional information/amendments have been received during the processing of the application in response to requests for clarification from consultees. Re-notification of objectors and neighbours was undertaken in accordance with standard procedures following receipt.
7.2	116 objections received raising the following issues (summarised): <ol style="list-style-type: none"> 1) Noise and disturbance impact to existing residents, including associated emotional distress; 2) Traffic and associated noise from pick up and dropping off to the facility at the access gate at Cleaver Park and access issues due to layout of Clear Park; 3) Amenity and design impacts from proposed floodlighting; 4) Impact on residential area/environment; 5) Impact on conservation area, Listed building and historic parklands and contrary to PPS6;

	<p>6) Impact on flora and fauna including protected species;</p> <p>7) Site used as car park for number of years and no longer sports pitch;</p> <p>8) 3G pitch is not required;</p> <p>9) Pre-Application Community Consultation not undertaken in accordance with the Planning Act.</p> <p>10) Pre-Application consultation does not represent local opposition to the proposals;</p> <p>11) Increased parking demands where currently a shortfall of parking on site;</p> <p>12) Perception of fear with strangers coming into the area to use the facility;</p> <p>13) Application submission is inadequate with necessary supporting information;</p> <p>14) Failed to provide up to date ecological information;</p> <p>15) Landscape and Visual assessment is inadequate and ignores adjacent Conservation Areas and should include additional viewpoints and summer and winter assessments;</p> <p>16) LB Consent required – not correctly referred to on the application form;</p> <p>17) Design and Access Statement fails to comply with legislative requirements;</p> <p>18) Inadequate Neighbour Notification undertaken by the Council – contrary to spirit of neighbour notification notwithstanding statutory requirement;</p> <p>19) Inconsistency with notification requirements for Pre-community consultation and application;</p> <p>20) Design is out of character with historic layout;</p> <p>21) Contrary to PPS8;</p> <p>22) Potential criminal activity / vandalism / anti-social behaviour;</p> <p>23) Detrimental impact on wildlife including from noise;</p> <p>24) Intensification of use of pitches / overdevelopment of the site.</p> <p>25) Consideration/decision by Committee under delegated authority potentially unlawful;</p> <p>26) Independent noise assessment submitted – issues with applicant assessment / methodology.</p>
8.0	Other Material Considerations
	Belfast Agenda (Community Plan)
9.0	Assessment
9.1	<p>The key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> • The principle of the development of at this location; • Visual impacts of the proposal; • Impact on amenity / character of the area; • Impact on built heritage; • Impact on the natural environment; • Impact on transport and other infrastructure; • Flood risk from the proposal; <p>Policy context</p>
9.2	Article 6 (4) of the Planning (Northern Ireland) 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.
9.3	The SPSS sets out five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating and enhancing

	shared space, and supporting good design and place making. The SPPS states at paragraph 1.13 (page 7) that a number of policy statements, including PPS2, PPS3, and PPS 8 remain applicable under 'transitional arrangements'.
9.4	Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraph 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported. Paragraphs 4.37-40 highlights the preservation and improvement of the built and natural environment.
9.5	Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the version of Draft BMAP 2015 still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
9.6	Within the BUAP the site is located within the development limits and is identified as whiteland. The site abuts the Malone and Stranmillis Conservation Areas but falls within the Stranmillis ATC. PPS6 and the PPS6 Addendum relating to ATC's are therefore applicable.
9.7	Section 104 of the 2011 Act and the related policy direction of the SPPS take precedence over criterion (a) of PPS6 Policy BH12 New Development in a Conservation Area, which requires the development to preserve or enhance the character of the area. The remaining criteria of this policy however remain. (b) and (c) broadly seek development that is in sympathy with the characteristic built form, scale material and detailing of the area; (d) that proposal will not result in environmental problems such as noise, nuisance and disturbance; (e) that important views within, into and out of the area are protected, and (f) that trees and other landscape features are protected. Criterion (g) seeks redevelopment that conforms to the guidance set out in conservation area documents.
9.8	Within draft Belfast Metropolitan Area Plan 2004 and draft Belfast Metropolitan Area Plan 2015, the site is located within the development limit. Within dBMAP 2004 the site is located within a Local Landscape Policy Area (LLPA).
9.9	PPS8 sets out regional policy for open space and recreation. Policy OS1 refers to the protection of open space, Policy OS4 relates to intensive sports facilities, stipulating 5 criteria with which proposals must accord. Policy OS7 relates to floodlighting and stipulates 3 criteria that proposals must satisfy. Paragraphs 6.199 - 6.213 relate to open space. Paragraph 6.213 sets out relevant planning considerations including: location, design, hours of operation, noise, impact upon visual and residential amenity, access and links to public transport; floodlighting; landscaping, public safety (including road safety); nature conservation, biodiversity, archaeology or built heritage. No conflict arises between PPS8 and SPPS policies.
9.10	PPS2 Natural Heritage is relevant to the proposal given the large number of trees within the site and the LLPA designation. Policy NH2 relates to protected species, whilst Policy NH5 relates to habitats, species or features of natural heritage importance. Natural Heritage in the SPPS is set out at pages 80 – 85. Policy requirements essentially repeat the provisions of PPS2 and accordingly no conflict arises with the SPPS.
9.11	PPS3 contains policy considerations relating to roads, access and parking and is a material consideration in that any proposals must make necessary provisions for such matters. Car parking and servicing requirements are set out at Policy AMP7, with design considerations

	<p>set out at AMP9. Transportation considerations in the SPPS are set out at pages 106-110. Policy requirements essentially repeat the provisions of PPS3 and accordingly no conflict arises with the SPPS.</p> <p>Principle of Development</p>
9.12	<p>The proposal includes a 3G pitch, a MUGA pitch, car parking, fencing and floodlighting. The main pitch, at closest points would be located 29m from the nearest dwelling at 28 Beechlands, and approximately 51.6m from the nearest dwelling in Cleaver Park (number 28). The MUGA pitch is approximately 53m from the nearest dwelling at 29 Beechlands at the closest point. The site has been previously used for sporting activities, however representations have indicated that the area was used for car parking for various periods in the past. Notwithstanding this, the site has clearly been used in past for sport recreation use and the proposal is therefore considered in accordance with the requirements of Policy OS1. It is not considered that the recreational use of the land has been abandoned. Whilst in poor condition, the facilities could continue to be used at any time with repair works. Such works would fall outside the meaning of development as set out in the Planning (NI) Act 2011, or benefit from Permitted Development as set out in the Planning (General Permitted Development) Order 2015 and accordingly would not require planning permission. The use of the site for sporting facilities is acceptable in principle. Car parking is considered later in the report.</p> <p>Visual impacts of the proposal/character of the area</p>
9.13	<p>PPS6 Policy BH6 requires proposal to respect historic gardens. Policy BH11 requires proposals to respect the setting of Listed Buildings. Policy BH12 requires views into and out Conservation Areas to be protected under criteria (e). The SPPS, at paragraph 6.18, states that "In the interests of protecting the setting of designated Conservation Areas, new development in proximity needs to be carefully managed so as to ensure it respects its overall character and appearance. Important views in and out of the Conservation Area should be retained".</p>
9.14	<p>Policy OS4 of PPS8 requires that:</p> <ul style="list-style-type: none"> • buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;
9.15	<p>The 3G pitch surfaces would have a negligible visual impact on the locality. The site / playing surface areas sit at a lower level than the adjacent nearest public road, Cleaver Park. Public views of the surface would read as green space/playing surface and would therefore have no greater impact than the existing gravel surface. Views into and out of the site are filtered by existing and proposed new boundary vegetation. It is accepted that views would become more readily available during winter months due to the deciduous nature of the majority of this planting, however this coupled with the restricted area from which views would be possible adjacent to the site, would not result in an unacceptable impact on the setting of either the Stranmillis or the Malone Conservation Areas as a whole, or the Stranmillis Area of Townscape Character. The character and appearance of the Conservation Areas would be preserved. The associated fencing (6m and 3m high) and floodlights (18m) would have a greater visual impact. However, public views of such structures would also largely be limited to views discussed above. The floodlighting, by virtue of the level difference of the site with Cleaver Park and neighbouring streets would be similar/lower in height than the ridges of the nearest dwellings in Cleaver Park. Accordingly, distance views into the site and of these structures would be filtered by the existing dwellings and boundary vegetation. These factors would also mitigate the</p>

	illumination impacts on the locality and would not therefore adversely impact on character. For these reasons the proposals are considered acceptable and comply with Section 104 (11) of the Planning Act (NI) 2011, the SPPS and PPS6 and the Addendum to PPS6.
9.16	The proposed scale, form, massing, design and materials are considered acceptable and will not adversely impact on local character. Existing trees within the site and around the site periphery, in addition to new planting would filter views of these structures. All structures are of a scale and character that would be reasonably expected at a sports facility. On balance, the proposal would not result in detrimental visual impacts.
9.17	Alterations and conversion works to facilitate new changing room facilities were originally proposed to existing outbuildings located close/adjacent to the site to the southeast of the pitches. These were removed from the proposal due to concerns from HED regarding impacts on the historic assets/features of this building. Changing facilities will now be provided within existing facilities at the "Orchard building" to the east of the application site. Accordingly the proposal does not contravene relevant Listing Building policies as set out in PPS6, and this revision is admissible within the application in that it is not a policy requirement that changing facilities must be included with all playing pitch proposals.
	Impact on amenity;
9.18	<p>The application has attracted objections on grounds that the proposal would detrimentally impact on amenity due to noise and light disturbance. Policies OS4 and OS7 of PPS8 require consideration of these issues. Policy OS4 requires proposals to ensure:</p> <ul style="list-style-type: none"> • there is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated;
9.19	In assessing these impacts, consultation has been undertaken with Environmental Health who have reviewed noise and lighting assessments submitted by the applicant. Environmental Health have concluded that the proposal would not detrimentally impact on amenity through predicted noise levels or light disturbance subject to a number of recommended conditions. However, the duration and level of activities need to be considered and are discussed below. Light spill information indicates that the highest Lux (light) level at the nearest residential property at 28 Cleaver Park would be 4 Lux. This equates to twilight/dusk on a clear night.
9.20	In relation to noise, the conclusion of the January 2020 FR Mark Noise Assessment advises that the cumulative predicted noise level from the upgraded pitches when used simultaneously will be no greater than 45dBLAeq, 1hour at the nearest sensitive premises, with installation of noise mitigation measures including acoustic fencing. The report advises that the predicted level, when compared against relevant World Health Organisation (WHO) standards for noise levels in external amenity areas and with reference to relevant British Standard BS8233:2014 for internal noise standards, does not exceed the target criteria. The noise assessment advises there were no previous restrictions on the existing site, however, given that the existing playing fields never had an artificial surface or purpose built floodlighting these factors naturally restricted site usage such that it is assumed that the facility would not have been used after hours of darkness or in poor weather. The indicative timetable schedule has been revised by the applicant such that it is no longer proposed to have the pitches in use on a Sunday and reduced hours on a Saturday compared to weekdays (except for 8 weekends of the year). The schedule does indicate that the site, however, will potentially be available for use 6 days per week all year round every evening up to 10pm except a Saturday when it is proposed to shut at 8pm except for 8 weekends of the year when it would be propose to use the pitches on a Saturday up until

	10pm. A significant proportion of additional usage presented on the proposed indicative schedule appears to involve the use of the pitches by external groups. Additional mitigation measure details were also requested.
9.21	Revised information was received to address the queries outlined by Environmental Health in their response. This includes a revision to the operating hours of the pitches to between 09:00 and 22:00 Monday to Friday and 09:00 and 19:00 on a Saturday with a restriction to external bookings to between 18:30 and 22:00 hours on weekdays, except for Fridays where public booking will be available between 17:30 and 22:00. Floodlighting operation will be restricted to between the months of October and February (inclusive). Noise mitigation measures have also been provided. An independent noise assessment was submitted on behalf of objectors. This queried the methodology and findings of the applicant's noise assessment. Further submissions from the applicant's noise expert were received to address issues raised by both the objectors and Environmental Health.
9.22	Environmental Health have considered all additional noise information and confirmed that the additional information addresses the concerns relating to predicted noise levels and lighting disturbance, subject to mitigation measures being implemented. They have recommended planning conditions regarding implementation of the noise and lighting mitigation measures. They have not provided comments on operating hours due to limited information regarding the former/current use being presented to enable the assessment to take account of historic pitch use and associated activities, and accordingly deferred judgement on this issue to planning officers. The applicant has requested operating hours of 09:00 to 22:00 Monday to Friday and 09:00 to 19:00 on a Saturday, with no use on a Sunday. The pitches will be used by students during term-time between 09:00 and 19:00 Monday – Friday and 09:00 and 17:00 on a Saturday, with use for the community available for the remaining hours of operation.
9.23	It is considered that the proposal would result in an intensification of use given that it will be more suitable during inclement weather and as a result of floodlighting allowing evening use at certain times of the year with the potential to cause disturbance. Taking into account the residential characteristics of the adjacent areas and the proximity of existing residents, it is considered that operating hours in the evenings, Monday to Friday, should be reduced to 21:00 hours to mitigate disturbance. Furthermore, it is proposed to limit use on Saturdays to 19:00 hours with no exceptions throughout the year (the applicant originally proposed later hours on Saturdays for 8 weekends per annum). Taking into account the technical noise assessment provided and associated review and advice from Environmental Health, together with the proposed reduced hours of operation of the pitches and floodlighting, it is considered that this would ensure that there would be no unacceptable impact on the amenity of local residents. Conditions are necessary in accordance with Environmental Health recommendations and operating hours are recommended. It is considered that subject to conditions, the proposal is compliant in relation to policies OS4 and OS7 of PPS8.
9.24	Policy OS4 also requires that: <ul style="list-style-type: none"> • there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;
9.25	Consideration in relation to the SPPS and PPS6 regarding impacts on the Conservation Area, ATC and Listing Building and its setting have been considered above. HED and The Conservation Officer have no objections to the proposal and is therefore deemed acceptable in relation to SPPS, PPS 6 and Policy OS4 of PPS8. Visual amenity considerations have been considered above and no unacceptable impacts are considered to occur.

9.26	Additional landscaping is proposed throughout the site and includes additional tree planting (30 extra heavy standard 4.5m min) along the boundary with Cleaver Park. These details are considered acceptable and will assist in mitigating visual impacts of the proposal. Appropriate conditions are necessary to secure retention of existing trees along this boundary, in addition to securing the delivery and management of new planting.
9.27	NED have assessed the application and consider it acceptable in relation to impacts on flora and fauna subject to conditions to ensure protected species are not adversely impacted.
9.28	Objections queried the adequacy of information submitted regarding ecological impacts. Additional ecological information was submitted and assessed by NED. Having considered the submitted information, NED have no objections subject to conditions. Accordingly, the proposal is considered compliant with PPS2 and PPS8.
	Impact on transport and other infrastructure;
9.29	PPS3 and two of the criteria of Policy OS4 relates to transport considerations: <ul style="list-style-type: none"> • the proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport; and • the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking,
9.30	DFI Roads have considered the proposal and have no objections. They have considered representations received in relation to these issues. The proposal includes 34 parking spaces and a 10 bicycle shelter spaces. Rigid application of the parking standards for sports pitches indicates that the parking requirements based on 40 players using the facility at one time (32 football, 8 tennis) would require 14 spaces. An additional 20 spaces are proposed to facilitate match changeover periods. The additional provision is considered justified in this instance to assist in mitigating the concerns expressed by residents regarding on street parking, drop off, and associated issues. The visual impacts of the parking area will be limited given that it sits at a lower level than the surrounding area and views will be filtered by existing trees and buildings. The parking area will result in the loss of a small area of open space, however this is considered acceptable in order to provide adequate parking facilities and taking account of residents' concerns regarding parking and is not therefore considered contrary to OS1 PPS8. The proposal also meets parking standard requirements. Level access is provided throughout the site to facilitate easy access for any impaired user, and the site is located in close proximity to public transport links on the Malone and Stranmillis Roads. The University also has a duty under separate legislation to ensure adequate access is provided for people with disabilities.
9.31	Residents have concerns regarding parking and drop off issues within Cleaver Park associated with the university as there is a pedestrian access gate into the campus adjacent to the sports pitches. Cleaver Park has been used for spill-over parking thereby creating noise and nuisance within this street. Whilst there is understandable frustration associated with this activity, any parking issues arising from the wider university activities does not form part of the application and is a matter for review and resolution by the University outside of this application. The remit of parking provision before the Council is restricted to the proposal and its associated parking requirements. It is important to note that Cleaver Park forms part of the public highway, and as such is accessible to the public. Any additional parking provided within the campus would not preclude visitors to the facilities from parking within Cleaver Park or nearby public roads. As previously stated, the

	proposed level of parking exceeds the normal requirements and is acceptable for the reasons set out above. There are no reasonable grounds to refuse planning permission on this issue.
9.32	Notwithstanding this, the university is seeking to control the degree of access available by <i>“electronically controlling the use of the Cleaver Gate...and... include a commitment to keep the gate open to all during normal College hours, but to introduce electronic control during those hours when the pitches will be in public use. It is anticipated that students and staff of the college will be able to access the campus from the Cleaver gate during these hours, but the overall effect of this will be to reduce the accessibility of the site to the wider public.”</i> Case law tests would preclude the Council from securing this measure by planning condition, as it does not relate to the proposal. This measure, on a goodwill basis, may assist in mitigating parking and access issues faced by residents and will be a matter for the university to deliver. DFI Roads have included a requirement in the recommended conditions that vehicular traffic accessing the proposal, do so via the main access to the University on Stranmillis Road.
9.33	Accordingly, the proposal is considered acceptable in terms of traffic, parking and access considerations and therefore in accordance with this criteria and relevant policy within PPS3 and PPS8. Flood risk from the proposal;
9.34	Policy OS4 requires satisfactory arrangements for drainage to be provided, and specific drainage/flood risk policy is set out in PPS15.
9.35	A drainage assessment and associated information was submitted for consideration and consultation undertaken with Rivers Agency and NIW in relation to these matters. Both consultees are satisfied with the mitigation measures proposed and it is therefore considered that the proposal complies with policy and acceptable drainage and flood risk protections measures are proposed. Waste Disposal;
9.36	The proposal will not significantly alter current arrangements for waste disposal. Arrangements for the disposal of Wastewater/drainage from the proposed 3G pitch have been deemed satisfactory by Rivers Agency and NI Water. Concerns raised regarding rubbish generation relate to adequate management arrangements for the site and would not warrant refusal on planning grounds. Issues raised by Representations:
9.37	Many of the issues raised have been considered above. However additional matters are addressed as follows: 1) Listed Building (LB) Consent required – not correctly referred to on the application form; The application was revised to exclude works to the changing rooms which were deemed listed during the application process. LB Consent is therefore no longer required. HED have no objections to the proposal. 2) Design and Access Statement fails to comply with legislative requirements; A revised statement was received during the processing of the application. It is considered adequate to address legislative requirements.

	<p>3) Inadequate Neighbour Notification undertaken by the Council – contrary to spirit of neighbour notification notwithstanding statutory requirement;</p> <p>Notification has been completed in accordance with legislative requirements, namely those properties that abut the red line boundary of the application site.</p> <p>4) Inconsistency with notification requirements for Pre-community consultation and application;</p> <p>Legislative requirements are different for pre-application and application notification.</p> <p>5) Design is out of character with historic layout;</p> <p>Design has been deemed acceptable in the assessment above and HED and the Conservation Officer have no objections.</p> <p>6) Public order / Potential criminal activity / vandalism / anti-social behaviour;</p> <p>This is matter for the relevant authorities and outside the scope of this planning application. It is for the landowner to effectively manage the pitches/grounds and for the Police to ensure compliance with relevant public order legislation / regulations.</p> <p>7) Application red line incorrect / parts of proposal outside the application site boundary.</p> <p>Revised drawings were submitted to align the proposal and hard surfacing works with the submitted application red line location drawing. All works are within the site boundary and no third parties would be prejudiced. Neighbours/objectors have been notified of these revisions and the latest additional information received (24th August 2020).</p> <p>8) Consideration/decision by Committee under delegated authority potentially unlawful;</p> <p>The application will now be considered by Planning Committee in accordance with normal procedures, albeit remotely due to the Covid-19 restrictions and in line with Government and public health advice. Accordingly, this objection is no longer applicable as procedures have been revised.</p>
9.38	<p>Consultations</p> <p>No technical consultees have any objections to the proposal.</p>
9.39	<p>Pre-Community Consultation</p> <p>For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicants for planning permission to consult the community in advance of submitting an application.</p>
9.40	<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. 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.</p>

10.0	Having regard to the policy context and other material considerations above, the proposal is considered acceptable and approval of planning permission is recommended due to compliance with policy and taking account of consultation responses.
10.1	It is recommended that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by third parties.

Draft Conditions (delegated authority to finalise conditions requested)

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

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

2. The pitches and floodlighting hereby approved shall not be operational outside the following hours:

Monday to Friday – 09.00hrs to 21.00hrs

Saturday – 09:00hrs to 19:00hrs

The pitches and floodlighting shall not be used on Sundays or public holidays.

The floodlighting shall be implemented and operated in accordance with the approved details and shall only be operational during the months of October, November, December, January, and February and during no other months of the year.

Reason: In the interests of residential amenity and protection of natural heritage assets.

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 18613-C500 Rev P1 bearing the Belfast Planning Service date stamp 16/8/19, 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.

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

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No:18613-C500 Rev P1 bearing the Department for Infrastructure determination date stamp 16/8/19.

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

5. Prior to operation of the new play pitches, all redundant accesses from the site to the public road shall be permanently closed off and the footpath reinstated in accordance with details to have first been submitted to and approved in writing by the Council.

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.

6. No part of the development hereby permitted shall be operated until hard surfaced areas have been constructed in accordance with approved drawing to provide adequate facilities for parking

and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles in connection with the development.

REASON: To ensure that adequate provision has been made for parking.

7. The development shall not become operational until weather protected cycle parking has been fully provided in accordance with the approved plans and shall be retained at all times thereafter.

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

8. All floodlighting on site shall be asymmetric and hooded to avoid upward spill. Lighting shall be directed away from all trees on the boundaries of the application site identified by the red line on drawing number 01 date stamped received 5 July 2019.

Reason: To protect Bats in their foraging and commuting areas.

9. (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted before the expiration of the next available planting season in accordance with details that shall have first been submitted to and approved in writing by the Council.

In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON: To enable the Council to ensure the retention of trees on the site in the interests of visual amenity.

10. All soft landscaping comprised in the approved details shall be carried out within the first planting and seeding season following any part of the development hereby permitted becoming operational. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

11. No equipment, machinery or materials are to be brought on the site for the purpose of the development including demolition and site clearance until all trees to be retained have been protected by fences or other suitable means of enclosure as per recommendations of BS 5837 'Trees in relation to Construction' 2005.

Protective fencing shall be at least 2.3 metres high, comprising of a scaffolding framework, verticals positioned no more than 3.0 metres apart driven into the ground approximately 0.6 metres, braced

to resist impacts, supporting weldmesh panels, fixed in a manner to avoid easy removal as shown in BS 5837 2005, Figure 2.

Within the fenced area no activities associated with building operations shall take place, and the ground levels within those areas shall not be altered. All means of protection shall be retained in situ for the duration of the development.

Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

12. Prior to use of the hereby permitted 3G pitch, the applicant shall construct and install the acoustic barrier as illustrated in the McAdam Design drawing titled: 'Proposed Acoustic Timber Fence Detail', dwg no. 08-820-01 date stamped received 22 Jan 2020 and numbered 19 by Belfast City Council and as illustrated in the Taylor Boyd drawing titled: 'Proposed Fence elevations, dwg no. 17921-C005, Rev P2, date stamped received 22 Jan 2020 by Belfast City Council. The acoustic timber fence shall be maintained and retained thereafter;

Reason: in the interests on amenity.

13. Prior to use of the hereby permitted 3G pitch and Multi-use games area, the applicant shall ensure the weldmesh fencing is constructed and installed in line with the Taylor Boyd drawing titled: 'Proposed Fence Elevations, dwg no. 17921-C005, Rev P2, date stamped received 22 Jan 2020 by Belfast City Council. The weldmesh fencing shall be maintained and retained thereafter;

Weldmesh fence panelling shall be installed and fixed using resilient connections to reduce rattle and vibration upon impact;

Prior to the selection of the proprietary shock absorbing material to be installed in the backboards of hockey goals, the applicant shall submit to the planning authority for review and approval in writing, a detailed specification of the proposed material to be used;

The approved proprietary shock absorbing material shall be fitted to the backboards of the hockey goals;

No hoarding or signage shall be fitted to weldmesh fencing surrounding the MUGA pitches or the main 3G pitch which could result in impact sound from ball strike;

A report verifying all noise mitigation measures have been installed shall be submitted to and agreed with the Council prior to any part of the development hereby permitted becoming operational. All measures shall be retained thereafter and not removed or altered without the prior consent of the Council in writing.

Reason: in the interests of amenity.

14. Prior to operation of the hereby permitted pitches the applicant shall produce a site Management Plan. The Management Plan should include a system for dealing with complaints about anti-social behaviour and noise and an arrangement for regular liaison with nearby Cleaver Residents Association by way of meetings to recognise the need to respond to any negative aspects that may arise from the redevelopment and its use. The management plan shall be implemented in accordance with the agreed details.

Reason: Protection of residential amenity.

15. Prior to commencement of development on site, including demolition, site clearance or site preparation, a Construction Environmental Management Plan (CEMP) shall be produced by the appointed contractor. The CEMP shall include measures to control noise, dust and vibration during the demolition / construction phase, demonstrating the use of 'best practicable means'. The CEMP shall include rationale for and details of the chosen piling methodology and demonstrate that noise and vibration levels will not have an adverse impact on nearby premises.

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

The development shall be carried out in accordance with the agreed arrangements.

Reason: in the interests of amenity.

16. Prior to commencement of use of the upgraded facilities the approved lighting scheme shall be installed as per drawing/report titled 'Horizontal Illuminance levels' dated 26/7/2019 design reference UKS 15919/3. Rear cowls shall be fitted to masts 1 and 2 as per the approved drawing and retained thereafter.

Prior to the operation of the approved lighting scheme associated with the hereby permitted development, an Artificial Obtrusive Light Verification report shall be submitted to the City Council for review and approval in writing. The report shall demonstrate that the approved lighting scheme has been installed and shall verify that all artificial floodlighting connected with the development has been measured and/or determined and confirmed to be within the vertical illuminance (Lux) levels for Environmental Zone E3 at the windows of habitable rooms of the nearest residential properties as stipulated in the Institute of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GN0L:2011. The lighting scheme shall operate in accordance with the agreed details thereafter.

Reason: Protection of residential amenity

Neighbour Notification Checked	Yes
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Signature(s)

Date:

ANNEX	
Date Valid	31st July 2019
Date First Advertised	16th August 2019
Date Last Advertised	21st February 2020
Details of Neighbour Notification (all addresses) 14 Notting Hill Court,Belfast,Antrim,BT9 5NH The Owner/Occupier, 16, Cleaver Avenue, Belfast, Antrim, Northern Ireland, BT9 5JA The Owner/Occupier, 18, Cleaver Avenue, Belfast, Antrim, Northern Ireland, BT9 5JA The Owner/Occupier, 2 Sharman Road,Belfast,Antrim,BT9 5FW The Owner/Occupier, 20 Notting Hill,Belfast,Antrim,BT9 5NS The Owner/Occupier, 20, Cleaver Park, Belfast, Antrim, Northern Ireland, BT9 5HY 21 Cleaver Avenue Belfast Antrim 21, Beechlands, Belfast, Antrim, Northern Ireland, BT9 5HU 22 Notting Hill,Belfast,Antrim,BT9 5NS 22 Richmond Park,Stranmillis,Belfast,Antrim,BT9 5EF 22, Cleaver Avenue, Belfast, Antrim, Northern Ireland, BT9 5JA 23, Beechlands, Belfast, Antrim, Northern Ireland, BT9 5HU 23, Cleaver Avenue, Belfast, Antrim, Northern Ireland, BT9 5JA 24, Cleaver Avenue, Belfast, Antrim, Northern Ireland, BT9 5JA 25 Beechlands,Belfast,Antrim,BT9 5HU 25, Cleaver Avenue, Belfast, Antrim, Northern Ireland, BT9 5JA 256 Stranmillis Road,Belfast,Antrim,BT9 5DZ 258 Stranmillis Road,Belfast,Antrim,BT9 5DZ 26 Cleaver Park Belfast Antrim 26, Cleaver Avenue, Belfast, Antrim, Northern Ireland, BT9 5JA 260 - 268 Stranmillis Road,Belfast,Antrim,BT9 5DZ 27 Beechlands,Belfast,Antrim,BT9 5HU 27 Cleaver Avenue Belfast Antrim 270 – 320 Stranmillis Road,Belfast,Antrim,BT9 5DZ 28 Beechlands,Belfast,Antrim,BT9 5HU 28 Cleaver Avenue,Belfast,Antrim,BT9 5JA 29 Beechlands,Belfast,Antrim,BT9 5HU 29, Cleaver Avenue, Belfast, Antrim, Northern Ireland, BT9 5JA 29, Cleaver Park, Belfast, Antrim, Northern Ireland, BT9 5HY 3,Cottage,Stranmillis Road,Belfast,Antrim,BT9 5DX 32 -38, Cleaver Park, Belfast, Antrim, Northern Ireland, BT9 5HY 37 Notting Hill,Belfast,Antrim,BT9 5NS 39 Notting Hill,Belfast,Antrim,BT9 5NS 44 Stranmillis Embankment,Malone Lower,Belfast,Antrim,BT9 5FL 48 Stranmillis Embankment,Malone Lower,Belfast,Antrim,BT9 5FL 55 - 61 Richmond Park,Stranmillis,Belfast,Antrim,BT9 5EF Apartment 3 - 8,41 Notting Hill,Belfast,Antrim,BT9 5NS Back Lodge,Stranmillis College,Stranmillis Road,Belfast,Antrim,BT9 5ED Central Building,187 Stranmillis Road,Belfast,Antrim,BT9 5DT	

Cleaver Residents' Group, c/o 18 Cleaver Park, Belfast, BT9 5HY
 College Hall, 187 Stranmillis Road, Belfast, Antrim, BT9 5DT
 Culmore Halls Of Residence, Stranmillis Road, Belfast, Antrim, BT9 5DY
 Deputy Principal'S House, Stranmillis Road, Belfast, Antrim, BT9 5DX
 Devenish Halls Of Residence, Stranmillis Road, Belfast, Antrim, BT9 5DX
 Dunseverick Halls Of Residence, Stranmillis Road, Belfast, Antrim, BT9 5DY
 Estate Management Complex, 187 Stranmillis Road, Belfast, Antrim, BT9 5EE
 Groundfloor, 46 Stranmillis Embankment, Malone Lower, Belfast, Antrim, BT9 5FL
 Groundfloor, Aisling House, 50 Stranmillis Embankment, Malone Lower
 Gymnasia, Stranmillis Road, Belfast, Antrim, BT9 5DY
 Lower Orchard, 187 Stranmillis Road, Belfast, Antrim, BT9 5DT
 Navan Halls Of Residence, Stranmillis Road, Belfast, Antrim, BT9 5DY
 Nendrum Halls Of Residence, Stranmillis Road, Belfast, Antrim, BT9 5DX
 Oak Lodge, Stranmillis Road, Belfast, Antrim, BT9 5DY
 Office 1, Main Building, 187 Stranmillis Road, Belfast, Antrim, BT9 5DT
 Orchard Building, Stranmillis Road, Belfast, Antrim, BT9 5DY
 Paula Bradshaw MLA, Parliament Building Stormont Estate
 Principal House, Stranmillis College, Stranmillis Road, Belfast, Antrim, BT9 5DX
 Principal'S House, Stranmillis Road, Belfast, Antrim, BT9 5DY
 Refectory, 187 Stranmillis Road, Belfast, Antrim, BT9 5DT
 Riddle Hall Cottage, 187 Stranmillis Road, Belfast, Antrim, BT9 5EE
 Stranmillis Road, Belfast, Antrim, BT9 5DY
 Stranmillis University College Campus, Stranmillis Road, Belfast, Antrim, BT9 5DY
 Upper Orchard, 187 Stranmillis Road, Belfast, Antrim, BT9 5DT
 Wardens House, Stranmillis Road, Belfast, Antrim, BT9 5DX

Date of Last Neighbour Notification	14 th February 2020
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Date of EIA Determination	7 th August 2019
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ES Requested	No
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Planning History

Ref ID: LA04/2017/2703/PAN

Proposal: Redevelopment of existing all weather playing field to provide new 3G flood-lit pitch, new flood-lit multi use games area (MUGA pitch), renovation of existing out-buildings to provide new changing accommodation, car parking and associated access arrangements.

Address: Land including and adjacent to, the existing all weather sports pitch at, Stranmillis University College, Stranmillis Road, Belfast, BT9 5DY.,

Decision: PANACC

Decision Date: 11.12.2017

Ref ID: Z/1994/1064

Proposal: Change of use to student accommodation and provision of 10 no. car parking spaces

Address: PRINCIPAL'S HOUSE STRANMILLIS COLLEGE BELFAST BT9

Decision:

Decision Date:

Ref ID: Z/1996/0490

Proposal: Change of use from residential to office accommodation

Address: LAGAN LODGE (PRINCIPLES HOUSE) STRANMILLIS COLLEGE
STRANMILLIS ROAD BELFAST BT9

Decision:

Decision Date:

Ref ID: Z/1998/0934

Proposal: Alterations to Listed Building including construction of disabled ramp to front facade, and provision of ancillary car parking

Address: LAGAN LODGE.STRANMILLIS COLLEGE STRANMILLIS ROAD.BELFAST
BT9

Decision:

Decision Date:

Ref ID: Z/1998/0945

Proposal: Change of use from domestic to office use including alterations and construction of disabled ramp to front facade, and provision of ancillary car parking

Address: LAGAN LODGE STRANMILLIS COLLEGE STRANMILLIS ROAD BELFAST
BT9

Decision:

Decision Date:

Ref ID: Z/2003/2767/F

Proposal: Erection of two fire escapes and stairwells to the rear of the main building and replacement of adjoining windows.

Address: Main Building, Stranmillis University College, Belfast, BT9

Decision:

Decision Date: 08.03.2004

Ref ID: Z/2003/2768/LB

Proposal: Erection of two fire escapes and stairwells to the rear of the main building and replacement of adjoining windows.

Address: Main Building, Stranmillis University College, Belfast, BT9

Decision:

Decision Date: 09.03.2004

Ref ID: Z/2004/3006/F

Proposal: Demolition of existing Orchard Building and replacement with new education building and associated car parking.

Address: Orchard Buildings, Stranmillis College, Belfast. BT9 5DY

Decision:

Decision Date: 12.10.2005

Ref ID: Z/2004/3016/DCA

Proposal: Demolition of existing Orchard Buildings (upper & lower) to allow for the erection of a new educational facility.

Address: The Orchard Buildings, Stranmillis University College, Stranmillis, Belfast

Decision:

Decision Date: 12.10.2005

Ref ID: Z/2007/0273/LB

Proposal: Demolition of building and erection of new primary school.

Address: Henry Garrett Building, Stranmillis University College, Stranmillis Road, Belfast, BT09 5DY

Decision:

Decision Date: 12.12.2008

Ref ID: Z/2007/0274/O

Proposal: Construction of a 14no. class Primary School with school meals, multi-purpose hall and ancillary accommodation with a detached 2no. class nursery unit adjacent.

Address: Stranmillis University College, Stranmillis Road, Belfast, BT09 5DY

Decision:

Decision Date: 12.12.2008

Ref ID: Z/2007/0275/DCA

Proposal: Demolition of two storey previous dwelling and education building.

Address: Former Headmaster's cottage & Henry Garrett Building, Stranmillis University College, Stranmillis Road, Belfast, BT09

Decision:

Decision Date: 12.12.2008

Ref ID: Z/2012/0284/LBC

Proposal: Removal of asbestos contaminated second floor ceiling and wall linings and consequent reinstatement for the Grade A listed building. The project also includes services refurbishment of all floors.

Address: The Main Building, Stranmillis University College, Stranmillis Road, Belfast, BT9 5DY,

Decision: CG

Decision Date: 02.08.2012

Ref ID: Z/2012/0405/LBC

Proposal: Proposed DDA related works to Stran House including new external ramps, new lifts and WC refurbishment

Address: Stran House, Stranmillis University College, Stranmillis Road, Belfast, BT9 5DY,

Decision:

Decision Date: 31.07.2012

Ref ID: Z/2012/0406/F

Proposal: Provision of ramped disabled access.

Address: Stran House, Stranmillis University College, Stranmilis Road, Belfast, BT9 5DY,

Decision:

Decision Date: 31.07.2012

Ref ID: Z/2012/0407/F

Proposal: Alterations to the internal layout of the building to provide en-suite bathrooms. This will consequently require alterations to several external bedroom window openings and opaque glass to ensuites.

Address: Dunseverick Building, Stranmillis University College, Stranmillis Road, Belfast, BT9 5DY,

Decision: PG

Decision Date: 22.08.2012

Ref ID: Z/2012/0528/LBC

Proposal: Demolition of most recent extension (circa 1958) to south side of the Henry Garret building and reinstatement of the land

Address: Henry Garret Building, Stranmillis University College, Stranmillis Road, Belfast, BT9 5AD,

Decision: CG

Decision Date: 03.05.2013

Ref ID: Z/2012/0530/LBC

Proposal: Demolition of derelict Principals House and reinstatement of the land to complement the existing landscaping within the Stranmillis University Campus

Address: Principals House (located approx 30m east of the Henry Garrett Building) Stranmillis University College Stranmillis Road Belfast BT9 5AD,

Decision: CG

Decision Date: 08.02.2013

Ref ID: Z/2012/0816/F

Proposal: Change of use of part of the lower ground level from ancillary use (storage/WC's etc) to Student Union Bar/Cafe. Upgrading of the building facade to include re-cladding and provision of lift shaft.

Address: Refectory Building, Stranmillis University College, Stranmillis Road, Belfast,

Decision: PG

Decision Date: 21.01.2013

Ref ID: Z/2013/0660/LBC

Proposal: Internal alterations including new coffee dock, break out space, corridor and lobby work to the left of the main entrance, removal of non historic lightweight walls

doors, a bar and bar store. Provision of new automated doors, kitchenette, ceiling floor and wall finishes. Raising of door head DG06. Removal of lining in front of windows. Replacement of extract fan.

Address: Stranmillis House, Stranmillis University College, Stranmillis Road, Belfast, BT9 5DY,

Decision: CG

Decision Date: 01.08.2013

Ref ID: Z/2014/0148/LBC

Proposal: Minor adjustment to entrance steps raising the top landing and providing a new step. Staff tutorial room on second floor converted into WC area.

Address: The Main Building, Stranmillis University College, Stranmillis Road, Belfast, BT9 5DY,

Decision: CG

Decision Date: 16.05.2014

Ref ID: Z/2014/0383/F

Proposal: Creation of level access main entrance incl. lobby (19sqm) plus extension to north facade (+55sqm). Internal alterations at ground floor level to provide cafe. External alterations to create disabled parking spaces and an improved shared surface link with the adjacent orchard building.

Address: Central Building, Stranmillis University College, Stranmillis Road, Belfast, BT9 5DY,

Decision: PG

Decision Date: 16.05.2014

Ref ID: Z/2014/1515/LBC

Proposal: Minor amendment to entrance doors and further adjustments to first and second floor offices including removal of some interior walls and the provision of a platform lift.

Address: The Main Building, Stranmillis University College, Stranmillis Road, Belfast, BT9 5DY,

Decision: CG

Decision Date: 06.03.2015

Notification to Department (if relevant) N/A

Date of Notification to Department:

Response of Department:

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Tuesday 15 September 2020	
Application ID: LA04/2019/2334/F	
Proposal: Construction of 3 no apartments buildings with a total of 18 no 2 bed apartments providing off street car parking and associated groundworks (Amended Scheme)	Location: 141 & 149 Upper Newtownards Road Belfast BT4 3HX
Referral Route: In accordance with Scheme of Delegation; proposal exceeds 12 dwelling units with representations that conflict with the case officer recommendation	
Recommendation:	Approval
Applicant Name and Address: CYM Properties Limited Suite 4 Commercial Mews 93-97 Main Street Larne BT40 1HJ	Agent Name and Address: Site Express 11 Bridge Street Bangor BT20 5AW
Executive Summary: <p>The proposal is for full planning permission for the Construction of 3no. apartment buildings with a total of 18 no 2 bed apartments providing off street car parking and associated groundworks.</p> <p>Under the adopted Belfast Urban Area Plan 2001 the site is unzoned white land; in the draft BMAP (both versions) the site is also whiteland and the Upper Newtownards Road is identified as an arterial route.</p> <p>The immediate area is predominantly in residential use, therefore, given the status of the land in the Development Plans the proposed land use for housing is considered acceptable in principle. The proposed apartment buildings are to be two storey and three storey buildings with communal bin, cycle and amenity areas.</p> <p>The proposed layout of the development is acceptable and it is considered that the site can accommodate the proposed number of dwelling units of the scale and mass proposed, whilst meeting the recommended requirements for prospective residents and without detrimentally impacting on the residential amenity of existing neighbours.</p> <p>The architectural approach responds to its surrounding context with respect to design elements and materials and has been amended to address concerns in terms of the layout and scale. The proposed design and architectural treatment and materials are acceptable.</p> <p>8 objections have been received – raising issues including; parking and road safety, overdevelopment, overlooking, impact of construction works, impact on trees, impact on the Cyprus Conservation Area. These matters are dealt with in the case officer report below.</p> <p>Consultees - Environmental Health, DFI Roads, NI Water, Rivers Agency and BCC Tree Officer offer no objection to the proposal, subject to conditions. BCC Conservation Area Officer has raised</p>	

a concern with respect to the height of Block A which fronts on to the Upper Newtownards Road however given that the proposal is similar in height to existing buildings in the area with frontage on to the arterial route it is considered that the proposal is on balance acceptable and will not result in a detrimental impact on the setting of the adjacent Conservation Area.

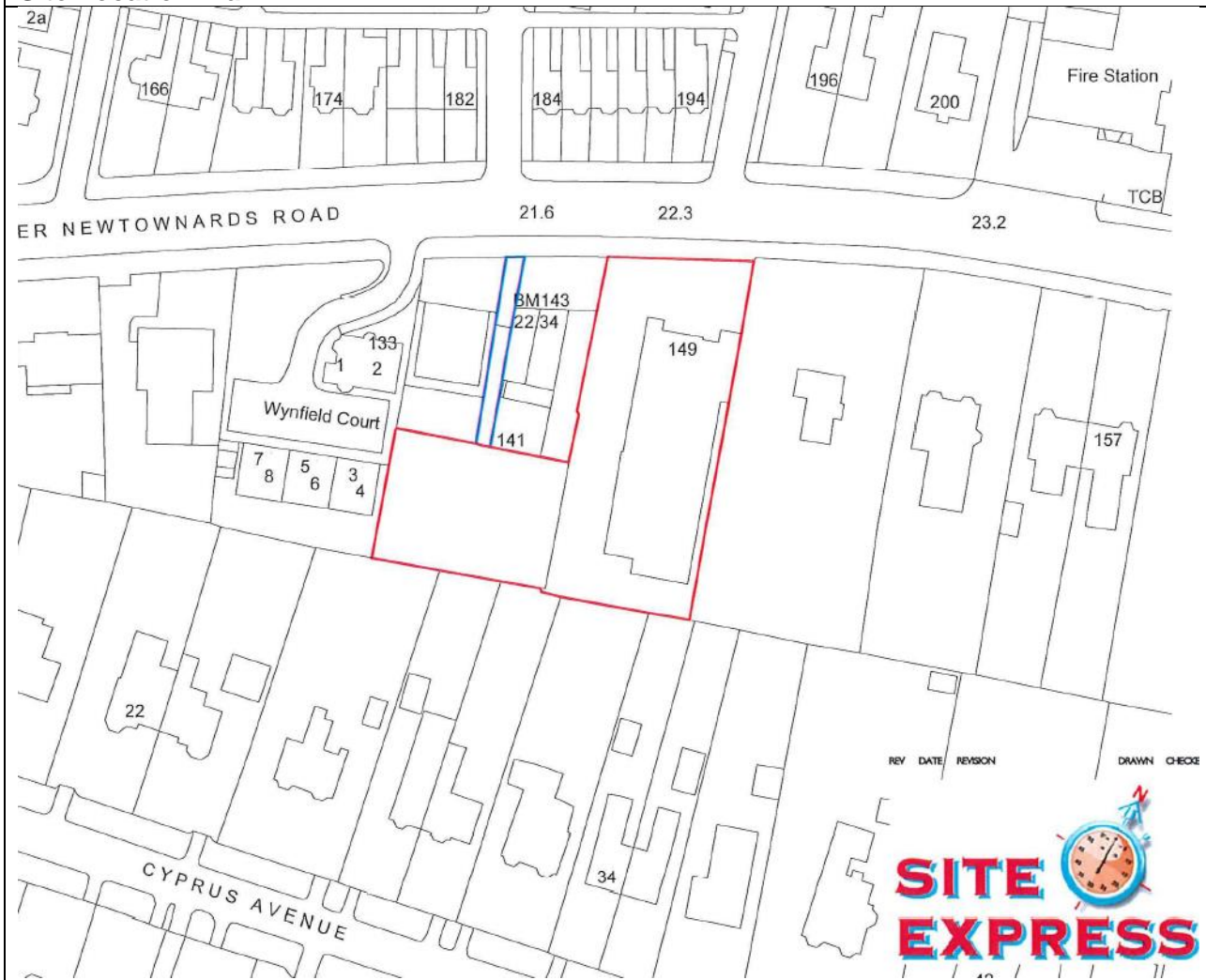
Recommendation:

Approve with Conditions

Having regard to the policy context and other material considerations, the proposal is considered acceptable and planning permission is recommended and delegated authority is sought for the final wording of conditions from the Director of Planning and Building Control.

Case Officer Report

Site Location Plan

**Consultations:**

Consultation Type	Consultee	Response
Non-Statutory	Env Health Belfast City Council	Add Info Requested
Statutory	DFI Roads – Hydebank	Advice
Non-Statutory	Env Health Belfast City Council	Add Info Requested
Non-Statutory	NI Water - Multi Units East - Planning Consultations	Substantive Response Received
Statutory	Rivers Agency	Advice
Statutory	DFI Roads – Hydebank	Content
Statutory	Rivers Agency	Advice
Statutory	DFI Roads – Hydebank	Consultation reminder letters

Non-Statutory	Env Health Belfast City Council	Add Info Requested
Non-Statutory	Env Health Belfast City Council	Add Info Requested
Non-Statutory	Env Health Belfast City Council	Consultation reminder letters
Statutory	DFI Roads – Hydebank	Content
Non-Statutory	Env Health Belfast City Council	Substantive Response Received
Representations:		
Letters of Support	None Received	
Letters of Objection	8	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	

Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The proposal is for full planning permission for the erection of 3no. apartment buildings with a total of 18 no 2 bed apartments providing off street car parking and associated groundworks.
2.0	Description of Site
2.1	The site is located at lands at 141-149 Upper Newtownards Road, Belfast. The site is an 'L' shape with no. 149 fronting on to the Upper Newtownards Road and the site wrapping around 137-143 Upper Newtownards Road. The site is currently in commercial use for a printing office and associated storage and is occupied by two buildings on the site comprising of the original building which has been extended to the south and a storage building which occupies the western portion of the site with associated yard and parking. These buildings have an extensive footprint and occupy the majority of the site with the remainder given over to hardstanding for vehicles. The site slopes from the south to the north towards the Upper Newtownards Road.
2.2	The site is bounded by the existing Cyprus Avenue Conservation Area to the south and east of the site which is characterised by existing residential dwellings, two storey detached in substantial plots with front and rear gardens and incurtilage parking. Trees line both the southern and eastern site boundaries and are afforded protection being located within a designated Conservation Area. To the west of the site is existing apartments located at Wynfield Court in a two-storey building. The boundary between these apartments and the site is demarcated by the existing western elevation of the storage building which occupies the western portion of the site. The buildings to the north are a mix of commercial and mixed-use units with residential apartments at first floor level.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	Z/1994/0520 - 149 Upper Newtownards Road, Belfast, BT4 - Internal and external renovations and improvements – Granted
3.2	Z/1992/0182 - 149 Upper Newtownards Road, Belfast, BT4 - Replacement porch and adjoining security wall – Granted
3.3	Z/1991/0553 - 149 Upper Newtownards Road, Belfast, BT4 - Change of use from former hotel to showroom, storage and office accommodation – Granted
3.4	Z/1989/0757 - 149 Upper Newtownards Road, Belfast, BT4 - Change of use from hotel to commercial lighting showroom general storage and office accommodation – Appeal Dismissed
3.5	Z/1989/0533 - 149 Upper Newtownards Road, Belfast, BT4 - Construction of a car showroom – Withdrawn
3.6	Z/1986/2467 - 149 Upper Newtownards Road, Belfast, BT4 - Extension to and conversion of warehouse to photographic studios and processing works with associated office accommodation – Granted

3.7	Z/1985/2574 – 141 Upper Newtownards Road – Change of use to snooker hall and entertainment centre – Refused
3.8	Z/1979/1924 – Cavalier Hotel, 149 Upper Newtownards Road, Belfast, BT4 – Erection of New Entrance Porch/Alterations to Entrance and Reception – Granted
3.9	Z/1979/0136 - 149 Upper Newtownards Road, Belfast, BT4 - Extension to Hotel – Granted
3.10	Z/1978/1348 - 149 Upper Newtownards Road, Belfast, BT4 – Change of Use to Offices - Refused
3.11	Z/1976/0926 - Upper Newtownards Road - Extension to Hotel – Granted
3.12	Z/1975/0608 – 149 - 151 Upper Newtownards Road, Belfast, BT4 - Extension to Hotel– Granted
3.13	Z/1974/0538 - 149 Upper Newtownards Road, Belfast, BT4 – Extension to Hotel Premises– Refused
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015
4.3	Draft Belfast Metropolitan Area Plan 2004
4.4	4.4.1 Strategic Planning Policy Statement for Northern Ireland (SPPS) 4.4.2 Planning Policy Statement 3: Access, Movement and Parking 4.4.3 Planning Policy Statement 6: Planning, Archaeology and The Built Heritage 4.4.4 Planning Policy Statement 7: Quality Residential Environments 4.4.5 Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas 4.4.6 Planning Policy Statement 12: Housing in Settlements 4.4.7 Planning Policy Statement 15: Planning & Flood Risk 4.4.8 Creating Places 4.4.9 Development Control Advice Note 15: Vehicular Access Standards
5.0	Statutory Consultees Responses
5.1	Rivers Agency has no objection.
5.2	DFI Roads has no objection to the proposal subject to conditions.
6.0	Non-Statutory Consultees Responses
6.1	Environmental Health has no objection subject to conditions.
6.2	BCC Tree Officer has no objection subject to conditions.
6.3	BCC Conservation Officer advises that amendments have addressed previous concerns relating to building C, however objection to building A remains.
7.0	Representations

7.1	<p>The application has been re-neighbour notified and advertised in the local press. At the time of writing of this report eight representations have been received, with a further re-neighbour notification period due to expire on 11th September 2020. Any further objection received after the report has been published will be listed in the late items pack for Planning Committee on 15th September 2020.</p> <p>The following issues have been raised by objectors:</p> <ul style="list-style-type: none"> • Impact on protected trees within the Cyprus Avenue Conservation Areas; • Tree Survey report fails to consider all trees bounding the proposal site; • Discrepancies in tree report; • Details of protection measures for trees; • Building C significantly larger than the existing building on the site and will be out of place with the surrounding context; • Proximity of building C to the Cyprus Avenue Conservation Area; • Building C will be clearly visible from Cyprus Avenue Conservation Area and detrimentally impact on the character of the area; • Potential overlooking from Building C from 3 gable windows into adjacent properties at Cyprus Avenue; • Overlooking and loss of privacy; • Removal of brick gable wall along southern boundary and replacement with 1.8m timber fencing will detract from the Cyprus Avenue Conservation Area; • Removal of security fence along southern boundary; • Inadequate car parking provision; • Security lighting not detailed on plans; • Impact of the development and associated construction work on wildlife; • Impact of noise from the development and associated construction work on neighbouring residents; • Retention of brick wall on southern boundary welcome however would be more satisfactory if retained at 3.5m instead of 2.4m; • Clarification in regards to proposed roof lights being for ventilation only and obscured.
8.0	Other Material Considerations
8.1	The adopted Belfast Urban Area Plan 2001 designates the site as white land.
8.2	Draft Belfast Metropolitan Area Plan (BMAP) 2015 plan the site is designated as white land.
8.3	Draft Belfast Metropolitan Area Plan (BMAP) 2004 plan the site is designated as white land.
9.0	Assessment
9.1	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> • Principle of development and use; • Height, scale, massing, layout and design; • Provision of private amenity space; • Provision of parking and access; • Impact on residential amenity of neighbours; • Impact on protected trees; • Impact on adjacent Cyprus Park Conservation Area; • Consideration of representations; • Other environmental factors.

9.2	The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area. Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
9.3	As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted, however, this version of draft BMAP remains a material consideration. The site is located within the settlement development limit for Belfast. The site was designated as white land and the Upper Newtownards Road is an arterial route AR 1/17.
9.4	Draft BMAP 2004 version also designated the site as white land and the Upper Newtownards Road is an arterial route AR 1/17.
9.5	The adopted Belfast Urban Area Plan 2001 designates the site as white land.
9.6	<u>Principle of development</u> Given the status of the land in the adopted and draft Development Plans, the principle of development and the proposed use as residential is considered acceptable at this location. Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. It is deemed that this proposal will not result in demonstrable harm to the residential amenity of neighbours.
9.7	<u>Height, scale, massing, layout and design</u> The proposal will take the form of 3no. buildings accommodating 18no. apartments in total, with building A comprising of three storeys and buildings B and C comprising of two storeys. All of the proposed apartments are to be 2 bedroom 4 person apartments. The existing buildings to be removed have an extensive footprint, the building footprint to site area will be reduced through the proposal allowing the introduction of green space, of which the existing site is currently devoid.
9.8	Building A Ridge height – 11.2m from FFL Eaves height – 8.4m from FFL Length – 17.4m Gable depth – 16m
9.9	Building B Ridge height – 8.5m from FFL Eaves height – 5.1m from FFL Length – 15.5m Gable depth – 11.2m
9.10	Building C Ridge height – 8.5m from FFL Eaves height – 4.9m from FFL Length – 22.15m Gable depth – 11.3m

9.11	The height, scale and massing of the proposed apartment blocks are considered to be acceptable. The apartment buildings have been broken into three elements, which assists in the breaking up of the scale and massing of the overall development. The main body of the development at three storeys is located along the frontage of the Upper Newtownards Road and is reflective of existing development along this arterial route. It steps down to two storey next to its boundary with no. 151. The block is dual aspect, responding to its position at the site frontage with views from the Upper Newtownards Road. The proposed apartment block generally conforms with the established building line along the Upper Newtownards Road
9.12	Buildings B and C are to be two storey, respecting the scale, form and massing of the existing built form directly adjacent to the site at Wynfield Court and those dwellings on Cyprus Avenue. The architectural approach is traditional, taking cues from and sympathetic to the architecture in the area. The proposed design and architectural treatment has a vertical emphasis and materials are acceptable red brick and off white smooth render and black concrete roof tiles characteristic of the area. A condition is recommended that material samples be agreed with the Council prior to the development commencing.
9.13	All 3 blocks are located within areas of previous built footprint, they are generally set back further from the site boundaries than existing and result in less built footprint on the site than exists affording an opportunity for greater landscaping to be introduced. The proposed mix of hard and soft landscaping will assist in softening the visual impact of the built form and its integration to the surrounding area. The proposed layout and landscaping is considered to be acceptable and will provide an attractive outlook for prospective residents providing a varied and interesting frontage whilst enabling informal surveillance by future occupants. Communal bin stores and bicycle storage along with communal amenity areas are located throughout the development ensuring they are accessible to all residents. All of the proposed apartments in buildings A, B and C outlook on to either the public realm of the Upper Newtownards Road, the development itself or on communal open space and is considered acceptable.
9.14	In terms of the layout of the proposal, it is considered to be in keeping with the area and will deliver residential units at an accessible location on an arterial route. Whilst the proposal represents an increase in density, it is considered acceptable at this location and the area within which the site is located, and draws upon characteristics of more recent development in the area and is considered acceptable.
9.15	The proposal is compliant with the criterion (a) to (i) as set out in policy QD1 of Planning Policy Statement 7 – Quality Residential Environments and criterion (a) and (b) of policy LC 1 of the Addendum to Planning Policy Statement 7 – Safeguarding the Character of Established Residential Areas.
9.16	As the proposal site is located on an arterial route the space standards set out in Annex A of the Addendum to Planning Policy Statement 7 – Safeguarding the Character of Established Residential Areas do not apply in this instance, they do however provide good practise. All of the proposed apartments meet or are marginally under the relevant recommended minimum space standards.
9.17	<p><u>Provision of amenity space</u></p> <p>Creating Places recommends a minimum of between 10m²- 30m² for apartments developments. In terms of amenity space a total of 554.81m² is proposed with a further 34.81m² for communal bin storage and 15.76m² bicycle storage. This provides a total of 605.38m² of shared amenity space and equates to 33.63m² per apartment which exceeds the minimum and recommended amenity space per apartment as set out in Creating</p>

	<p>Places. Therefore it is considered that sufficient private amenity space has been provided for prospective residents.</p>
9.18	<p><u>Provision of parking and access</u></p> <p>The proposed development includes for 15 no. spaces, 3 no. to the sites frontage, 2 within a turning head between Blocks A and B and the remaining 10 no. (including an accessible parking bay) arranged in a central landscaped courtyard to the rear between blocks B and C. DFI Roads were consulted and following the submission of Transport Assessment Form and Residential Travel Plan, 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. It is considered that the site being located on an arterial route with convenient access to public transport including the Glider that this is acceptable. Planning considers that the proposal site is located at a sustainable location and shortfall of parking provision is acceptable due to the developments location, provision of cycle parking, access to public transport and a Travel Co-ordinator through the Management Company and the production of a Residential Travel Pack to be supplied to all future residents. The access road is not proposed to be adopted by DFI Roads.</p>
9.19	<p><u>Impact on residential amenity of neighbours</u></p> <p>In terms of overshadowing and overlooking it is considered that the proposed apartments are to be located a sufficient separation distance away from existing properties located at Cyprus Avenue with distances from the existing dwellings to the boundary ranging between 26m-34m, all exceeding the recommended 20m as set out in Creating Places. In respect of Wynfield Court the separation distance is to be 11.6m whilst this is less than recommended this is considered acceptable in this instance as the Wynfield Court gable does not have any windows facing the proposed rear elevation on of building C and therefore no unacceptable overlooking shall result. In terms of overshadowing, considering the orientation of the site and the sun path it is considered that no unacceptable overshadowing or loss of light will result. Building A will have a separation distance of 2.2m from no.151 Upper Newtownards Road, the existing building however is closer and longer. On balance considering the existing building on the proposal site and the built form of no.151, alongside the orientation of the site and sun path it is considered that no unacceptable overshadowing will result. In terms of overlooking three windows are proposed on the eastern elevation at both ground and first floor level, however the existing boundary treatment will ensure no unacceptable overlooking results from the ground floor apartment to no.151. At first floor level, two of the three windows are to be obscure glazed with the third window being a secondary window for living/kitchen room. A condition is recommended that the windows are to be obscured as detailed on the Plans submitted and retained thereafter. Therefore, it is considered that the proposed apartment buildings will not result in detrimental impact to the residential amenity of neighbouring properties.</p>
9.20	<p><u>Impact on protected trees</u></p> <p>Belfast City Council's Tree Officer was consulted with the proposal and objectors concerns. Following the submission of an updated tree survey, arboricultural impact assessment and method statement, landscaping plan and site section and the amended plans the Tree Officer was re-consulted. It is acknowledged that the proposed apartment blocks will be within the Root Protection Area of several of the trees, which are afforded protection due their location within the Cyprus Avenue Conservation Area and are outside the ownership of the applicant. However, considering the existing built form and hard standing currently on the proposal site, this will have acted as a barrier to the roots from those neighbouring trees. Considering this and that the proposal will have a reduced foot print from that currently on the site, this will ensure the proposal will not further encroach in the Root Protection Area of the neighbouring trees. The existing warehouse wall is to be retained along the southern boundary and will ensure no further encroachment. The boundary wall to the front will be constructed on the same foundations of the existing wall. There will be no significant changes of level within the</p>

	<p>RPA of any existing tree. The retaining structure to the front of trees 5 and 6 is to remain. This will ensure that these trees are not disturbed.</p>
9.21	<p>In respect of any construction works within the RPA of any existing tree, the Arboricultural Method Statement within the updated tree survey recommends that this should be carried out in accordance with recommendations outlined in BS 5837: 2012; this document recommends careful hand digging of foundation holes and the use of mini-piles and / or pile and beam foundations where mini-piles are not viable. Considering the above, the Tree officer has no objections to the proposal subject to conditions.</p>
9.22	<p><u>Impact on adjacent Cyprus Park Conservation Area</u></p> <p>The Conservation Area Officer was consulted with the proposal and objectors concerns. Whilst it is not located within the Cyprus Avenue Conservation Area the proposal site abuts two boundaries on it and concerns were raised in terms of the proposed scale and massing with particular regard to building C and the impact this would have on micro-views from between no's.26 and 28 Cyprus Avenue out of the Conservation Area looking northwards to the proposal. Whilst currently occupied by an industrial building, it is inoffensive due to its scale and shallow roof pitch. Following the Conservation Area Officers comments, building C was reduced from three storey at 11.36m to two storeys at 8.5m equating to a 2.84m reduction and the reduction in the height, scale and massing is considered acceptable. The Conservation Area Officer advised that given only a small portion of the roof would be marginally higher than the existing commercial building ridge height it would be difficult to argue that the proposal had a negative impact on micro-views available from Cyprus Avenue.</p>
9.23	<p>In terms of building A the Conservation Area Officer raised concern regarding the proposed building being three storey adjacent to a two storey building with attic space which is also within the Cyprus Avenue Conservation Area at no.151 Upper Newtownards Road. Officers however are content that whilst the main body of Block A is 3 storey it steps back and down to 2 storey at its boundary with no. 151, there are three storey terrace dwellings opposite and the block is adequately set back in line with the established building line with landscaping to its frontage. As such it is not out of keeping with the character of the frontage on to the Upper Newtownards Road. It is considered on balance that the proposal will not have a detrimental impact on the setting of the adjacent conservation area and is in compliance with PPS6 Policy BH12.</p>
9.24	<p><u>Wildlife/Biodiversity</u></p> <p>NIEAs Protected Areas Map Viewer confirms that the site is not affected by nor in close proximity to any International, European or National designation. The existing site is dominated by built footprint and tarmac hardstanding and is devoid of any green space other than that afforded by its neighbouring boundaries. Under the current proposals the built footprint to site area will reduce; new build will be within the confines of previous built footprint; measures have been put forward to ensure trees outside the site are protected and conditions are recommended in that regard; a landscaping scheme is proposed which includes for 18 new trees, grassed areas, hedgerows and planted beds and a condition recommended accordingly. It is considered that all these measures combined will serve to improve the environmental quality of the site and enhance its biodiversity.</p>
9.25	<p><u>Consideration of representations</u></p> <ul style="list-style-type: none"> • <i>Impact on protected trees within the Cyprus Avenue Conservation Areas</i> – See 9.20 and 9.21 in this report; • <i>Tree Survey report fails to consider all trees bounding the proposal site</i> – See 9.20 and 9.21 in this report • <i>Discrepancies in tree report</i> – See 9.20 and 9.21 in this report

	<ul style="list-style-type: none"> • Details of protection measures for trees – See 9.20 and 9.21 in this report • Building C significantly larger than the existing building on the site and will be out of place with the surrounding context – Building C has been reduced see 9.22 and 9.23 in this report; • Proximity of building C to the Cyprus Avenue Conservation Area – Building C has been reduced and see 9.22 and 9.23 in this report; • Building C will be clearly visible from Cyprus Avenue Conservation Area and detrimentally impact on the character of the area – Building C has been reduced and see 9.22 and 9.23 in this report; • Potential overlooking from Building C from 3 gable windows into adjacent properties at Cyprus Avenue – See 9.19 in this report; • Overlooking and loss of privacy – See 9.19 in this report; • Removal of brick gable wall along southern boundary and replacement with 1.8m timber fencing will detract from the Cyprus Avenue Conservation Area – Boundary wall to be retained at 2.4m; • Removal of security fence along southern boundary – The security fence is to be replaced with a 2.4m timber fence which will be more visually attractive; • Inadequate car parking provision – See 9.18 in this report; • Security lighting not detailed on plans – Environmental Health have recommended the attachment of an informative in regards to lighting; • Impact of the development and associated construction work on – see 9.24 in this report • Impact of noise from the development and associated construction work on neighbouring residents – This is temporary and environmental health have recommended the attachment of an informative in regards to construction noise; • Retention of brick wall on southern boundary welcome however would be more satisfactory if retained at 3.5m instead of 2.4m – the retention of the wall at 2.4m is considered to be acceptable. • Clarification in regards to proposed roof lights being for ventilation only and obscured – Skylights proposed will outlook on to the proposals own developments.
9.26	<p><u>Other environmental factors</u></p> <p>Environmental Health were consulted and considered the development proposed with respect to noise, air pollution, general amenity, ambient air quality, contaminated land and other considerations; the Generic Quantitative Risk Assessment report submitted by the applicant was assessed. Environmental Health has no objection subject to conditions with respect to Contaminating and Noise. Rivers Agency were consulted with a Drainage Assessment and have no objection to the proposal.</p>
9.27	<p><u>Recommendation</u></p> <p>The proposal is considerable to be acceptable and planning permission is recommended subject to conditions.</p>
9.28	<p>Having regard to the policy context and other material considerations above, the proposal is considered acceptable and approval of planning permission is recommended and delegated authority is sought for the final wording of conditions from the Director of Planning and Building Control.</p>
10.0	<p>Summary of Recommendation: Approval subject to conditions</p>
11.0	<p>Conditions</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

	<p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with the approved Site Layout as published on the Planning Portal on 27 August 2020 (architects drawing number 2605/L01F), to provide for parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles in connection with the approved development.</p> <p>Reason: To ensure that adequate provision has been made for parking within the site.</p> <p>3. The vehicular access shall be constructed prior to occupation in accordance with the approved Site Layout as published on the Planning Portal on 27 August 2020 (architects drawing number 2605/L01F).</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>4. Covered cycle parking shall be provided prior to occupation in accordance with the approved Site Layout as published on the Planning Portal on 27 August 2020 (architects drawing number 2605/L01F), and permanently retained as such.</p> <p>Reason: To ensure acceptable cycle parking on the site and to encourage alternative modes of transport to the private car.</p> <p>5. The Residential Travel Plan, bearing the date stamp 2nd December 2019, shall be implemented on completion of the development and operated in accordance with at all times.</p> <p>Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.</p> <p>6. The development hereby permitted shall operate in accordance with the Service Management Plan, bearing the date stamp 2nd December 2019.</p> <p>Reason: In the interests of road safety and the convenience of road users.</p> <p>7. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Planning Authority, prior to the development being occupied. If required, the Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.</p> <p>Reason: Protection of human health.</p> <p>8. Prior to installation of any windows and/or alternative means of ventilation to building A, the applicant must submit to and have agreed in writing by the Planning Authority, a report detailing the proposed façade noise insulation specification. The report must be based on a noise impact assessment which demonstrates that the proposed sound</p>
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reduction specification of windows and alternative means of ventilation will achieve the following internal noise levels within proposed residential units:

- Not exceed 35 dB $L_{Aeq,16hrs}$ at any time between 07:00hrs and 23:00hrs within any habitable room, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;
- Not exceed 30 dB $L_{Aeq,8hr}$ at any time between the hours of 23:00hrs and 07:00hrs within any bedroom, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;
- Not exceed 45 dB L_{Amax} more than 10 times between 23:00hrs and 07:00hrs within any proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current building control requirements.

Prior to occupation of building A, the approved facade sound insulation specification must be installed and retained thereafter.

Reason: Protection of Residential Amenity.

9. Existing trees numbered 5 and 6 on the stamped approved 'Proposed Site Layout and Landscape Plan', uploaded to the planning portal 27th August 2020 shall be retained unless they become seriously damaged, diseased or dying, in which case they shall be replaced during the next available planting season (October to March inclusive) with other trees of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of continued visual amenity afforded from existing trees.

10. Prior to any work commencing, protective barriers (fencing) and ground protection shall be erected / installed as per methods outlined within the M Large Ltd 'Tree Survey (Update), Black Sheep, Upper Newtownards Road' bearing the Belfast Planning Service date stamp 1st May 2020 and stamped approved drawing No. 20, bearing the Belfast Planning Service date stamp 1st May 2020 on all trees to be retained, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.

Within the fenced area no activities associated with building operations shall take place, no storage of materials, and the ground levels within those areas shall not be altered.

Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

11. All demolition and excavation works shall be carried out in accordance with recommendations outlined within BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations' as referenced in the M Large Ltd 'Tree Survey (Update), Black Sheep, Upper Newtownards Road' bearing the Belfast Planning Service date stamp 1st May 2020.

Reason: To ensure damage is not caused to protected trees by the development hereby approved.

	<p>12. Where construction is proposed within the Root Protection Area (RPA) of existing trees and hedges, this shall be carried out in accordance with recommendations outlined within BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations' as referenced in the M Large Ltd 'Tree Survey (Update), Black Sheep, Upper Newtownards Road' bearing the Belfast Planning Service date stamp 1st May 2020.</p> <p>Reason: To ensure damage is not caused to protected trees by the development hereby approved.</p> <p>13. If roots are accidentally damaged the council must be notified and given the opportunity to inspect the damage before it is covered over.</p> <p>Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees / hedging.</p> <p>14. All hard and soft landscaping works shall be carried out in accordance with the details on drawing no.2605/L01F uploaded to the planning portal 27th August 2020. These works shall be carried out prior to the occupation of the development hereby approved or before the end of the first planting season after occupation, whatever is sooner, and shall be permanently retained thereafter. 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 similar species and size, details of which shall have first been submitted to and approved in writing by the Council.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>15. Prior to the commencement of development details of the external finishes, including samples of materials to be used shall be submitted to Belfast City Council for agreement in writing, the development shall be constructed in accordance with those samples agreed and noted on the approved drawings.</p> <p>Reason: To ensure a quality standard of finish in the interests of visual amenity and the character and appearance of the area.</p> <p>16. The windows identified as obscure glazed on the first floor gable elevations of Apartment Building C as shown on Drawing P03.1 as published on the Planning Portal on 29/07/2020 and as identified on the northern gable elevation of Apartment Building A as detailed on Drawing 06A published on the planning portal on 1 May 2020, shall be obscured glazing and permanently retained as such.</p> <p>Reason: In the interests of residential amenity.</p> <p>Informative:</p> <ol style="list-style-type: none"> 1. The applicant should pay due regard to BS 5228:2009+A1:2014 Code of Practice for Noise and Vibration on Construction and Open sites, and the IAQM Guidance on the Assessment of Dust from Demolition and Construction 2014 and employ best practicable means to ensure the amenity of nearby properties is protected. 2. The design of any proposed lighting scheme for the proposal should be in accordance with guidance contained within the Institute of Lighting Professionals 'Guidance for the
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	<p>Reduction of Obtrusive Light' ILP (2011) available online at: https://www.theilp.org.uk/resources/free-resources/ilp-guidance-notes/</p> <ol style="list-style-type: none"> 3. All flood lighting should be optically controlled and directed in such a manner as to minimise light pollution from glare and light spill. 4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority. 5. The applicant's attention is drawn to the information provided on the consultee responses which are available to view on the planning portal. 6. This planning permission includes conditions which require additional details to be submitted to and approved by the Council. Please read the conditions carefully. You should allow at least 8 weeks for the Council to assess the details and respond. This may take longer in cases which involve the submission of detailed technical reports. You should allow for this when planning your project. If you proceed without the approval of these details from the Planning Authority you do so at your own risk.
Notification to Department (if relevant)	
N/A	
Representations from Elected members:	
<p>Cllr Kyle – on behalf of objector Cllr Dorrian – update on status Cllr Hussey – update on status</p>	

ANNEX	
Date Valid	8th October 2019
Date First Advertised	25th October 2019
Date Last Advertised	n/a
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Wynfield Court,Belfast,Down,BT5 5NS The Owner/Occupier, 135 Upper Newtownards Road,Belfast,Down,BT4 3HX The Owner/Occupier, 139 Upper Newtownards Road,Belfast,Down,BT4 3HX The Owner/Occupier, 145 Upper Newtownards Road,Belfast,Down,BT4 3HX The Owner/Occupier, 147 Upper Newtownards Road,Belfast,Down,BT4 3HX The Owner/Occupier, 151 Upper Newtownards Road,Belfast,Down,BT4 3HX The Owner/Occupier, 188 Upper Newtownards Road,Belfast,Down,BT4 3ES The Owner/Occupier, 190 Upper Newtownards Road,Belfast,Down,BT4 3ES The Owner/Occupier, 192 Upper Newtownards Road,Belfast,Down,BT4 3ES The Owner/Occupier, 194 Upper Newtownards Road,Belfast,Down,BT4 3ET The Owner/Occupier, 196 Upper Newtownards Road,Belfast,Down,BT4 3ET The Owner/Occupier, 2 Wynfield Court,Belfast,Down,BT5 5NS Brian Faith 20 Cyprus Avenue Belfast Down Anne Patterson 24, Cyprus Avenue, Belfast, Down, Northern Ireland, BT5 5NT The Owner/Occupier, 26 Cyprus Avenue,Belfast,Down,BT5 5NT Stephen Magrath 26, Cyprus Avenue, Belfast, Down, Northern Ireland, BT5 5NT Stephen Magrath 26, Cyprus Avenue, Belfast, Down, Northern Ireland, BT5 5NT The Owner/Occupier, 28 Cyprus Avenue,Belfast,Down,BT5 5NT Gavin Harper 28, Cyprus Avenue, Belfast, Down, Northern Ireland, BT5 5NT Gavin Harper 28, Cyprus Avenue, Belfast, Down, Northern Ireland, BT5 5NT The Owner/Occupier, 3 Wynfield Court,Belfast,Down,BT5 5NS The Owner/Occupier, 30 Cyprus Avenue,Belfast,Down,BT5 5NT	

Philip William Robinson 30, Cyprus Avenue, Belfast, Down, Northern Ireland, BT5 5NT The Owner/Occupier, 32 Cyprus Avenue, Belfast, Down, BT5 5NT Ronnie Baird 32, Cyprus Avenue, Belfast, Down, Northern Ireland, BT5 5NT The Owner/Occupier, 34 Cyprus Avenue, Belfast, Down, BT5 5NT The Owner/Occupier, 36 Cyprus Avenue, Belfast, Down, BT5 5NT The Owner/Occupier, 4 Wynfield Court, Belfast, Down, BT5 5NS The Owner/Occupier, Apartment 1, 137 Upper Newtownards Road, Belfast, Down, BT4 3HX The Owner/Occupier, Apartment 2, 137 Upper Newtownards Road, Belfast, Down, BT4 3HX The Owner/Occupier, Apartment 3, 137 Upper Newtownards Road, Belfast, Down, BT4 3HX The Owner/Occupier, Apartment 4, 137 Upper Newtownards Road, Belfast, Down, BT4 3HX The Owner/Occupier, Store, 143 Upper Newtownards Road, Belfast, Down, BT4 3HX Alison Gray	
Date of Last Neighbour Notification	28 th August 2020
Date of EIA Determination	n/a
ES Requested	No
Drawing Numbers and Title	
01 Site Location Plan 06A Apartment Building A Proposed Plans 07A Apartment Building A Proposed Plans 08A Apartment Building A Proposed Elevations 09A Apartment Building A Proposed Elevations 10A Apartment Building B Proposed Plans 11A Apartment Building B Proposed Elevations 20 Tree Survey Proposed Site Layout and Landscaping (Drawing No. 2605/L01F) published on portal 27/08/2020 Proposed Plans Revision B Apartment Building C published on portal 29/07/2020 Proposed Elevations Revision B Apartment building C published on portal 29/07/2020 Proposed Elevations Revision B Apartment building C published on portal 29/07/2020	

Committee Application

Development Management Report	
Application ID: LA04/2019/1537/F	Date of Committee: 15 September 2020
Proposal: Replacement of existing dwelling with 2no. detached dwellings and new access onto New Forge Lane with associated landscape works.	Location: 28 Piney Lane, Belfast, BT9 5QS.
Referral Route: Councillor referral Reason: To afford applicant opportunity to address Committee with respect to road layout / traffic	
Recommendation:	Refusal
Applicant Name and Address: Tony Jordan 28 Piney Lane Malone Upper Belfast	Agent Name and Address: McGurran Associates Ltd 551-555 Lisburn Road Belfast BT9 7GQ
<p>Executive Summary:</p> <p>The proposal is for 'Replacement of existing dwelling with 2no. detached dwellings and new access onto New Forge Lane with associated landscape works'.</p> <p>The key issues to consider are:</p> <ul style="list-style-type: none"> • Principle of development • Impact on character of the area • Impact on amenity • Impact on road safety • Impact on the Lagan Valley AONB <p>No representations were received in respect of the proposed development.</p> <p>The proposal includes the subdivision of one existing residential plot into two plots for residential dwellings and utilises a shared access and parking area for both dwellings. On balance, it is considered that the proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance.</p> <p>There are no residential amenity concerns, acceptable private amenity space is proposed and proposed landscaping assists with integration and softening of the proposed development. With regard to the surrounding residential context, the proposal is sympathetic to the character of the Lagan Valley AONB. Proposed parking arrangements are considered acceptable, whilst an acceptable movement pattern is proposed, including pedestrian and cycle access to Piney Lane.</p> <p>However, following consultation with DFI Roads, it is considered that the proposed access is unacceptable due to the potential impact on road safety.</p> <p>Case officer recommendation is therefore Refusal.</p>	

Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	<p>The proposal is for 'Replacement of existing dwelling with 2no. detached dwellings and new access onto New Forge Lane with associated landscape works'.</p> <p>The proposed dwellings utilise a shared access and parking area. Vehicular access is taken from New Forge Lane with proposed pedestrian access to and from Piney Lane. The proposed dwellings are 2 storey in height and are finished in white render, slate roof and grey uPVC windows. House type B includes a one storey flat roofed side extension.</p>
2.0	Description of Site
2.1	<p>The site is located within the urban area of Belfast. There is currently one large two storey detached dwelling and garage located on the site, located at the end of a cul de sac. There are two accesses into the site, one via Piney Lane and another via Newforge Lane. The dwelling sits on a site between two existing dwellings, No. 26 and No. 37. The party boundary with No. 37 is partly defined by mature hedgerow and shrubbery and partly undefined due to ongoing construction works at No. 37. The boundary with No. 26 and the rear boundary of the site are defined by mature hedging and shrubbery.</p>
2.2	<p>The surrounding area is characterised primarily by residential development. The majority of dwellings are detached, with generous plot sizes. There is a business park located approximately 300 metres to the south of the site, further along Newforge Lane.</p>
	
Planning Assessment of Policy and other Material Considerations	
3.0	Site History

3.1	LA04/2019/0293/F - Demolition of existing house and construction of two new houses - Withdrawn.	
3.2	LA04/2017/1133/F - Erection of 2 dwellings with first floor terrace. Vehicular access from Newforge Lane and Piney Lane - Refused 22/9/17.	
3.3	Z/2000/2121/F - Alterations and first floor extension to dwelling, with new vehicular access to rear - Granted 30/10/00.	
3.4	Z/1989/0446/F - Extensions to dwelling and construction of rear access - Granted.	
	Surrounding Planning History:	
3.5	Z/2011/0749 - Erection of new dwelling to the rear of 35 Piney Lane with associated parking and landscaping - 35 Piney Lane, Belfast – Granted.	
3.6	Z/2014/1557/F – 4 No. Detached dwellings with associated car parking and landscaping - 20 Piney Lane, Belfast – Granted.	
3.7	Z/2012/0770/F - Demolition of existing dwelling and proposed 4no detached dwellings - 4a Newforge Lane, Belfast – Granted.	
4.0	Policy Framework	
4.1	Belfast Urban Area Plan (BUAP)	
4.2	Draft Belfast Metropolitan Plan 2004 (Draft BMAP)	
4.3	Draft Belfast Metropolitan Plan 2015 (Draft BMAP)	
	4.1.1	Lagan Valley Area of Outstanding Natural Beauty (AONB)
4.3	Strategic Planning Policy Statement (SPPS) PPS 3 Access, Movement and Parking PPS 7 Quality Residential Environments PPS 7 Addendum - Safeguarding the character of established residential areas	
5.0	Statutory Consultees Responses	
5.1	DFI Roads – Objection to the proposed access	
6.0	Non Statutory Consultees Responses	
6.1	BCC Environmental Health – No objection	
6.2	NI Water – No objection	
7.0	Representations	
7.1	No representations were received in respect of the proposed development.	
8.0	Assessment	

8.1	<p><u>Development Plan context</u></p> <p>Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The appeal site is located within the urban area of Belfast. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with draft BMAP remaining a material consideration.</p>
8.2	<p>The site is not zoned within either BUAP or draft BMAP. The site is however located within the Lagan Valley Area of Outstanding Natural Beauty (AONB). A Design & Access statement has been submitted in accordance with the requirements of the Planning (General Development Procedure) Order (NI) 2015.</p>
8.3	<p><u>SPPS</u></p> <p>The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. The SPPS advises that within established residential areas, the proposed density of new housing development, together with its form, scale, massing and layout should respect local character and environmental quality as well as safeguarding the amenity of existing residents. The SPPS also encourages sustainable forms of development, balanced communities and good design.</p>
8.4	<p><u>Character / layout</u></p> <p>The proposal includes the subdivision of one existing residential plot into two plots for residential dwellings and utilises a shared access and parking area for both dwellings. The existing site has dual access points to the single dwelling from Piney Lane and New Forge Lane, with the Piney Lane access used primarily. Proposed access to the two dwellings is taken directly from Newforge Lane.</p>
8.5	<p>The site is located within the existing Piney Hills residential development, with a general characteristic of detached dwellings in generous sized plots. The general characteristic of residential development along Newforge Lane is similar, primarily detached dwellings in generous sized plots however there are also a number of apartment developments. It is acknowledged that the surrounding area displays an eclectic mix of house types in terms of design and materials.</p>
8.6	<p>The proposed site has a frontage onto Newforge Lane measuring approximately 41 metres, whilst the frontage towards Piney Lane only measures approximately 8.5 metres. The dwelling immediately to the north of the site, No. 26 Piney Lane is similar to the application site in that it has a larger frontage to Newforge Lane, however it is accessed from Piney Lane, albeit with a pedestrian access from Newforge Lane. The applicant has referred to a previous planning approval relating to No. 35a Piney Lane (Z/2011/0749) and identified similarities with this proposal. The previous approval related to a subdivision of the plot of No. 35 Piney Lane to include an additional dwelling in the side garden. No. 35 Piney Lane also occupies a corner site within the Piney Hills development resulting in a larger frontage to Newforge Lane at the rear in comparison to the frontage with Piney Lane. The approved dwelling under Z/2011/0749 included access from Newforge Lane. This dwelling is currently under construction.</p>

8.7	The application site measures approximately 1100 square metres, which generally compares favourably with existing development in terms of plot size. It is acknowledged the site is one of the larger plots within the locality.
8.8	The surrounding area is relatively low residential density. The proposed subdivision of the plot is at odds with the traditional layout of the Piney Hills and Newforge Lane developments, however it is important to consider the current context and recent planning approvals in the locality. The aforementioned application to subdivide the plot at No. 35 Piney Lane is comparable to the application site in that they are both corner sites and they are two of the larger sites within the Piney Hills development, albeit the site at No. 35 is slightly larger. Furthermore, 4 No. detached dwellings were previously approved at No. 20 Piney Lane under ref. Z/2014/1557/F. This development has now been constructed. The sites are generally smaller than neighbouring dwellings, however it is considered that they respond positively to the surrounding character.
8.9	It is important to consider the proposed parking area when assessing the impact on character of the surrounding area. The proposal includes a communal parking area at the front of the dwelling and a shared access. This arrangement is at odds with the surrounding character of the Piney Hills development, however the site access is proposed from Newforge Lane. There are a number of apartment developments located on Newforge Lane, where a similar arrangement is apparent. A shared access for 4 detached dwellings was also previously approved under ref. Z/2012/0770/F at No. 4A Newforge Lane. This development has now been constructed.
8.10	Whilst it is acknowledged that the proposal does not follow the traditional layout of the residential development, it is considered that the surrounding context has been altered through the approval of subsequent planning applications for residential development. Furthermore, the site has unique characteristics which enable the appropriate subdivision of the site into two residential units. On balance, it is considered that the proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance.
8.11	<u>Design</u> The proposed dwellings are two storey, with a ridge height of 8.1 metres. The proposed dwellings are slightly smaller in height than the existing dwelling. House type B proposes a flat roofed side extension. It is considered the proposed design draws upon the best local traditions of form, materials and detailing.
8.12	<u>Residential Amenity</u> It is considered that the design and layout will not create conflict with adjacent land uses.
8.13	The two storey element of House type B is located at least 6.5 metres from the party boundary with No. 26 and approximately 12.5 metres from the single storey side extension of No. 26. The gable of the two storey element runs at an angle away from No. 26, therefore the front of the gable is located approximately 10.5 metres from the party boundary and 18.6 metres from the side extension of No. 26. The flat roof side extension of House Type B is located near to the party boundary. There will be no overlooking impact from House type B towards No. 26. Although the proposed dwelling is located to the south of No. 26, it is considered that the design of House type B will negate any potential impact regarding overshadowing or loss of light.
8.14	House Type A is located closer to the party boundary with No. 37 than the existing dwelling. The proposed dwelling will be located approximately 5 metres from the gable of No. 37, whilst the existing dwelling currently sits approximately 7.8 metres from this gable elevation. The gable elevation of No. 37 has a lounge window and a garage window at ground floor and an

	upper floor window which appears to be a hall or bedroom. Due to the orientation of the proposal, there should not be a major overshadowing impact on these windows. It is also noted that the lounge has an additional larger window at the rear. It is not considered that the proposal will give rise to a significant loss of light on No. 37. There are two proposed windows on the gable elevation of House type A facing No. 37, however they are for bathroom and ensuite, therefore there are no concerns with overlooking. It is considered that there is no unacceptable adverse impact on residential amenity as a result of the proposal.
8.15	<p><u>Private amenity / landscaping</u></p> <p>Adequate provision has been made for private open space within the proposed development, in accordance with the provisions of Creating Places. Following consultation with the Tree officer, it is considered the proposed landscaping assists with integration and softens the visual impact of the proposal.</p>
8.16	<p><u>Access / parking / movement pattern / proximity to facilities</u></p> <p>The agent submitted a supporting document entitled 'Traffic Speed Survey & Sight Lines'. This document advances that sightlines of 2 m x 33 m would be required for this proposal and that this arrangement would be a betterment of the existing scenario. DFI Roads have assessed the proposed access and advised that sightlines of 2 m x 45 m would be required.</p>
8.17	The agent has raised inconsistencies between the DFI Roads approach to this application and a similar application for a dwelling at No. 35 Piney Lane (ref. LA04/2016/1796/F). The DFI Roads case officer has advised that the applications differ in that the approved access for LA04/2016/1796/F is at a point exclusively within a private (unadopted) road, which is different to the proposal. It is therefore considered that the proposed access is unacceptable due to the potential impact on road safety and planning permission should be refused for this reason.
8.18	Proposed parking arrangements are considered acceptable, whilst an acceptable movement pattern is proposed, including pedestrian and cycle access to Piney Lane. Due to the nature of the proposal, there is no requirement to provide local facilities.
8.19	<p><u>Area of Outstanding Natural Beauty</u></p> <p>The site is located within the Lagan Valley AONB therefore the proposal should comply with the tests of Policy NH 6 of PPS 2. As previously considered within the report, on balance, the proposed dwellings are acceptable in terms of design size and scale. The site is located within a residential area and with regard to this surrounding context, the proposal is sympathetic to the character of the AONB and it is respectful of features of importance to the character, appearance or heritage of the landscape.</p>
8.20	<p><u>Heritage / crime & safety</u></p> <p>There are no concerns with the impact of the proposal on features of archaeological and built heritage, nor are there any concerns with potential crime or personal safety issues.</p>
8.21	<p><u>Other Issues</u></p> <p>BCC Environmental Health records do not indicate potential land contamination associated with past land-use on or in close proximity to this proposed development, therefore they offer no objection to the proposal. NI Water have confirmed that there is available WWTW capacity to facilitate the development.</p>
8.22	<p><u>Councillor referral</u></p> <p>Councillor Lyons requested that the application is presented to the Planning Committee in relation to road layout / traffic and that the applicant is afforded his right to address the committee.</p>

9.0	Summary of Recommendation: REFUSAL
9.1	On balance, it is considered that the proposed two dwellings are appropriate to the surrounding character and context of the site. The proposal includes an acceptable provision of private open space and there are no residential amenity concerns.
9.2	However, DFI Roads have advised the Council that visibility splays of 2 m x 45 m would be required to facilitate this development, however 2 m x 33 m splays have been proposed. The agent has provided supporting information, however DFI Roads advise that this is not acceptable.
9.3	It is considered that the proposal does not comply with Policy AMP 2 of PPS 3 in that the proposed access will prejudice road safety. Refusal is therefore recommended.
10.0	Reasons for Refusal
10.1	The proposal is contrary to Policy AMP 2 of PPS 3 'Access, Movement and Parking' in that the proposed access will prejudice road safety by reason that the development would be served by an access with substandard visibility.
Notification to Department (if relevant)	
Representations from Elected members:	
Cllr Lyons	

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Committee Application

Development Management Report	
Application ID: LA04/2019/1254/F	Date of Committee: 15 th September 2020
Proposal: Erection of independent living complex 16No. units with associated landscaping, parking and access off Balmoral Avenue. (AMENDED PLANS AND ADDITIONAL INFORMATION)	Location: Land at former Kings Hall and RUAS Complex located to the east of the King's Hall and to the rear of Nos 7-23 Harberton Park Belfast BT9 6GW
Referral Route: Residential scheme of more than 12 units with representations received which conflict with officer recommendation	
Recommendation:	Approval
Applicant Name and Address: Benmore Octopus Healthcare Developments (KH) Ltd Rushmere House 46 Cadogan Park Belfast BT9 6HH	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<p>Executive Summary: This application seeks full planning permission for the erection of an independent living complex of 16 no. units with associated landscaping, parking and access off Balmoral Avenue.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • Principle of development • Setting of Listed Building • Demolition and impact on Conservation Area • Design, Impact on character on the character and appearance of the area • Trees and Landscaping • Impact on residential amenity • Air Quality • Contamination • Access, Movement and Parking • Flooding / Infrastructure Capacity <p>In the BUAP, the site is unzoned whiteland. In Draft BMAP 2004 and BMAP 2015, the site is unzoned whiteland with a small portion along Balmoral Avenue identified as falling within Malone Conservation Area. The proposed residential use does not conflict with the development plan or planning policy and is therefore acceptable in principle.</p> <p>4 objections have been received to date, summarised as;</p> <ul style="list-style-type: none"> • This is a change from the original proposal presented at the public consultation event; • Compromise privacy and security of properties adjoining the new Balmoral Access; • Creation of unsafe access, in close proximity to existing accesses and junction; • Increased safety risk to pedestrians, cyclists and road users with increased accidents; • Intensification and congestion; • New access moving closer to No 27 Balmoral Avenue, potential for encroachment; 	

- Inadequate separation distances between existing and proposed properties;
- Loss of privacy;
- Loss of mature boundary trees.

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

DFI Roads, Rivers Agency, HED, NI Water, DAERA, BCC Environmental Health and BCC Trees were all consulted and have offered no objection to the proposal.

The site forms part of the wider Kings Hall complex for which there are a number of approved and current planning applications seeking to redevelop the area. At this stage, planning permission has been granted for Phase 1 works that includes the redevelopment of the King's Hall venue as a primary health care facility and offices, public realm, landscaping and access works and a children's day nursery. Phase 1 works are currently underway.

There is currently two live planning applications for the development of the rest of the site under references LA04/2020/0845/O and LA04/2019/2989/F. Whilst these applications are yet to be determined, they do provide an indication of how the wider site is to be developed. Measures have been incorporated within the proposed application to ensure that the residential environment for future occupants will be acceptable in the interim, which includes a pocket park which has also been incorporated into the proposed masterplan layout submitted under the main outline application LA04/2020/0845/O. In terms of future uses and compatibility with the proposed residential use, the proposed masterplan has taken this into account and has shown how this can be achieved. However ultimately if this application is approved, it will be for the future application for the wider site to ensure compatibility with this residential use. The applicant has also agreed to phasing conditions linking to the restoration of the listed Kings Hall to ensure these works are completed in conjunction with this proposed independent living application.

In relation to all other matters, the proposal is considered acceptable in terms of design, impact on character and appearance of the area, setting of listed building and Malone Conservation Area, impact on highway safety, parking, access, flooding / drainage, trees and landscaping and contamination.

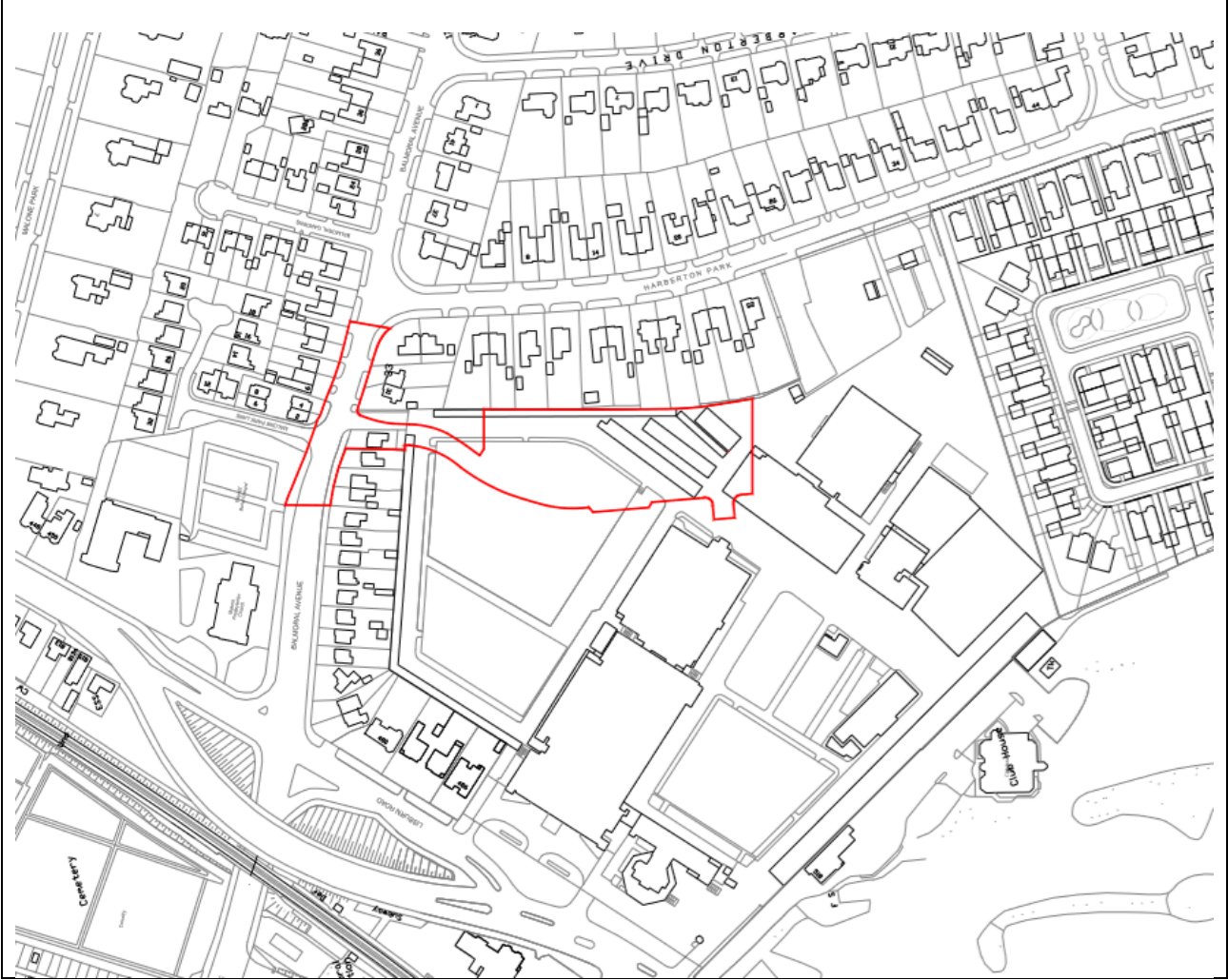
The proposal has been assessed against and is considered to comply with the BUAP, Draft BMAP, with PPS3, PPS6, PPS7, PPS7 Addendum, PPS12, PPS15 and the SPPS. Having regard to the development plan, relevant planning policies, and other material considerations including third party representations, on balance, it is recommended that the proposal is approved.

Recommendation – Approved subject to conditions

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

Case Officer Report

Site Location Plan





Characteristics of the Site and Area	
1.0	<p>Description of Proposed Development</p> <p>This application seeks full permission for the erection of 16 x 2 bedroom independent living units with associated landscaping, parking and access from Balmoral Avenue.</p> <p>The proposal has been amended over the course of the application to include the following:</p> <ul style="list-style-type: none"> • Increased separation distances to properties along Harberton Park; • Reconfigured layout with revised car parking and landscaping; • Increased garden areas; • Hoarding and additional landscaping along the western boundary with wider Kings Hall site; • Pocket park (outside red line of application site but within the blue line). <p><u>Overview of Independent Living Units</u></p> <p>The agent has advised that the independent living accommodation is to typically serve people aged 55 or over and the more active elderly. The services include private amenity space provision, 1/2 bedroom apartments with fitted kitchens, careful consideration to the interior of the apartments (e.g. slip resistant flooring, lever taps to camera door entry), 24 hour emergency calling system. The agent advises a management company is to be responsible for the day to day running of the development, including the provision of assistance for homeowners and the maintenance of shared spaces. However, there is no overriding planning reason to restrict occupation of the development in this way and the proposal is being assessed in the same way as standard housing.</p>
2.0	<p>Description of Site and Area</p> <p>The application site forms part of the wider Kings Hall complex. It extends to an area of 0.92 hectares, includes 29 Balmoral Avenue, the existing vehicular access from Balmoral Avenue and lands to the rear of 7- 23 Harberton Park. Single storey stable blocks are located along the eastern perimeter which have since been demolished with the rear boundary wall retained. The site is relatively flat with a modest rise in levels towards the eastern boundary with Harberton Park. Work is ongoing including the demolition of buildings around the listed King's Hall and extension as part of the approved LA04/2018/0040/F.</p> <p>The surrounding area is predominately residential in nature comprising of two storey semi-detached and detached dwellings to the north and east, with the former Kings Hall complex and Balmoral Golf Club to the south and west.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <p>Application Site LA04/2018/0047/DCA - Demolition of 29 Balmoral Avenue – Granted 16th April 2019</p> <p>LA04/2018/0048/LBC - Conversion of, alterations to and side extension to King's Hall to accommodate Primary Health Care Centre, demolition of existing extensions to King's Hall and relocation and restoration of existing railings and pillars to the front of King's Hall – Granted 16th April 2019</p> <p>LA04/2018/0040/F – Demolition of 29 Balmoral Avenue, demolition of existing non-listed building on site (including conference facility, showgrounds and stables). Refurbishment, creation of new floorspace and change of use from King's Hall venue to primary health care</p>

	<p>centre (including ancillary retailing and café). Erection of 2 storey side extension, repositioned access to Upper Lisburn Road, alterations to existing Balmoral Avenue access, internal access roads, public realm and landscaping, surface level car parks and associated site works including boundary treatments – Granted 16th April 2019</p> <p>LA04/2020/0747/F - Application under section 54 of the Planning Act (NI) 2011 in respect of planning approval LA04/2018/0040/F seeking to vary condition No. 39 to amend the approved layout Drawing No.38 Road layout geometry and levels Phase 1 to reflect the amended layout – Granted 29th June 2020</p> <p>Kings Hall Complex LA04/2015/0230/F - Retrospective development of modular buildings within the Kings Hall complex for use as a day care nursery for a temporary period of four years – Granted 20th January 2016</p> <p>LA04/2019/2848/F - Construction of day nursery/playschool facility to replace existing temporary day care nursery and reconfiguration of car park approved under LA04/2018/0040/F with associated landscaping and access works – Granted 29th June 2020</p> <p>LA04/2019/2989/F - Erection of a care home with associated car parking, servicing, landscape and access off Balmoral Avenue.(Amended drawings and further information received) – Pending</p> <p>LA04/2020/0171/DC - Discharge of condition no.2 of LA04/2018/0047/DCA (contract for the redevelopment) – Granted 14th February 2020</p> <p>LA04/2020/0845/O - Outline planning permission for a mixed use regeneration proposal with all matters reserved for retirement living at plot 6, medical or health services at plot 9, multi storey car park, local retail uses, restaurant and cafe uses, leisure and gym facilities at plot 8, associated internal access roads, associated new public realm and amenity open space including central plaza and access from Upper Lisburn Road (as per planning approval reference LA04/2018/0040/F); and no matters reserved for residential development (81 apartments) at plot 3 with ground floor local retail use/restaurant and cafe uses/leisure and gym facilities, associated landscaping, car parking and access from Upper Lisburn Road (as per planning approval reference LA04/2018/0040/F) and reconfiguration of temporary car park to the rear of King's Hall (approved under LA04/2018/0040/F) – Pending</p> <p>Land East of Harberton Park to the South of no. 25 Harberton Park LA04/2017/1394/F - Erection of supported accommodation for older people comprising 28 one bedroom and 4 two bedroom apartments and associated communal space including dining and social areas; kitchen: staff facilities comprising office and changing rooms: laundry room: external landscaped garden: car parking: dedicated vehicular access off Harberton Park and associated landscaping (32 apartments in total) – Granted 16th March 2018</p>
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	<p>(Draft) Belfast Metropolitan Area Plan (BMAP) 2015</p> <p>Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which 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.</p> <p>Draft BMAP 2004</p>

	4.2.1	Policy SETT2 Development with the Metropolitan Development Limit and Settlement Development Limits
	4.2.2	Designation BT001 Metropolitan Development Limit
		Draft BMAP 2015 (purported to be adopted)
	4.2.3	Policy SETT 2 Development within the Metropolitan Development Limits and Settlement Development Limits.
4.3		Regional Development Strategy 2035
4.4		Strategic Planning Policy Statement 2015
4.5		Planning Policy Statement 3: Access, Movement and Parking Planning Policy Statement 6: Planning, Archaeology and the Built Heritage Planning Policy Statement 7 (PPS7) Quality Residential Environments Planning Policy Statement 7 (PPS7) Addendum: Safeguarding the Character of Established Residential Areas Planning Policy Statement 12 (PPS12) Housing in Settlements Planning Policy Statement 15 (Revised) Planning and Flood Risk
4.6		Section 91 of the Planning Act (Northern Ireland) 2011 “In considering whether to grant planning permission for development which affects a listed building or its setting, a Council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
4.7		Section 104 of the Planning Act (Northern Ireland) 2011 “Special regard must be had to the desirability of preserving the character or appearance of the Conservation Area or enhancing the character of appearance where an opportunity to do so arises.”
5.0		Statutory Consultees Responses
5.1		DFI Roads – No objection subject to condition
5.2		Rivers Agency – No objection
5.3		DAERA (Water Management Unit) – No objection, refers to standing advice on conditions
5.5		DAERA (Land and Groundwater Team) – No objection
5.7		NI Water – Advice
5.8		Historic Environment Division – No objection
6.0		Non-Statutory Consultees Responses
6.1		BCC Environmental Health – No objection subject to conditions
6.4		BCC Tree Officer – No objection
7.0		Representations
7.1		<p>The application was neighbour notified on the 24th June 2019. It was advertised in the local press on the 14th June 2019.</p> <p>Following receipt of additional information and amended plans, the application was re-neighbour notified on the 24th August 2020, the period for which expired on the 7th September 2020. Any additional representations received will be reported as a committee update item.</p> <p>4 letters of objection received to date, summarised as follows:</p> <ul style="list-style-type: none"> This is a change from the original proposal presented at the public consultation event, verbal agreements were made that never materialised, agents have ignored requests for updates; <p><i>Officer Response:</i> <i>As this is a local planning application, there is no requirement for the pre-application community consultation to be carried out. This only applies to major planning applications.</i></p>

	<ul style="list-style-type: none"> Compromise of privacy and security of property adjoining the new Balmoral access; <u>Officer Response:</u> <i>Balmoral Avenue access has already been approved under application LA04/2018/0040/F.</i> Creation of unsafe access contrary to DCAN 15 and Creating Places, too close to existing access points and junction which will result in increased accidents; Will restrict access to the homes of adjoining properties; <u>Officer Response:</u> <i>DFI Roads have advised that visibility for adjoining properties is good.</i> Increased safety risk to pedestrians, cyclists and road users; Revised proposal shows access is moving closer to boundary with 27 Balmoral Avenue, reducing extent of landscaping buffer; May need to encroach on the boundary with No 27 Balmoral Avenue to build the wall; <u>Officer Response:</u> <i>The proposed works are shown to be within the application boundary.</i> Intensification of new access at Balmoral Road, not only for 16 independent units but also traffic associated with care home, GP/doctors carpark and staff car parking at the relocated day nursery; Intensification of movements around the new junction, wide variations in flow and restricted turning movements, particularly with prolonged daily peaks, may inevitably create confusion and uncertainty for other drivers and existing residents, and may increase the potential for accidents; <u>Officer Response:</u> <i>The evidence provided by the applicant which has been subject to review by DFI Roads, does not indicate that this development is likely to generate significant traffic. DFI Roads offer no objection on road safety.</i> Increased traffic congestion; Inadequate separation distances between the proposed buildings and adjoining properties; Loss of privacy; Loss of mature boundary trees. <p>These matters are addressed directly above or in the main body of the report below.</p> <p>A request was made by Councillor Lyons to call the application to committee. However, the application is required to be determined by planning committee in any case because the proposal is for more than 12 residential units and representations have been received which conflict with the officer recommendation.</p>
8.0	Other Material Considerations
8.1	Belfast Agenda Design Guide for Malone Conservation Area Creating Place Living Places DCAN 15 Vehicular Access Standards Parking Standards
9.0	Assessment
9.1	<u>Application Background</u> The site forms part of the larger Kings Hall complex for which there was an indicative masterplan for its comprehensive redevelopment as a mixed-use health led development subject to a PAN Notice served on 12 June 2019. Permission has been granted for the restoration of the listed Kings Hall building with associated public realm, landscaping and access works under references LA04/2018/0047/DCA, LA04/2018/0048/LBC and

LA04/2018/0040/F. Relating to this, a variation of condition has been granted under reference LA04/2020/0747/F to the car parking layout to facilitate further development on the site which includes the new day nursery/playschool facility recently approved under reference LA04/2019/2848/F and the development of the wider Kings Hall site which is also the subject of a separate application (LA04/2020/0845/O) currently under consideration. There is also another application for a new care home (LA04/2019/2989/F) which is under consideration. This application site sits to the east and north of these proposals and is a standalone application in its own right within the Kings Hall complex.

KINGS HALL MASTERPLAN REDEVELOPMENT



(Area outlined in red is currently under consideration under reference LA04/2020/0845/O and Plot 4 is under consideration in application LA04/2019/2989/F)

9.2 The proposal is considered to be in compliance with the development plan.

9.3 The key issues in the assessment of the proposed development include:

- Principle of development
- Setting of Listed Building
- Demolition and impact on Conservation Area
- Design, Impact on character on the character and appearance of the area
- Trees and Landscaping
- Impact on residential amenity
- Air Quality
- Contamination
- Access, Movement and Parking
- Flooding / Infrastructure Capacity

Principle of development

9.4 In the BUAP, the site is unzoned whiteland. In Draft BMAP 2004 and BMAP 2015, the site is unzoned whiteland with a small portion along Balmoral Avenue identified as falling within Malone Conservation Area. The proposed residential use does not conflict with the development plan or planning policy and is therefore acceptable in principle.

9.5

9.6	<p>As highlighted in the background history above, this application site forms part of a masterplan for redevelopment of the Kings Hall submitted as part of the PAN process. The masterplan has no official planning status or weight. At this stage, planning permission has been granted for Phase 1 works that includes the redevelopment of the King's Hall venue as a primary health care facility, public realm, landscaping and access works and the day nursery. Phase 1 works are currently underway.</p>
	<p>There is live planning applications for the comprehensive development for the rest of the site under references LA04/2020/0845/O and LA04/2019/2989/F. Whilst it is noted, these applications are yet to be determined, they do provide an indication of how the wider site is to be developed. Measures have been incorporated within the proposed application to ensure that the residential environment for future occupants will be acceptable in the interim, which includes a pocket park which has also been incorporated into the proposed masterplan layout submitted under the main outline application LA04/2020/0845/O. In terms of future uses and compatibility with the proposed residential use, the proposed masterplan has taken this into account and has shown how this can work. However ultimately if this application is approved, it will be for the future application for the wider suite to ensure compatibility with this residential use. The applicant has also agreed to phasing conditions linking to the restoration of the listed Kings Hall to ensure these works are completed in conjunction with this proposed independent living application. Based on the above, the principle of the proposal is considered acceptable subject to the material considerations as set out below.</p>
9.7	<p><u>Impact on setting of listed buildings</u></p> <p>The proposal falls within the curtilage of the Grade B1 listed King's Hall. The proposed housing is located along the north western boundary of the site with separation distances of between 70-160 metres to the Kings Hall itself. Planning permission has already been granted for a two storey side extension to the Kings Hall under reference LA04/2018/0040/F which would largely shield the proposed development from view of the listed building. Furthermore, given the domestic scale of the proposal and the intervening separation distances, views of the iconic listed King's Hall would continue to dominate. On this basis, the proposal is unlikely to adversely impact on the quality and character of its setting.</p>
9.8	<p>The application site is also within close proximity to the Grade B listed Malone Presbyterian Church. However, the proposal would be suitably removed in situation and scale, thus having no impact upon its setting.</p>
9.9	<p>HED were consulted and offer no objection. The proposal is therefore considered to accord with Policy BH11 of PPS6, the SPPS and Section 91 of the Planning Act (Northern Ireland) 2011.</p>
9.10	<p>Works are currently under way for the restoration of the listed Kings Hall under application LA04/2018/0040/F. The restoration of the listed building must be the centrepiece of the regeneration of the site and is of overriding public interest. As per the background section above, there are a number of separate applications for the redevelopment of the wider Kings Hall including this application. Due to this more piecemeal approach to the redevelopment of the wider site, it is essential that these other developments are linked to and contribute towards the Kings Hall restoration. The applicant has agreed to similar phasing condition to that attached to the original application LA04/2018/0040/F to ensure that the proposed independent living units are linked to the Kings Hall restoration works whilst also taking into account the viability of this smaller scale scheme. (Recommended conditions 8, 9, 10)</p>
9.11	<p><u>Demolition and Impact on the Conservation Area</u></p> <p>The proposal involves the demolition of 29 Balmoral Avenue which is considered to make a material contribution to the character and appearance of Malone Conservation Area. The demolition of 29 Balmoral Avenue is required to facilitate the upgrade works to the existing</p>

	<p>Balmoral Avenue access. The demolition of 29 Balmoral Avenue has already been granted under application LA04/2018/0040/F and LA04/2018/0047/DCA and is tied by condition to that scheme. The demolition of 29 Balmoral Avenue has since been carried out in accordance with the previous approval as a contract for the redevelopment of listed Kings Hall is now in place. On this basis, there is no conflict with Policy BH14 of PPS6, paragraph 6.18 of the SPPS and Section 104 of the Planning Act (Northern Ireland) 2011. The character and appearance of the Conservation Area would be preserved.</p>
9.12	<p><u>Design, Impact on the character and appearance of the area</u></p> <p>The surrounding area typically comprises of lower density housing with traditional two storey detached and semi-detached dwellings with front and rear gardens.</p>
9.13	<p>In terms of the scale, massing, proportions and appearance of the proposed apartment blocks, they would be sympathetic to the surrounding area. Their design takes on a contemporary approach to the traditional vehicular and incorporates contextual cues to the surrounding area including gables, pitched roofs, ground floor projections and use of red brick, render and slate.</p>
9.14	<p>The proposed layout of development would be somewhat at variance with the prevailing character within the wider established residential area in terms of separation distances, rear garden sizes and their depths and car parking arrangement.</p>
9.15	<p>However, it is noted that there have been other developments approved within the surrounding area with smaller gardens and separation distances akin to the proposed development including Malone Park Gardens, Malone Park Lane and Balmoral Mews. Furthermore, the recently completed Blue Horizon development was a comprehensive redevelopment of a large part of the Kings Hall complex, which provided the opportunity to create its own sense of place and included complimentary uses, substantial communal areas, set out in lawn with high quality landscaping and boundary treatments and attractive streets, which produced a high quality scheme.</p>
9.16	<p>A similar case applies here where this proposal represents only a small part of a much larger site that is being redeveloped, permission for which has already been granted for a new nursery and the Kings Hall restoration itself. There is also live planning applications for a new care home and a mixed-use generation proposal for the wider site which gives an indication of how the wider site could be developed. It is also important to note that given the self-contained nature of the site, the impact on the character and appearance of the wider area would be limited. Having regard to the above, on balance, the proposal is considered acceptable in accordance with Policy QD1 of PPS7, Policy LC1 of PPS7 Addendum, the SPPS Creating Places and Living Places.</p>
9.17	<p><u>Impact on existing trees and landscaping</u></p> <p>The proposal requires the removal of 13 existing on site trees, however these trees were permitted to be removed under planning permission LA04/2018/0040/F. In any case, the landscaping scheme proposes the additional planting of 35 trees which would compensate for the loss of these trees, as well as offering screening to adjoining properties along Harberton Park.</p>
9.18	<p>Previously concern was raised over the level changes along with the introduction of steps and retaining walls within the rear gardens of the proposed units and the potential impact on existing trees along the boundary with Harberton Park which are protected due to their location with Malone Conservation Area. Additional information was provided which shows a strong structural wall from the demolished stable block which is likely to have been built on deep supporting foundations. As a result, this would act as inhibitor for root migration from trees</p>

	<p>within adjacent rear neighbouring gardens. Should roots be found to be migrating under the boundary wall, protection measures are included with Tree Survey Report to deal with this, to ensure that no detrimental harm is caused to these trees. On this basis, the proposal is considered to accord with Policy QD1 of PPS7, Policy BH12 of PPS6 and paragraph 6.19 of the SPPS.</p>
9.19	<p><u>Impact on amenity</u></p> <p>The proposed apartment blocks would back onto the rear gardens of 7-23 Harberton Park. There would be a minimum separation distance of 10.3 metres to the rear boundary and a minimum separation distance of 31 metres rear elevation to rear elevation, which would exceed the recommended standards set out in Creating Places. In addition, the proposed apartment blocks would sit at lower ground level than the adjoining properties (between 0.2 metres to 1.7 metres difference) with the rear boundaries to be supplemented with tree planting. These measures would be sufficient to prevent any undue loss of privacy or overlooking to occupants. In terms of loss of light, overshadowing and overbearing impact, given the separation distances, two storey scale of development and differences in ground levels, an unacceptable impact would not be caused.</p>
9.20	<p>As part of planning approval LA04/2018/0040/F the rear walls of the stables are to be retained and made good where necessary. The proposed development indicates the same with the boundary wall along Harberton Park. A condition has been recommended to secure this.</p>
9.21	<p>The upgraded access arrangements would mean an intensification in the level of traffic travelling along the side boundaries of Nos 27 and 31 Balmoral Avenue. However, this relationship was deemed acceptable under application LA04/2018/0040/F along with buffer planting for mitigation. A condition has been recommended to secure the buffer planting.</p>
9.22	<p>Each apartment would meet the space standards and would have access to an adequate level of private amenity space ranging from approximately 70m² to 150m² in line with the recommended standards in Creating Places. Concerns had previously been raised in respect of the quality of the amenity space due to garden depths, proximity to existing boundary trees and proposed landscaping. A Tree Survey has been carried out and the site layout plan and landscaping plan revised to address this to ensure quality private amenity spaces for future occupants whilst also alleviating future pressure on existing trees.</p>
9.23	<p>At present, the site is part derelict and part under construction. To ensure that the future residents of the proposed units have adequate outlook until such times the wider part of the site is redeveloped, hoarding with a landscaping screen along and a pocked park are proposed. In terms of the future redevelopment of the site, in the current outline application for the rest of the site ref: LA04/2020/0845/O, the site would front onto Plot 9 which is proposed to be a Medical / Health Facility at heights ranging from 2 to 4 storeys. Whilst this application is yet to be determined, it gives an indication of how this could work in the future. However ultimately, if this current application is granted, the wider area will need to be designed to ensure compatibility with this proposed residential use.</p>
9.24	<p>BCC Environmental Health have reviewed the noise assessment and supporting evidence and offered no objection to the proposed. To conclude, the proposal is considered to secure an acceptable level of amenity for existing and future residents in accordance with Policy QD1 of PPS7 and the SPPS.</p>
9.25	<p><u>Air Quality</u></p> <p>The submitted Air Quality Supporting Statement and Transport Assessment Form has been reviewed by Environmental Health who have advised that the proposed development would have a negligible impact on local air quality. In addition, the air quality for future users would be within acceptable levels. On this basis, the proposal would accord with the SPPS.</p>

9.26	<p><u>Contamination</u></p> <p>Supporting contamination information has been provided which demonstrates that the site can be developed for its proposed end use whilst ensuring no unacceptable risks to human health and environmental receptors. This has been reviewed by Environmental Health and DAERA (Land and Groundwater Team) who have no objection subject to conditions. The proposal would therefore accord with the SPPS in this regard.</p>
9.27	<p><u>Access, Movement and Parking</u></p> <p>The proposed development is to be accessed via Balmoral Avenue. This application proposes the same access arrangement that was approved under application LA04/2018/0040/F which involves the upgrading of the existing access onto Balmoral Avenue and the demolition of 29 Balmoral Avenue to accommodate this. The upgrade works include widening of the access and the insertion of a right and left filter lane within Balmoral Avenue. The detailed design of this access was subject to review by DFI Roads headquarters for final approval on the relaxations and departures from standard design guidance and this design was found to be acceptable. This process also involved an independent Road Safety Audit. Through this review, some changes were made to the detailed access, however there remains sufficient space for a buffer with tree planting along the access boundary with neighbouring properties.</p>
9.28	<p>A total of 22 residents' car parking spaces and 4 visitor spaces (total 26) are to be provided which equates to a ratio of 1.5 spaces per apartment. This would represent a reduced level of parking against the recommended parking standards, however when having regard to the sustainable location of the site in close proximity to local amenities and public transport links, implementation of the submitted Travel Plan, self-contained nature of the site, the level of car parking is considered acceptable.</p>
9.29	<p>Under application LA04/2018/0040/F and the most recent variation application LA04/2020/0747/F, there is to be no vehicular through traffic between the Lisburn Road access and Balmoral Avenue access except to permit servicing. This is restricted by a planning condition on the most recent consent (condition 40). The proposed day nursery is to be accessed via the Lisburn access only in line with the terms of the Kings Hall restoration application. The proposed development would intensify the use of the Balmoral Avenue access with the additional traffic associated with the proposed 16 independent living units. DFI Roads have been consulted and consider this increase in intensification acceptable.</p>
9.30	<p>Accordingly, it is not considered that the proposal would prejudice road safety or significantly inconvenience the flow of traffic in accordance with Policy QD1 of PPS7, Policies AMP3 and AMP7 of PPS3 and the SPPS.</p>
9.31	<p><u>Flooding / Infrastructure Capacity</u></p> <p>The site is not located within the fluvial or pluvial flood plain and there are no watercourses within the site. A Drainage Assessment has been submitted which demonstrates that adequate measures will be put in place to effectively mitigate flood risk to the proposed development and ensure that flood risk will not be increased elsewhere. This has been reviewed by Rivers Agency who have cited no objection. As such, the proposed development would comply with Policy FLD3 of PPS 15 and the SPPS.</p>
9.32	<p>NI Water have advised that there is sufficient capacity at the WWTW to accommodate the proposed development.</p>
10.0	<p>Summary of Recommendation:</p>

	Having regard to the development plan, relevant policy context and other material considerations including third party representations, on balance, the proposal is considered acceptable. It is requested that the Planning Committee delegates authority to the Director of Planning and Building Control to grant conditional planning permission and to finalise the wording of conditions.
11.0	<p>Conditions</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. The development shall be constructed in accordance with the materials specified in the approved plans. Reason: In the interests of visual amenity. 3. Prior to the occupation of residential units hereby permitted, full details of the hoarding, soft landscaping screen and landscaped open space as shown in drawing no 24 uploaded to the planning portal 13th August 2020 shall be submitted to and approved in writing by Belfast City Council. The development shall be carried out in accordance with the approved details and completed in full prior to the occupation of the residential units hereby permitted and permanently retained as such thereafter. Reason: In the interests of residential amenity. 4. The development hereby permitted shall be carried out in accordance with the approved landscaping plan Drawing Number No 16B published to the planning portal 22nd June 2020. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the completion of the development and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by Belfast City Council. Reason: In the interests of amenity and to preserve and enhance the character and appearance of the locality. 5. The development hereby permitted shall be carried out and maintained in accordance with the Landscape Management and Maintenance Plan (dated May 2019) prepared by Park Hood, published to the planning portal 17th May 2020. Reason: In the interests of biodiversity, amenity and character and appearance of the locality. 6. Prior to any work commencing on the site, all protective measures, protective barriers (fencing) and ground protection is to be erected or installed as specified within the submitted Tree Survey and Report and in accordance with the British Standard 5837: 2012 (section 6.2) on any trees / hedging shown to be retained, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.

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

7. The demolition of the stables and the retention, repair and rendering of the wall of the stables shall be carried out in accordance with the approved methodology statement and drawing no 41 as specified in condition 10 of planning permission LA04/2018/0040/F.

Reason: In the interests of the amenity of neighbouring properties.

8. Within 1 year of the occupation of the ninth unit in the development hereby permitted, the external works to the north western (Lisburn Road) elevation of the King's Hall identified on drawings Nos. 22b and 45 of planning permission LA04/2018/0040/F shall be completed in accordance with the approved details.

Reason: In the interests of the orderly development of the site and to secure the restoration of the listed building.

9. Within 2 years of the occupation of the ninth unit in the development, the external works to the elevations of the King's Hall – 1) south western elevation facing Balmoral Golf Club, 2) south eastern elevation facing Harberton Park and 3) north eastern elevation facing Balmoral Avenue identified on drawing Nos. 21b and 22b of planning permission LA04/2018/0040/F, shall be completed in accordance with the approved details.

Reason: In the interests of the orderly development of the site and to secure the restoration of the listed building.

10. Within 3 years of the occupation of the ninth unit in the development, the external works to the roof of the King's Hall identified on drawing Nos. 20a, 21b, 22b, 23b and 24b of planning permission LA04/2018/0040/F and the associated internal structure shall be completed in accordance with the approved details.

Reason: In the interests of the orderly development of the site and to secure the restoration of the listed building.

11. No residential unit hereby permitted shall be occupied until the signalisation, lane re-alignment and remarking of the junction of the Kings Hall Redevelopment and the Lisburn Road and of the revised access onto Balmoral Avenue, including visibility splays and any forward sight distance, have been constructed to the satisfaction of DfI – Roads. This will be generally in accordance with the approved layout Drawing Nos. Drawing Nos. 39, 'Phase 1 Lisburn Road Junction Levels and Geometry' published by Belfast City Council Planning Office on 01 February 2018 and 40, 'Phase 1 Balmoral Avenue Road Junction Levels and Geometry' published by Belfast City Council Planning Office on 01 February 2018 as identified in Conditions 35 and 36 of Approval of Planning Permission LA04/2018/0040/F. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

12. No dwelling hereby permitted shall be occupied until hard surfaced area have been constructed in accordance with the approved layout Drawing No. 9744-701P6 'PSD

Layout' (23A), published to the planning portal 22nd June 2020 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles.

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

13. The development hereby permitted shall operate in accordance with the approved Residential Travel Plan uploaded to the planning portal 3th June 2019. This Travel Plan will be monitored and assessed from the inception of the Plan on a minimum of an annual basis to ensure the Plan's effectiveness.

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

14. The noise mitigation measures as presented in Chapter 11 of the Environmental Statement revised and updated on the 22nd May 2020 by Irwin Carr Consulting shall be incorporated into the proposed development, including:

(a) A 2m high boundary wall to the rear of the hereby permitted Independent Living Units as shown in appendix 1 of updated Chapter 11 (May 2020) of the Environmental Statement shall be retained and maintained on site;

(b) The Glazing units to the hereby permitted Independent Living Units shall provide a sound reduction specification of 31 dBRw or higher as recommended in Appendix 3 of the Acoustic Design Statement of Chapter 11 of the Environmental Statement;

(c) Alternative means of mechanical ventilation capable of providing a sound reduction specification equivalent to or higher than that of the glazing (31dBRw) shall be installed in all habitable rooms of the hereby permitted development.

The development shall not be occupied until such measures are in place and shall be retained thereafter at all times.

Reason: Protection of Residential Amenity.

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

Reason: Protection of Residential Amenity.

16. In the event that unexpected contamination is encountered during the approved development of this site, the development shall cease until a written report detailing the nature of this contamination and its management has been submitted to and agreed in writing by the Planning Service. The investigation, risk assessment and if necessary remediation work, must be undertaken and verified in accordance with current best practice.

Reason: Protection of human health and environmental receptors.

	<p>17. Prior to the occupation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the Brownfield Development Services letter 'Land Contamination, Noise and Air Quality supporting statements for the proposed independent living development on the King's Hall site, Lisburn Road, Belfast' (dated 3rd April 2019 and referenced 59716.030419.BCC) have been implemented. Should unexpected contamination be identified during the approved development of the site, the Verification Report must demonstrate that the remediation measures within the agreed documentation have been implemented.</p> <p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for the intended end-use (Residential with home grown produce). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency, British Standards and CIRIA industry guidance.</p> <p>In particular, this Verification Report must demonstrate that:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The development has been provided with gas protection measures in line with Characteristic Situation 2 requirements. <input type="checkbox"/> The gas protection measures have been verified in line with CIRIA C735. <input type="checkbox"/> The soils within the top 0.5m of the final surface level in all soft landscaping and garden areas are demonstrably suitable for the end use (residential with homegrown produce). <p>Reason: Protection of human health.</p> <p>18. Prior to commencement of development, a detailed landscaping scheme for the buffer planting along the Balmoral Avenue access shall be submitted to and approved in writing by Belfast City Council. The planting shall be carried out in accordance with the approved details in the first planting season following completion of the development. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by Belfast City Council.</p> <p>Reason: In the interests of visual amenity and residential amenity.</p>
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Notification to Department (if relevant): N/A

Representations from Elected members: A request was made by Councillor Lyons to call the application to committee. However, the application is required to be determined by planning committee in any case because the proposal is for more than 12 residential units and representations have been received which conflict with the officer recommendation.

Details of Neighbour Notification (all addresses)

1 Balmoral Avenue, Belfast, Antrim, BT9 6NW
1 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW
10 Balmoral Avenue, Belfast, Antrim, BT9 6NW
10 Balmoral Avenue, Belfast, Antrim, BT9 6NW
11 Balmoral Avenue, Belfast, Antrim, BT9 6NW
11 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW
12 Balmoral Avenue, Belfast, Antrim, BT9 6NW
13 Balmoral Avenue, Belfast, Antrim, BT9 6NW
13 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW

14 Balmoral Avenue,Belfast,Antrim,BT9 6NW
 15 Balmoral Avenue,Belfast,Antrim,BT9 6NW
 15 Harberton Park,Malone Upper,Belfast,Antrim,BT9 6TW
 16 Balmoral Avenue,Belfast,Antrim,BT9 6NW
 17 Balmoral Avenue,Belfast,Antrim,BT9 6NW
 17 Harberton Park,Malone Upper,Belfast,Antrim,BT9 6TW
 18 Balmoral Avenue,Belfast,Antrim,BT9 6NW
 19 Balmoral Avenue,Belfast,Antrim,BT9 6NW
 19 Harberton Park,Malone Upper,Belfast,Antrim,BT9 6TW
 2 Malone Park Lane,Belfast,Antrim,BT9 6NQ
 20 Balmoral Avenue,Belfast,Antrim,BT9 6NW
 21 Balmoral Avenue,Belfast,Antrim,BT9 6NW
 21 Harberton Park,Malone Upper,Belfast,Antrim,BT9 6TW
 22 Balmoral Avenue,Belfast,Antrim,BT9 6NW
 23 Balmoral Avenue,Belfast,Antrim,BT9 6NW
 23 Harberton Park,Malone Upper,Belfast,Antrim,BT9 6TW
 25 Balmoral Avenue,Belfast,Antrim,BT9 6NW
 25 Harberton Park,Malone Upper,Belfast,Antrim,BT9 6TW
 27 Balmoral Avenue,Belfast,Antrim,BT9 6NW
 3 Balmoral Avenue,Belfast,Antrim,BT9 6NW
 3 Harberton Park,Malone Upper,Belfast,Antrim,BT9 6TW
 31 Balmoral Avenue,Belfast,Antrim,BT9 6NW
 33 Balmoral Avenue,Belfast,Antrim,BT9 6NW
 4 Malone Park Lane,Belfast,Antrim,BT9 6NQ
 480 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GU
 482 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GU
 484 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GU
 486 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GU
 5 Balmoral Avenue,Belfast,Antrim,BT9 6NW
 5 Harberton Park,Malone Upper,Belfast,Antrim,BT9 6TW
 6 Balmoral Avenue,Belfast,Antrim,BT9 6NW
 7 Balmoral Avenue,Belfast,Antrim,BT9 6NW
 7 Harberton Park,Malone Upper,Belfast,Antrim,BT9 6TW
 8 Balmoral Avenue,Belfast,Antrim,BT9 6NW
 9 Balmoral Avenue,Belfast,Antrim,BT9 6NW
 9 Harberton Park,Malone Upper,Belfast,Antrim,BT9 6TW
 Malone Nursery School And Playschool, The Kings Hall Complex, Lisburn Road, BT9 6GW
 Malone Presbyterian Church,Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GT

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Tuesday 15 September 2020	
Application ID: LA04/2019/2285/F	
Proposal: Proposed 12 storey building to provide an extension to the purpose built management student accommodation (PBMSA) development currently under construction at 123 York Street (Ref: Z/2015/0177/F). Development comprises 94 No. student accommodation rooms with communal living rooms/kitchens, associated office space and all other site works.	Location: Lands at the corner of Little York Street and Little Patrick Street adjacent to 123 York Street, Belfast.
Referral Route: Purpose Built and Managed Student Accommodation	
Recommendation:	Approval
Applicant Name and Address: Cathedral Living Ltd 70-74 Donegal Street Belfast BT1 2GU	Agent Name and Address: TSA Planning 20 May Street Belfast BT1 4NL
Executive Summary: The site is located within the development limit for Belfast and the City Centre boundary under the Draft Belfast Metropolitan Area Plan 2015 – 2014 version. The site is also located within Character Area CC 077 – Development Opportunity Site Great George Street/Nelson Street/Great Patrick Street/York Street in Draft BMAP 2004 version and Character Area CC 015 Laganside and Docks in Draft BMAP 2015 version. The key issues in the assessment of the proposed development include; <ul style="list-style-type: none"> • Principle of development and use; • Height, scale, massing, layout and design; • HMO Subject Plan 2015; • Assessment against SPG on PBMSA; • Traffic and Parking • Impact on residential amenity of neighbours; • Other environmental factors. The principle of the development is considered acceptable at this location and the use established at this general location under planning permission Z/2015/0177/F. The key issues have already been examined through the assessment of Z/2015/0177/F, and these are reviewed throughout this report. This proposal seeks to provide an extension to the now built and occupied building granted under the previous permission. The proposed 94 bedrooms equates to approximately a 24% increase when compared to the previous approval. The proposal site would complete the block, which is currently in use as hard standing storage area for construction	

equipment. The site is located on unzoned (white) land 100 metres away from the new University of Ulster campus and is not located in or abutting a primarily residential area.

The proposed extension is considered to complement the existing building and is of an acceptable scale, layout and form. The proposed design and treatment of the elevations are consistent with existing building and the area, incorporating a similar fenestration, solid to void ratios and materials.

In terms of amenity, the proposed extension is located to the south eastern side of the existing PBMSA and York Street, both of which act as significant barriers between the site and residential dwellings at Lancaster Street, ensuring, the scheme will not result in unacceptable damage to residential amenity.

In terms of prospective residents, each unit has adequate outlook to the public street and external amenity areas. There is sufficient internal separation distances between rooms to prevent overlooking/intervisibility.

The proposal complies with all criteria set out in HMO 7 of the HMO subject plan.

The accommodation proposed is in accordance with / generally exceeds standards set out in NI Housing Executive HMO standards.

All Consultees have offered no objections to the proposal, subject to conditions. No objections from third parties have been received.

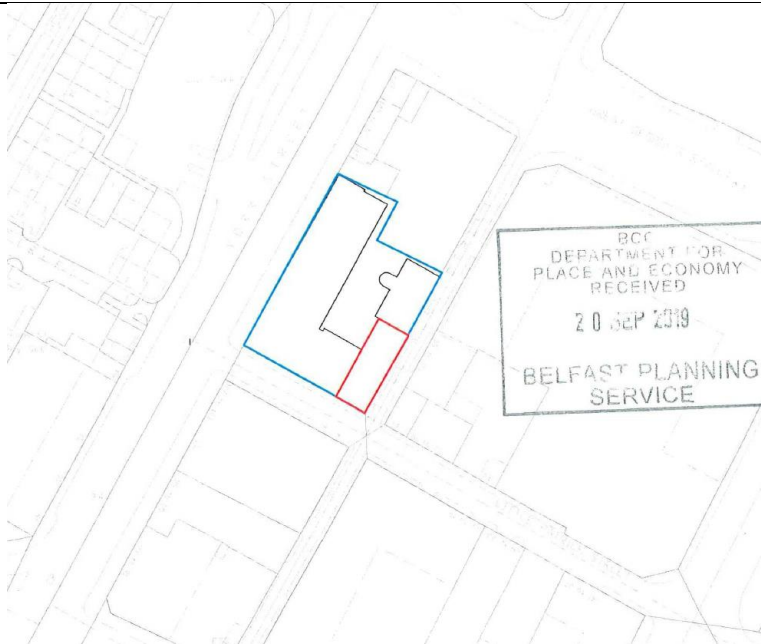
Having regard to the BMAP, the policy context and other material considerations, the proposal is considered acceptable and planning permission is recommended subject to conditions

Recommendation

That the proposal should be approved subject to conditions set out below and subject to the completion of an Agreement under Section 76 of the Planning Act (Northern Ireland) 2015 in respect of developer contributions and Management Plan (see paragraph 9.37-9.38 below)

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Non Statutory	Env Health Belfast City Council	Add Info Requested
Statutory	DFI Roads – Hydebank	Advice
Statutory	Rivers Agency	Advice
Statutory	NIEA	Advice
Statutory	NI Water - Strategic Applications	Advice
Advice and Guidance	Building Control Belfast City Council	Substantive Response Received
Non Statutory	Env Health Belfast City Council	Consultation reminder letter
Statutory	DFI Roads – Hydebank	Consultation reminder letter
Statutory	Rivers Agency	Advice
Non Statutory	Env Health Belfast City Council	Substantive Response Received
Statutory	DFI Roads – Hydebank	Consultation reminder letter
Statutory	Rivers Agency	Consultation reminder letter
Statutory	DFI Roads – Hydebank	Consultation reminder letter
Statutory	Rivers Agency	Consultation reminder letter
Statutory	Rivers Agency	Consultation reminder letter
Statutory	DFI Roads – Hydebank	Consultation reminder letter
Statutory	Rivers Agency	Consultation reminder letter
Statutory	DFI Roads – Hydebank	Consultation reminder letter
Statutory	Rivers Agency	Consultation reminder letter
Statutory	DFI Roads – Hydebank	Consultation reminder letter
Statutory	Rivers Agency	Advice
Statutory	DFI Roads – Hydebank	Content

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

Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The proposal is for full planning permission for a 12 storey building to provide an extension to the purpose built managed student accommodation (PBMSA) development currently under construction at 123 York Street (Ref: Z/2015/0177/F). Development comprises 94 No. student accommodation rooms with communal living rooms/kitchens, associated office space and all other site works. This is broken down into 73no. student bedrooms, 10no. studio bedrooms, 11no. accessible studio buildings, 11no. shared living/kitchen/dining rooms, ground floor office space and first floor self-service printing with shared access to facilities and services in phase 1 including lift access, student common room, external courtyard, fitness suite, disabled parking and cycle parking.
2.0	Description of Site
2.1	The site is a vacant corner site located at the corner of Little Patrick Street and Little York Street. The site will round off the existing 12 storey purpose built managed student accommodation previously approved under Z/2015/0177/F which is now completed and in operation since September 2019. The site is currently used as storage for construction equipment in relation to the completion of work of the existing building. The site is relatively level throughout and currently bound by the existing building and hoardings securing the site. The area is characterised by a mix of existing office and commercial buildings, new purpose built student accommodation under construction and the nearby new University of Ulster campus currently under construction.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	Z/2015/0177/F - Demolition of the existing building and erection of a 12 storey mixed use building with a ground floor retail unit, 407 managed student accommodation rooms (with communal living rooms, kitchens), associated reception/office facility, gym other ancillary accommodation above. the development also includes a landscaped courtyard, plant and storage areas, car parking, cycle provision and solar PV array - Granted
3.2	LA04/2015/0141/O - Proposed 9 storey office building including ground floor car parking – Granted
3.3	Z/1988/2989 – Private car park - Granted
3.4	Z/1983/1326 – Erection of security fence - Granted
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015 – 2004 Version
4.3	Draft Belfast Metropolitan Area Plan 2015 – 2014 Version
4.4	House in Multiple Occupancy Subject Plan 2015 - HMO 7- Large Scale Purpose Built Student Accommodation

4.5	4.5.1 Strategic Planning Policy Statement for Northern Ireland (SPPS) 4.5.2 Planning Policy Statement 3: Access, Movement and Parking 4.5.3 Planning Policy Statement 7: Quality Residential Environments 4.5.4 Planning Policy Statement 12: Housing in Settlements 4.5.5 Planning Policy Statement 13: Transportation and Land Use 4.5.6 Planning Policy Statement 15: Planning and Flood Risk
4.6	Developer Contributions Framework: A Guide to Developer Contributions and Planning Agreements
5.0	Statutory Consultees Responses
5.1	DFI Roads - no objection subject to conditions
5.2	Rivers Agency – no objection subject to conditions
5.3	NIEA – no objection subject to conditions
5.4	NI Water – No objection
6.0	Non Statutory Consultees Responses
6.1	BCC Environmental Health – no objection subject to conditions
6.2	BCC Building Control – no objection in principle.
7.0	Representations
7.1	The application has been neighbour notified and advertised in the local press. No comments have been received.
8.0	Other Material Considerations
8.1	Purpose Built Managed Student Accommodation in Belfast Planning and Place Advice Note: (Nov 15)
8.2	Purpose Built Managed Student Accommodation in Belfast Planning and Place Best Practice Guide (Jan 16)
8.3	Purpose Built Managed Student Accommodation in Belfast Supplementary Planning Guidance (June 2016)
9.0	Assessment
9.1	The key issues in the assessment of the proposed development include; <ul style="list-style-type: none"> • Principle of development and use; • Height, scale, massing, layout and design; • HMO Subject Plan 2015; • Assessment against Planning & Place on PBMSA; • Traffic and Parking • Impact on residential amenity of neighbours; • Other environmental factors.
9.2	The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 is now the statutory development plan for the area.

9.3	Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
9.4	As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted, however, draft BMAP remains a material consideration.
9.5	The site is located within the development limit for Belfast and the city centre boundary under the Draft Belfast Metropolitan Area Plan 2015 – 2014 version. The site is also located within Character Area CC 077 – Development Opportunity Site Great George Street/Nelson Street/Great Patrick Street/York Street in Draft BMAP 2004 version and Character Area CC 015 Laganside and Docks in Draft BMAP 2015 version.
9.6	Draft BMAP 2004 version key site requirements were in respect of access arrangements to be agreed with DFI Roads, potential road improvements and the requirement for a Transport Assessment.
9.7	Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. It is considered that this proposal will not result in demonstrable harm to nearby residents or the environmental quality of the area.
9.8	Due to the nature of the proposal, BUAP 2001 and draft BMAP 2015 – 2004 version and the House of Multiple Occupation (HMO) subject plan are also significant policy considerations.
9.9	Considering the height of the existing PBSMA at this location and given the scale of infrastructure surrounding the site including the width of York Street and the large junction of Great George Street and York Street, the scale of the new university complex and; the planning history on the site and a number of planning approvals in the immediate locality it is considered that the proposed height, scale and mass of the proposed extension would not result in harm to the character and appearance of the area.
9.10	<u>Principle of development and use</u> The site is located within the development limits of Belfast in BMAP and within the city centre. It is also within walking distance to the Primary Retail Core. The site is located on unzoned (white) approximately 100 metres away from the new University of Ulster campus and is not located in or abutting a primarily residential area.
9.11	The principle of the development is considered acceptable at this location and the use established at this general location under planning permission Z/2015/0177/F. The key issues have already been examined through the assessment of Z/2015/0177/F, and these are reviewed throughout this report. This proposal seeks to provide an extension to the now built and occupied building granted under the previous permission. The proposed 94 bedrooms equates to approximately a 24 % increase when compared to the previous approval. The proposal site would complete the block, which is currently in use as hard standing storage area for construction equipment.
9.12	<u>Height, Scale, Massing, Layout and Design</u> The proposed extension is to be as set out below;
9.13	Height from FFL – 36.32m Width – Little York St side – 23.3m

	Width – Little Patrick St side– 8.74m
9.14	<p>The proposed design is consistent with the existing building and the area, incorporating similar fenestration, and solid to void ratios. The palette of materials is similar to that utilised in the existing blocks and includes red brick, red fibre cement cladding panels, gold coloured aluminium perforated panels, gold coloured aluminium framed glazing and louvres. A condition is recommended that samples are provided to the Council for agreement in advance of construction. The architectural approach is modern yet sympathetic to its context, taking cues from the architecture in the context of the area. Accordingly it is not considered that the proposal would adversely impact on the character of the area, which is a wide mix of non-residential uses, building designs and finishes. The site has a previous planning approval for an office development, that approval allowed for the main body of the building to have a ridge height not exceeding 36 metres with any smaller feature element not exceeding 38 metres above existing ground level. The height of the building as proposed has therefore previously been considered acceptable on this site; on Little Patrick Street the extension aligns with the height of the existing block as built and turns the corner on the Little York Street, floor to ceiling storey heights and architectural details are carried through so that the final block will read as one unit. The proposed extension is considered to complement the existing building and is of an acceptable scale, layout and form. The proposed design is therefore compliant with criteria [g] of PPS7.</p>
9.15	<p><u>HMO Subject Plan 2015</u></p> <p>The proposal has been assessed against Policy HMO 7 of the HMO Subject Plan. This policy sets out 5 criteria which must be met in order to be acceptable. All criteria are met. The scheme is in excess of 50 units. All units are self-contained, the proposal is not located in a primarily residential area; provision is made for the management and there is ample landscaping and amenity space provided. The proposal therefore to complies with HMO 7.</p>
9.16	<p><u>Assessment against PBMSA Planning & Place Advice Note, Best Practice Guide and Supplementary Planning Guidance</u></p> <p>Planning and Place's Advice Note 'Purpose Built Managed Student Accommodation' was developed to address how the need and demand for the student accommodation can be accommodated within the City Centre, while protecting the amenity of areas where PBMSA developments are likely to be concentrated and avoiding concerns that excessive student accommodation may undermine the character and function of the area. The guidance given in this document is intended to provide the Council with advice for considering proposals for PBMSA in Belfast City Centre. They represent non-statutory planning guidance which provides detailed advice around the City-wide approach to PBMSA and how to pro-actively encourage good quality development in the right locations. The policy sets out six criteria which all applications for PBMSA proposals should adhere to. The Supplementary Planning Guidance (SPG) provides additional advice and guidance specific to Purpose Built Managed Student Accommodation (PBMSA) in Belfast. It complements the information already set out in the associated Best Practice Guide published in January 2016 and the internal Planning and Place Advice Note published in October 2015. Consideration of the main criteria and issues as outlined in these documents is set out below.</p>
9.17	<p><u>SPG Location and Accessibility</u></p> <p>Advice Note Criteria (a) The development should be at a location which is easily accessible to university/college campuses by sustainable transport mode. The development is within 100 metres of the new University of Ulster campus, 600 metres of the Belfast Metropolitan College and 1,600 metres of Queens University. Public Transport is located around 150 metres away from the development. As the proposal is likely to be for students that will attend University of Ulster it is suitably located and therefore complies with criterion (a) and SPG guidance.</p>

9.18	<p>Advice Note Criteria (b) Policy Designations specific to the City Centre.</p> <p>Requires the need to assess the proposal in relation to policy designations specific to the City Centre. The proposal is located within the vicinity of a Protected Housing Area CC 097/13 known as Lancaster located on the other side of York Street. The existing PBSMA has been constructed and this proposal is for an extension to it and in doing so rounding off the site, putting into use an area of former hardstanding. The proposed extension is located to the south eastern side of the existing PBMSA and York Street, both of which act as significant barriers between the two areas. Whilst PBSMA could be considered a form of residential accommodation the scale and impact of PBSMA is likely to be incompatible with existing residential communities, in this specific case the use has been established and this is an extension further removed and in any case students have no need to pass through this area as the Colleges are all located in the opposite direction.</p>
9.19	<p>In regards to other policy designations in the city centre the site is not located within a conservation area or the primary retail core. The nearest listed building is located in Lancaster Street. The development is adequately removed so as not to have an impact on its setting. The proposal complies with criterion (b).</p>
9.20	<p>SPG Design Quality</p> <p>Advice Note Criteria (c) Layout, design and facilities provided within the development are of high standards.</p> <p>It is considered that the layout, design and facilities provided within the development are of high standards. The site is currently vacant, underutilised and is within an area which suffers from significant vacancy and will complete the rounding off of the site. The layout is considered acceptable. The entrance to the PBSMA extension is to be located on Little Patrick Street. This leads into a reception and offices with linkage through to the existing building.</p>
9.21	<p>In terms of open space provision, it is acknowledged that 'Creating Places- Achieving Quality in New Residential Developments' suggests that adequate provision would range from 10-30m², with inner urban areas tending towards the lower end figure. The outdoor landscape courtyard within Phase 1 provides approximately 270m² which is not sufficient for the needs of the 407 existing students and the proposed additional 94 students. However, guidance advises that a flexible approach should be applied when considering planning applications for PBMSA in the City Centre; in this instance it is considered that the common room / break out areas should be incorporated into the overall open space provision. Taking this into account the combined level of provision on the overall site (landscaped areas and commons rooms) it is considered, on balance, acceptable.</p>
9.22	<p>This element of the wider development does not propose any parking provision, however the applicant has provided a detailed Travel Plan seeking to justify a relaxation of the standard based on alternative transport arrangements and the proximity of the development to the new University of Ulster Campus. This reflects the previous planning approval Z/2015/0177/F. Considering and DFI Roads have no objection to the proposal it is considered that the proposal is acceptable in this respect.</p>
9.23	<p>The accommodation proposed is in accordance / generally exceeds the standards set out in NI Housing Executive HMO standards – single rooms are approximately 11.36m² (6.5m² - 11 m² NIHE standard), studio apartments are approximately 17.24m² (10m² – 15m² NIHE standard) with accessible apartments approximately 22.03m². Common room areas are approximately 26.65m² for 6 occupants. Provision is therefore compliant with space standards.</p>
9.24	<p>In terms of prospective residents, each unit has adequate outlook to the public street and external amenity areas. There is sufficient internal separation distances between rooms to prevent overlooking/intervisibility.</p>

9.25	<p>SPG Impact and Scale</p> <p>Criteria (d) The development should be designed in a way that does not conflict with adjacent properties or the general amenity of the surrounding area.</p> <p>Criterion (d) states that development should be designed in a way that does not conflict with adjacent properties or the general amenity of the surrounding area. The development is not located within a predominately residential area. The existing PBSMA to which this proposal is an extension sits between the proposal site and the protected housing area opposite the York Street side of the existing building and therefore it will not be unacceptably affected, given that York Street and the existing PBSMA both act as effective barriers. Considering this and the separation distances between the site and the said properties, it will not result in an unacceptable loss of residential amenity. In terms of overlooking the extension will overlook onto Little York Street and Little Patrick Street and therefore will not result in unacceptable overlooking to residential dwellings at Lancaster Street due to the orientation of the proposed extension. It is therefore considered that the proposed extension is considered compliant with criteria (d).</p>
9.26	<p>The applicant who has been chosen by the developer to operate the student accommodation is Cathedral Living Group Limited who operates the existing PBSMA to which this proposal is an extension. The management plan includes the staffing and management of the development; allocation procedures; ingress and exit policy for students at commencement and end of tenancy period; student behaviour; fire strategy; and complaints strategy. With use of a Section 76 Agreement it is considered that the management plan is comprehensive and robust enough to ensure that impacts to neighbouring land uses and prospective residents will be minimal.</p>
9.27	<p>The guidance document makes reference to the cumulative impact and how an overconcentration relative to the wider community can lead to an imbalance ultimately resulting in harm to residential amenity. Whilst the site is not located on a HMO node it is located in an area which has been established, through the granting of planning permission at 48-52 York Street under Z/2014/0479/O and the original planning permission Z/2015/0177/F, as being an acceptable location for PBSMA given its proximity to the new University of Ulster. Whilst the site is located within the vicinity of a protected housing area it is considered prospective students will not adversely impact on this area as the University is located in the opposite direction and it is unlikely that a movement pattern of students travelling through Lancaster Street will develop.</p>
9.28	<p>SPG Management / Planning Agreements</p> <p>Advice Note Criteria (e) The development has appropriate management in place to create a positive and safe living environment for students whilst minimising any potential negative impacts from occupants.</p> <p>Requires that the development has an appropriate management in place to create a positive and safe living environment for students whilst minimising any potential negative impact from occupants. It will be secured by a Section 76 Agreement as per the previous approval to ensure that impacts to existing and prospective residents will be minimal.</p>
9.29	<p>SPG Need</p> <p>Advice Note Criteria (f) The development meets an identified need for the type of accommodation proposed.</p> <p>Planning applications should be accompanied by evidence supporting the need for the type and quantum of PBSMA proposed. The applicant has submitted a Student Accommodation Supply and Demand Report which concludes that there remains a potential need in Belfast for 4432 units when taking account of developments currently completed, under construction or which have received planning permission. This figure is in excess of the 94 units proposed.</p>

9.30	<p><u>Traffic and Parking</u></p> <p>DFI Roads were consulted and have no objection subject to conditions. The applicant has provided a detailed Travel Plan seeking to justify a relaxation of the standard based on alternative transport arrangements and the proximity of the development to the new University of Ulster Campus. Factoring this with the lack of objection from DFI Roads it is considered that the applicant has adequately addressed the shortfall in parking provision and have no objection subject to conditions.</p>
9.31	<p><u>Impact on residential amenity of neighbours</u></p> <p>The impact of the proposed extension to the existing PBSMA building has been considered at 9.19 - 9.20 and 9.26 - 9.29 in this report.</p>
9.32	<p><u>Other Environmental Considerations</u></p>
9.33	<p><u>Flooding</u></p> <p>FLD 1 of Planning Policy 15: Planning and Flood Risk states that 'Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy. Where the principle of development is accepted by the planning authority through meeting the 'Exceptions Test', as set out under the Exceptions heading, the applicant is required to submit a Flood Risk Assessment for all proposals.</p>
9.34	<p>The principle of development is considered acceptable as it meets the exceptions test in that the hardstanding was in use as a car park on the site for the previous building which already existed on the site. As the proposal falls under the exceptions test a Flood Risk Assessment (FRA) was requested and received. Rivers Agency was consulted in regards to the FRA and have no objections to the proposed development. The proposal therefore complies with PPS 15 subject to condition.</p>
9.35	<p><u>Environmental Health</u></p> <p>Environmental Health were consulted following the submission of additional information, have no objection to the proposal subject to conditions in relation to noise, Construction Environmental Management Plan (CEMP), Management of the facility and student behaviour and Informatives in relation to contaminated land as per the original planning permission Z/2015/0177/F.</p>
9.36	<p><u>Building Control</u></p> <p>Advice provided applicant to address under relevant legislation.</p>
9.37	<p><u>Developer Contributions</u></p> <p>In this case, it is considered appropriate that any planning approval should be subject to the developer entering a legal agreement with Belfast City Council both to provide certainty around the management of the accommodation and to provide contributions to local public realm improvement works and pedestrian crossing enhancement as per the previous planning permission Z/2015/0177/F. This will also be in the form of public realm improvements to the streetscape around the building and in particular to create a new safe pedestrian friendly crossing point to the university from the new student accommodation. The area currently does not provide a quality environment and is poor in respect of pedestrian linkages to the heart of the city. It is considered, that collectively the new university complex and new accommodation with environmental improvements and safe crossing points will regenerate the area.</p>
9.38	<p>The Section 76 Agreement for Planning Application Z/2015/0177/F secured a Developer Contribution for £215,710 (30% of which is to be allocated to a pedestrian crossing enhancement and 70% to public realm improvements), and a Management Plan. The original proposal accommodated 407 beds; the additional 94 beds now proposed represents an uplift</p>

9.39	<p>of 24%, this uplift has been applied pro rata to the developer contribution. A draft Section 76 Agreement for the sum of £51,770.00 for public realm improvement works and pedestrian crossing enhancement to be undertaken has been submitted and agreed with the developer and BCC Legal Services have been consulted. The Section 76 will also secure a Management Plan.</p> <p>The proposal contributes to the delivery of the Belfast Agenda priorities - Living Here and City Development and the Local Development Plan Strategic Aims – Shaping a liveable place, a green and active place and a smart connected and resilient place.</p>
9.40	<p>Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject the signing and delivery of the Section 76 Agreement and conditions. It is requested that committee delegate authority to the Director of Planning and Building Control to finalise conditions as set out in draft in Section 11 of the DM Officer's report.</p>
10.0	Summary of Recommendation: Approval
	<p>Conditions</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks, as applicable. 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. 3. After completing the remediation works under Condition 2; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks, as applicable. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives. Reason: Protection of environmental receptors to ensure the site is suitable for use. 4. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in 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" available at: -
<http://publications.environment-agency.gov.uk/PDF/SCHO0501BITT-E-E.pdf>.

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

5. Prior to occupation of the hereby permitted development, the glazing/window units and acoustically attenuated alternative means of ventilation must be installed all habitable rooms in accordance with the recommended specification presented in the Lester Acoustics Sound Level Assessment, dated 16th December 2019, referenced MRL/0959/L02 Rev 2.

Reason: Protection of residential amenity.

6. Prior to occupation of the hereby approved development, the dividing floor/ceiling between the ground floor and first floor accommodation units and the sound reduction performance between party walls between accommodation and other rooms such as common rooms, retail, meeting rooms etc of the proposed development must be constructed and installed to provide a sound reduction performance of 65dBRw greater in accordance with the recommended specification presented in the Lester Acoustics Sound Level Assessment dated 16th December 2019, referenced MRL/0959/L02 Rev 2.

Reason: Protection of residential amenity.

7. The noise rating level (dBLAr,T) from the operation of all combined plant and equipment must not exceed the existing daytime and night time background sound level (61dBLA90 and 51 dBLA90) when measured or determined in line with line with BS4142:2014 as recommended in the Lester Acoustics Sound Level Assessment, dated 16th December 2019 referenced MRL/0959/L02 Rev2 .

Reason: Protection of residential amenity.

8. Prior to commencement of development, the appointed contractor shall contact the Environmental Protection Unit of Belfast City Council to advise of the forthcoming schedule of work, including times of work on site and to advise of arrangements to engage with neighbouring community.

Reason: Protection of residential amenity.

9. Prior to commencement of development, a Construction Environmental Management Plan (CEMP) shall be developed by the appointed contractor which clearly identifies measures to mitigate the potential impact arising from dust, noise and vibration. The CEMP must document clear procedures for monitoring compliance with best practice with regard to following best practicable means in the use of equipment and methods of work. The CEMP shall identify good practice and mitigation measures aimed at minimising negative impact from dust, noise and vibration. The CEMP must be implemented throughout the construction phase and the CEMP shall be made available at any time upon request by the Environmental Protection Unit of Belfast City Council.

Reason: Protection of residential amenity.

	<p>10. The Private Streets (Northern Ireland) Order 1980. The Department hereby determines that the width, position and arrangement of the street, and the land to be registered as being comprised in the streets, shall be as indicated on Drawing No. 19364-C500, 'Private Streets Determination Plan' published by Belfast City Council Planning Office on 26 May 2020 and the DfI Roads determination stamp.</p> <p>Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.</p> <p>11. The development shall operate using a hard surfaced area constructed in accordance with the approved layout Drawing No. 1477-01-01 Revision A, 'Proposed Ground Floor Plan' published by Belfast City Council Planning Office on 26 May 2020 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles.</p> <p>Reason: To ensure that adequate provision has been made for parking and servicing.</p> <p>12. Any existing street furniture or landscaping obscuring visibility or located within the proposed vehicular accesses shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.</p> <p>Reason: In the interests of road safety and the convenience of road users.</p> <p>13. The development hereby permitted shall operate in accordance with the Travel Plan published by Belfast City Council Planning Office on 8 October 2019. The Site Operator will provide access to the Translink iLink 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.</p> <p>14. No building or structure, including aerials, masts, plant, and cranes proposed as part of the development hereby permitted shall exceed 48.7m AOD.</p> <p>Reason: Development exceeding this height would penetrate the Obstacle Limitation Surfaces (OLS) surrounding Belfast City Airport and could endanger aircraft movements and the safe operation of the aerodrome.</p> <p>15. Prior to the commencement of development details of the external finishes, including samples of materials to be used shall be submitted to Belfast City Council for agreement in writing, the development shall be constructed in accordance with those samples agreed and noted on the approved drawings.</p> <p>Reason: To ensure a quality standard of finish in the interests of visual amenity and the character and appearance of the area.</p> <p>Informatives</p> <p>1.0 Under Section 76 of the Planning Act (Northern Ireland) 2011 the applicant has agreed that prior to commencement of operation of the development, the applicant must submit a Final Management Plan to be agreed and approved by the Council in writing</p>
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	<p>Evidence must be submitted that the Management Plan will be delivered by a competent PBSA operator with a proven track record in managing this type of accommodation.</p> <p>The Final Management Plan must demonstrate compliance with a government approved accreditation scheme for purpose built student accommodation such as ANUK/UNIPOL National Code of Standards or the Universities UK/HE Guild Management code and provide detailed arrangements to address the following matters:</p> <ul style="list-style-type: none"> • Noise Control and tenant behaviour; • Measures for controlling hours of use and potential noise disturbance from the proposed gym and social space/games rooms; • Proposed Liaison arrangements with the relevant education institutes, the Council and the PSNI in relation to tenant behaviour. • Travel Plan for staff and students; • General management operations; • Site and landscape maintenance; • Servicing; security features; CCTV; Lighting; Intercoms; Soundproofing. <p>2.0 Under Section 76 of the Planning Act (Northern Ireland) 2011 the applicant has agreed that within the first year of commencement of operation of the development the Applicant must submit to the Council evidence to demonstrate that the development has obtained accreditation under a government approved accreditation scheme for purpose built student accommodation such as the ANUK/UNIPOL National Code of standards or the Universities UK/HE Guild Management Code. Continued operation of the development thereafter will be subject to accreditation under a government approved accreditation scheme being maintained.</p> <p>3.0 This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.</p> <p>4.0 The applicant's attention is drawn to the information provided on the consultee responses which are available to view on the planning portal.</p> <p>5.0 This planning permission includes conditions which require additional details to be submitted to and approved by the Council. Please read the conditions carefully. You should allow at least 8 weeks for the Council to assess the details and respond. This may take longer in cases which involve the submission of detailed technical reports. You should allow for this when planning your project. If you proceed without the approval of these details from the Planning Authority you do so at your own risk.</p>
Notification to Department (If relevant): N/A	
Neighbour Notification Checked Yes	
Representations from Elected Members: N/A	

ANNEX	
Date Valid	30th September 2019
Date First Advertised	11th October 2019
Date Last Advertised	11th October 2019
Details of Neighbour Notification (all addresses) The Owner/Occupier, 14-20 Little Patrick Street,Belfast,Antrim,BT15 1BA The Owner/Occupier, 23-33 ,Little York Street,Belfast,Antrim, The Owner/Occupier, 23-33 ,Town Parks,Belfast,Antrim, The Owner/Occupier, 28-30 Great Patrick Street,Belfast,Antrim, BT1 2LT The Owner/Occupier, Young Business Centre,103 York Street,Belfast,Antrim,BT15 1AB	
Date of Last Neighbour Notification	15th October 2019
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title	
Drawing No. 01-10, proposed ground floor plan and private streets determination.	

Development Management Report Committee Application

Summary	
Committee Meeting Date: 15 September 2020	
Application ID: LA04/2019/2971/F	
Proposal: Demolition of the existing leisure centre buildings and construction of a new 2 storey pavilion including ground floor changing room facilities, multipurpose rooms, and 250 seat spectator stand, relocated car parking, 1no new 90m x 55m 3G pitch, 1no new 50m x 30m pitch, 2no. 30m x 20m pitches, and 3no covered 30m x 20m pitches, fencing, landscaping and floodlighting and retention of existing linkages to the Connswater Greenway.	Location: Avoniel Leisure Centre Avoniel Road Belfast BT5 4SF
Referral Route: Major & BCC Application – Planning Committee	
Recommendation:	Approval
Applicant Name and Address: Belfast City Council 9-21 Adelaide Street Belfast BT2 8DJ	Agent Name and Address: McAdam Design 1c Montgomery House 478 Castlereagh Road Belfast BT5 6BQ
Executive Summary: <p>The proposal seeks demolition of the existing leisure centre buildings and construction of a new two storey pavilion including ground floor changing room facilities, multipurpose rooms, and 250 seat spectator stand, relocated car parking, 1no new 90m x 55m 3G pitch, 1no new 50m x 30m pitch, 2no. 30m x 20m pitches, and 3no covered 30m x 20m pitches, fencing, landscaping and floodlighting and retention of existing linkages to the Connswater Greenway.</p> <p>The key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> • The principle of the development of at this location; • Visual impacts of the proposal; • Impact on amenity / character of the area; • Impact on built heritage; • Impact on the natural environment; • Impact on transport and other infrastructure; • Flood risk from the proposal. <p>The proposal includes a spectator stand with changing facilities, 3G pitch, a 7 a side pitch and covered and open five a side pitches, car parking, fencing and floodlighting. The site has been previously used for external and internal sporting activities. The proposal, albeit with a change in emphasis of sporting use, is therefore considered in accordance with the requirements of Policy OS1 of PPS8. The continued use of the site for sporting and associated facilities is acceptable.</p>	

The 3G pitch surfaces would have a negligible visual impact on the locality, given the existing similar provision at the site. Views of the pitches would be limited from the North, West and South of the site due to intervening structures/buildings. However views are available into the site from the east including the Connswater Greenway. The scale and massing of the proposed building would be no greater than the existing leisure centre building on the site and is considered acceptable in relation to those issues. The associated fencing (6m and 3m high) and floodlights (20m) would also have no greater visual impact on the locality and would also largely be limited to views discussed above. The floodlighting, by virtue of the level difference of the site with the school building to the south would be filtered by these and other neighbouring buildings.

The proposed scale, form, massing, design and materials are considered acceptable and will not adversely impact on local character. Existing trees within the site and around the site periphery, in addition to new planting would filter views of these structures. All structures are of a scale and character that would be reasonably expected at a sports facility. On balance, the proposal would not result in detrimental visual impacts.

The new changing room and stand building is acceptable in terms of design and materials and consistent with those in the locality. The proposed solid to void ratio is also considered acceptable. The design would present an improvement in architectural terms to the site and area compared to the existing leisure centre building and accordingly not harm local character. The covered roof structure that would cover the 5-a-side pitches would also have limited visual impacts from outside the site, and would not read as a significant structure due to the proposed design.

Environmental Health have no objections to the proposal in terms of amenity impacts. Given this advice, it is considered that the proposal will not result in an adverse noise or light impact. Suitable conditions are necessary in accordance with Environmental Health recommendations and operating hours. However, the operating hours suggested by Environmental Health are considered overly onerous for Monday to Friday (09:00 and 21:00) Saturday and Sunday use (09:00-16:00), given the historic use and the nature of largely non-residential uses surrounding the site. It is therefore considered that operating hours should be 06:00 and 23:00 Monday to Friday and the closure time should be extended to 18:00 on a Saturday and Sunday. This would also be in line with similar schemes approved recently by the Council. The proposal is therefore compliant in relation to Policies OS4 and OS7 of PPS8.

All consultees including DFI Roads, Rivers Agency, DEARA, HED, SES, NI Water, and Environmental Health have no objections to the proposal. No representations or objections have been received.

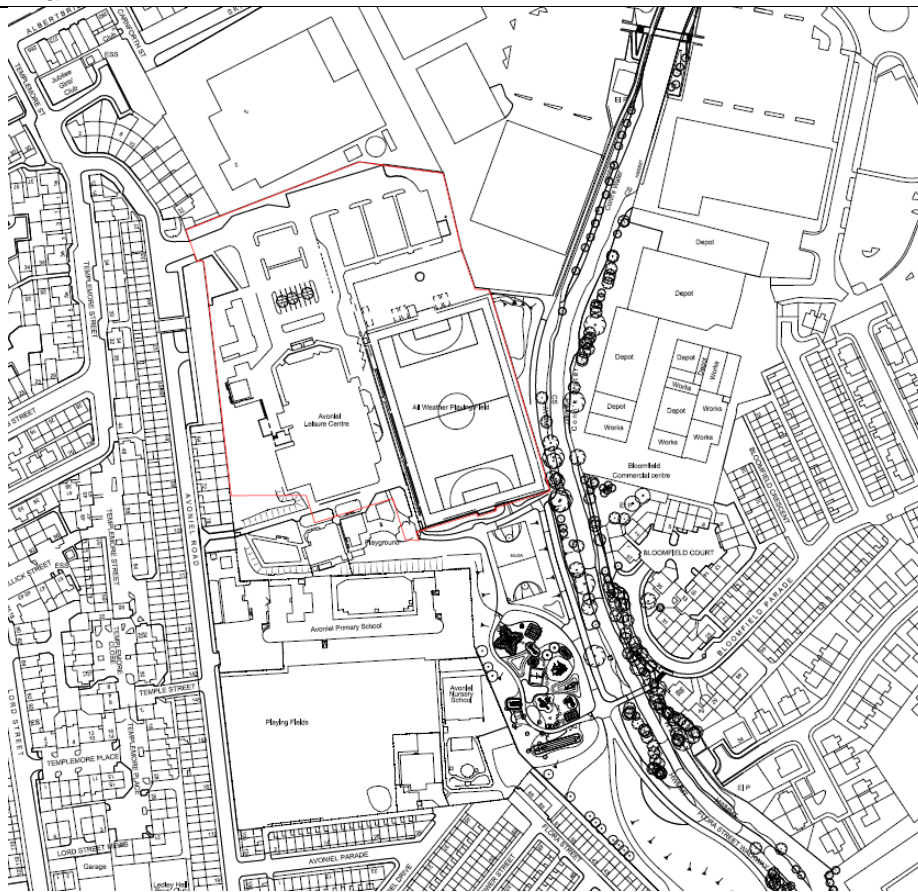
The proposal is a public authority development for the benefit of the general public and residents of Belfast. It is not considered that additional developer contributions are necessary in this case.

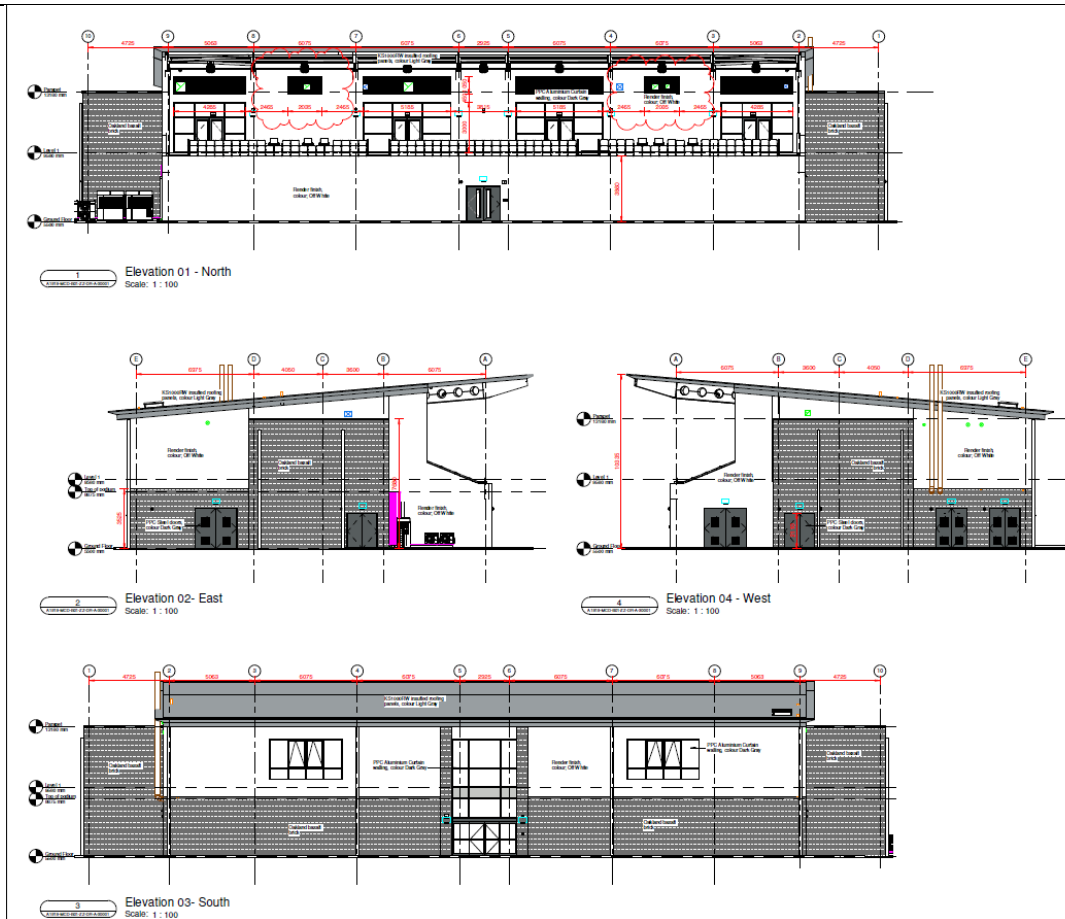
Having regard to the policy context and other material considerations above, the proposal is considered acceptable and approval of planning permission is recommended due to compliance with policy and taking account of consultation responses and other material considerations.

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

Case Officer Report

Site Location Plan





View 2 - from the greenway looking north towards Avoneil School

Representations:

Letters of Support	None Received
Letters of Objection	None Received

Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Representations from Elected Representatives	No representations received
Neighbour Notification Checked	Yes

1.0	Description of Proposed Development Demolition of the existing leisure centre buildings and construction of a new 2 storey pavilion including ground floor changing room facilities, multipurpose rooms, and 250 seat spectator stand, relocated car parking, 1no new 90m x 55m 3G pitch, 1no new 50m x 30m pitch, 2no. 30m x 20m pitches, and 3no covered 30m x 20m pitches, fencing, landscaping and floodlighting and retention of existing linkages to the Connswater Greenway.
2.0	Description of Site
2.1	The site is located at an existing Council Leisure Centre facility adjacent to the Avoniel Road in east Belfast and comprises a leisure centre building, existing football pitch with associated floodlighting, car parking and soft landscaped areas. The topography of the site is relatively level, however it rises/undulates towards the Avoniel Road in the south eastern corner of the site. Boundary treatments comprise metal fencing around 2m in height. There are a row of typical 2 storey terraced dwellings on Avoniel Road to the west of the site, industrial/commercial building to the north, and the Connswater Greenway/river to the south. There is a primary school to the south which is also a listed building.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History No relevant history
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2004 Draft Belfast Metropolitan Area Plan 2015 Developer Contribution Framework 2020
4.2	Regional Development Strategy (RDS); Strategic Planning Policy Statement (SPPS); PPS2: Natural Heritage; PPS3: Roads Considerations; PPS6: Built Heritage and Archaeology; PPS8: Open Space, Sport and Recreation; PPS15: Planning and Flood Risk; Development Control Advice Note 15 Vehicular Access Standards
5.0	Statutory Consultee Responses

	DFI Roads – no objections NI Water – no objections Rivers Agency – no objections DEARA including Natural Environment Division and Land Contamination – no objections; Historic Environment Division – no objections.
6.0	Non-Statutory Consultee Responses
	Environmental Health – no objections Shared Environmental Services – no objections
7.0	Representations
7.1	The application has been neighbour notified and advertised in the local press.
7.2	No representations have been received.
8.0	Other Material Considerations
	Belfast Agenda (Community Plan)
9.0	Assessment
9.1	<p>The key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> • The principle of the development of at this location; • Visual impacts of the proposal; • Impact on amenity / character of the area; • Impact on built heritage; • Impact on the natural environment; • Impact on transport and other infrastructure; • Flood risk from the proposal; <p>Policy context</p>
9.2	Article 6 (4) of the Planning (Northern Ireland) 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.
9.3	The SPPS sets out five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. The SPPS states at paragraph 1.13 (page 7) that a number of policy statements, including PPS2, PPS3, and PPS 8 remain applicable under ‘transitional arrangements’.
9.4	Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraph 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported. Paragraphs 4.37-40 highlights the preservation and improvement of the built and natural environment.
9.5	Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the version of BMAP purported to be adopted still carry weight and are a material consideration in the

	determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
9.6	Within the BUAP the site is located within the development limits and is identified as whiteland.
9.7	Within draft Belfast Metropolitan Area Plan 2004 and draft Belfast Metropolitan Area Plan 2015, the site is located within the development limit. Within dBMAP 2004 the site is located within a Local Landscape Policy Area (LLPA).
9.8	PPS8 sets out regional policy for open space and recreation. Policy OS1 refers to the protection of open space, Policy OS4 relates to intensive sports facilities, stipulating 5 criteria with which proposals must accord. Policy OS7 relates to floodlighting and stipulates 3 criteria that proposals must satisfy. Paragraphs 6.199 - 6.213 relate to open space. Paragraph 6.213 sets out relevant planning considerations including: location, design, hours of operation, noise, impact upon visual and residential amenity, access and links to public transport; floodlighting; landscaping, public safety (including road safety); nature conservation, biodiversity, archaeology or built heritage. No conflict arises between PPS8 and SPPS policies.
9.9	PPS2 Natural Heritage is relevant to the proposal given the large number of trees within the site and the LLPA designation. Policy NH2 relates to protected species, whilst Policy NH5 relates to habitats, species or features of natural heritage importance. Natural Heritage in the SPPS is set out at pages 80 – 85. Policy requirements essentially repeat the provisions of PPS2 and accordingly no conflict arises with the SPPS.
9.10	PPS3 contains policy considerations relating to roads, access and parking and is a material consideration in that any proposals must make necessary provisions for such matters. Car parking and servicing requirements are set out at Policy AMP7, with design considerations set out at AMP9. Transportation considerations in the SPPS are set out at pages 106-110. Policy requirements essentially repeat the provisions of PPS3 and accordingly no conflict arises with the SPPS.
	Principle of Development
9.11	The proposal includes a spectator stand with changing facilities, 3G pitch, a 7 a side pitch and covered and open 5 a side pitches, car parking, fencing and floodlighting. The site has been previously used for external and internal sporting activities. The proposal, albeit with a change in emphasis of sporting use, is therefore considered in accordance with the requirements of Policy OS1 of PPS8. The continued use of the site for sporting and associated facilities is acceptable. Car parking is considered later in the report.
	Visual impacts of the proposal/character of the area
9.12	Given the listed building to the south of the site, PPS6 is relevant. Policy BH11 requires proposals to respect the setting of Listed Buildings.
9.13	Policy OS4 of PPS8 requires that: <ul style="list-style-type: none"> • buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;
9.14	The 3G pitch surfaces would have a negligible visual impact on the locality, given the existing similar provision at the site. Views of the pitches would be limited from the North,

	West and South of the site due to intervening structures/buildings. However views are available into the site from the east including the Connswater Greenway. The scale and massing of the proposed building would be no greater than the exiting leisure centre building on the site and is considered acceptable in relation to these issues. The associated fencing (6m and 3m high) and floodlights (20m) would also have no markedly greater visual impact on the locality and would also largely be limited to views discussed above. The floodlighting, by virtue of the level difference of the site with the school building to the south would be filtered by these and other neighbouring buildings.
9.15	The proposed scale, form, massing, design and materials are considered acceptable and will not adversely impact on local character. Existing trees within the site and around the site periphery, in addition to new planting would filter views of these structures. All structures are of a scale and character that would be reasonably expected at a sports facility. On balance, the proposal would not result in detrimental visual impacts.
9.16	The new changing room and stand building is acceptable in terms of design and materials and consistent with those in the locality. The proposed solid to void ratio is also considered acceptable. The design would present an improvement in architectural terms to the site and area compared to the exiting leisure centre building and accordingly not harm local character. The covered roof structure that would cover the 5-a-side pitches would also have limited visual impacts from outside the site, and would not read as a significant structure due the proposed design.
	Impact on amenity;
9.17	<p>Policies OS4 and OS7 of PPS8 require consideration of amenity due to noise and light disturbance and associated issues. Policy OS4 requiring proposals to ensure:</p> <ul style="list-style-type: none"> • there is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated;
9.18	In assessing these impacts, consultation has been undertaken with Environmental Health who have reviewed noise and lighting assessments submitted by the applicant. RPS lighting report states that the predicted vertical lux levels at Belmont Court were maximum of 1.19 lux at 1.5 m and 0.82 lux at 3 m at the nearest residential properties. It is noted that cowls will be fitted to some of the lighting to reduce glare however McAdam Design confirm that no cowls were accounted for in the prediction model. The vertical lux limit after 11pm is 2 lux. The report concludes that the proposed development will not contribute significantly to sky glow due to the observed sky glow for the suburban area. RPS confirm that the building luminance will be under the 5cd/m2 average luminance limit set by the ILP. Environmental Health have concluded that the proposal would not detrimentally impact on amenity through light disturbance subject to a number of recommended conditions.
9.19	In relation to noise, Environmental Health have confirmed that the information provided addresses concerns relating to noise from the proposal and lighting subject to mitigation measures being implemented. The layout has been amended to remove parking spaces adjacent to the boundary of existing dwellings on Avoniel Road. The car park also sits at a lower level which will, in addition to the landscaped boundary, help mitigate disturbance from vehicle activity in this area. Environmental Health have recommended planning conditions regarding delivery of the noise and lighting mitigation measures. Given this advice, it is considered that the proposal will not result in an adverse noise or light impact. Suitable conditions are necessary in accordance with Environmental Health recommendations and operating hours recommended. However, the operating hours suggested by Environmental Health are considered overly onerous for Monday to Friday

	<p>(09:00 and 21:00) Saturday and Sunday use (09:00-16:00), given the historic use of the site and the nature of largely non-residential uses surrounding the site. It is therefore considered that operating hours should be 06:00 and 23:00 Monday to Friday and the closure time should be extended to 18:00 on a Saturday and Sunday. This would also be in line with similar schemes approved recently by the Council. The proposal is therefore compliant in relation to Policies OS4 and OS7.</p>
9.20	<p>Policy OS4 also requires that:</p> <ul style="list-style-type: none"> • there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;
9.21	<p>Consideration in relation to PPS6 regarding impacts on the Listed Building and its setting have been considered above. HED have no objections to the proposal and is therefore deemed acceptable in relation to PPS 6 and OS4. Visual amenity considerations have been considered above and no unacceptable impacts are considered to occur.</p>
9.22	<p>Additional landscaping is proposed throughout the site and includes additional tree planting along the boundaries and throughout the site. These details are considered acceptable and will assist in mitigating visual impacts of the proposal. Appropriate conditions are necessary to secure retention of existing trees along this boundary, in addition to securing the delivery and management of new planting.</p>
9.23	<p>NED have assessed the application and consider it acceptable in relation to impacts on flora and fauna subject to conditions to ensure protected species are not adversely impacted. This planning application was 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 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. Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the following mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site. Accordingly, the proposal is considered compliant with PPS2 and PPS8.</p> <p>Impact on transport and other infrastructure;</p>
9.24	<p>PPS3 and two of the criteria of Policy OS4 relates to transport considerations:</p> <ul style="list-style-type: none"> • the proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport; and • the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking,
9.25	<p>DFI Roads have considered the proposal and have no objections. The visual impacts of the parking area will be limited given that it sits at a lower level than the surrounding area and views will be filtered by existing trees and buildings. The proposal also meets parking standard requirements. Level access is provided throughout the site to facilitate easy access for any impaired user, and the site is located in close proximity to public transport links on the Newtownards Road. The Council also has a duty under separate legislation to ensure adequate access is provided for people with disabilities.</p>

9.26	<p>Accordingly, the proposal is considered acceptable in terms of traffic, parking and access considerations and therefore in accordance with this criteria and relevant policy within PPS3 and PPS8.</p> <p>Flood risk from the proposal;</p>
9.27	<p>Policy OS4 requires satisfactory arrangements for drainage to be provided, and specific drainage/flood risk policy is set out in PPS15.</p>
9.28	<p>A drainage assessment and associated information was submitted for consideration and consultation undertaken with Rivers Agency and NIW in relation to these matters. Both consultees are satisfied with the mitigation measures proposed and it is therefore considered that the proposal complies with policy and acceptable drainage and flood risk protections measures are proposed.</p> <p>Waste Disposal;</p>
9.29	<p>The proposal will not significantly alter current arrangements for waste disposal. Arrangements for the disposal of Wastewater/drainage from the proposed 3G pitch have been deemed satisfactory by Rivers Agency and NI Water. Concerns raised regarding rubbish generation relate to adequate management arrangements for the site and would not warrant refusal on planning grounds.</p> <p>Consultations</p>
9.30	<p>No consultees have any objections to the proposal.</p> <p>Pre-Community Consultation</p>
9.31	<p>For applications that fall within the Major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicants for planning permission to consult the community in advance of submitting an application.</p>
9.32	<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. 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.</p> <p>Developer Contributions</p>
9.33	<p>The proposal is a public authority development for the benefit of the general public and residents of Belfast. No requirement for Developer Contributions has been identified.</p>
10.0	<p>Having regard to the policy context and other material considerations above, the proposal is considered acceptable and approval of planning permission is recommended due to compliance with policy and taking account of consultation responses.</p> <p>It is recommended that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions.</p>

Draft Conditions (Provisional – delegated authority to Director of Planning & Building Control to finalise conditions requested).

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

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

2. The pitches and floodlighting hereby approved shall not be operational outside the following hours:

Monday to Friday - 06:00hrs to 23:00hrs

Saturday, Sunday, or public holiday - 09:00hrs to 18:00hrs

REASON: In the interests of residential amenity.

3. The lighting scheme associated with the hereby permitted development shall be designed and installed in accordance with the RPS Artificial Lighting Assessment entitled 'Avoniel Leisure Centre, Avoniel Road, Belfast dated December 2019'. The lighting scheme shall not exceed the obtrusive light limitations for Environmental Zone 3 as stipulated in the Institute of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GN0L:2011 when measured or calculated at the nearest residential premises.

Reason: in the interests of amenity.

4. Prior to the operation of the hereby permitted development the mitigation measures detailed in the RPS Noise Impact Assessment Avoniel Leisure Centre dated 20 November 2019 shall be implemented, including:

Glazing providing a minimum sound reduction of 35dB RW shall be installed in all rooms used for exercise classes. The windows to these rooms shall remain closed during activities involving amplified sound and alternative acoustically attenuated ventilation shall be provided;
Acoustic barriers shall be built outside the ball stop fences to minimise impact noise;
Panels shall be clamped with resilient fittings to prevent noises from vibration;
Metal advertising shall not be used on the ball stop fencing.

The agreed mitigation measures shall be retained thereafter and not removed or altered without the prior consent of the Council in writing.

Reason: Protection of residential amenity

5. The rating level (dBLA_{r,T}) from the operation of all fixed combined plant and equipment shall not exceed the existing daytime and night-time background noise level of 47 dBLA₉₀ and 42dBLA₉₀ respectively at the nearest noise sensitive premises, when measured or determined in accordance with BS4142:2014.A1:2019 Methods for rating and assessing industrial and commercial noise.

Reason: Protection of residential amenity.

6. Prior to the operation of the proposed development, the applicant shall provide to and have agreed in writing by the Planning Authority, a Verification Report. This report must demonstrate that the remediation measures outlined in the WYG Environment and Planning (Northern Ireland) Ltd report entitled 'Land Contamination Preliminary Risk Assessment and Generic Quantitative Risk Assessment, Avoniel Leisure Centre, Belfast, Causeway Geotech Ltd' (dated November 2019 and referenced A115164) and the letter from WYG Environment and

Planning (Northern Ireland) Ltd dated 30th March 2020 and referenced 'Avoniel Clarification' have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (commercial). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance. In particular, this Verification Report must demonstrate that:

- a) All remaining redundant fuel storage tanks and associated infrastructure have been fully decommissioned and removed from the site in line with Guidance for Pollution Prevention (GPP2) and the Pollution Prevention Guidance (PPG27).
- b) A minimum 500mm capping system has been employed in the area recommended for capping (as demonstrated in Figure 5 of the WYG report), consisting of material that has been demonstrated to be suitable for the proposed site end use (commercial).
- c) All sports pitches have been capped with a synthetic 3G surface finish.

Reason: Protection of human health.

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

Reason: Protection of human health.

8. Prior to commencement of development on site, including demolition, site clearance or site preparation, a Construction Environmental Management Plan (CEMP) shall be produced by the appointed contractor. The CEMP shall include measures to control noise, dust and vibration during the demolition / construction phase, demonstrating the use of 'best practicable means'. The CEMP must incorporate the dust mitigation measures as detailed in Chapter 6 of the RPS, Air Quality Impact Assessment, Redevelopment of Avoniel Leisure Centre, Belfast (November 2019), and the noise mitigation measures as outlined in section 4.2 of the RPS Noise Impact Assessment dated 20 November 2019. The CEMP must also have due regard to Parts 1 and 2 of BS 5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites, Noise and Vibration and to the IAQM, 'Guidance on the assessment of dust from demolition and construction version 1.1', and dated February 2014. The demolition and construction works shall be carried out in line with the CEMP. The CEMP and associated records must be made available to the Environmental Protection Unit at any time upon request.

Reason: Protection against adverse construction impacts.

9. Prior to the installation of the combustion system(s) for heating and hot water to the hereby permitted development, the applicant must submit an updated air quality impact assessment providing full specification details, including emission rates and flue termination heights, of the proposed combustion systems for heating and hot water. The updated assessment must demonstrate that there will be no significant adverse air quality impacts associated with operation of the proposed combustion plant and with the overall development.

Reason: Protection of human health

10. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall

be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>, as applicable. 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.

11. After completing the remediation works under Condition 10, and prior to occupation of the development, a verification report needs to be submitted in writing and agreed by the Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>, as applicable.

The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

12. 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 Council. The CEMP shall include 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) Water Quality Monitoring Plan;
- e) Environmental Emergency Plan;

The CEMP shall also include all the measures listed in the oCEMP by WM Associates dated 30/10/2019.

Reason: To prevent any significant effects on the Connswater River priority habitat and Inner Belfast Lough ASSI and Belfast Lough SPA and Ramsar site.

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

Reason: To protect breeding birds.

14. Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Council for its consideration and approval. The development shall be carried in accordance with the approved arrangements.

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

15. Prior to the commencement of any of the approved development on site, details of storm drainage of the site shall be submitted to and approved in writing by the Council. The details shall include a programme for implementation and the scheme shall be designed to the principles of Sustainable Drainage Systems (SuDS) as per the Construction Industry Research and Information Association's (CIRIA) Report C753. The development shall be carried in accordance with the approved details.

Reason: To prevent contaminated run-off entering the Connswater River and impacting on site integrity of the Belfast Lough Ramsar/SPA/Open Water SPA and East Coast Marine proposed SPA.

16. No part of the development hereby permitted shall become operational until the vehicular access, including visibility splays and any forward sight distance are provided in accordance with Drawing No. 1919-MCA-ST1-00-DR-C-4000 Revision P0 Proposed Visibility Splays, published by the Belfast City Council Planning Office on 04 May 2020, prior to the occupation of any other development hereby permitted. The area within the visibility splays and any forward sight line shall, with the exception of existing trees, be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

17. The development hereby permitted shall not become operational until hard surfaced area have been constructed generally in accordance with the approved layout Drawing No. 1919-MCA-ST1-00-DR-C-1600 Revision P1 Proposed Layout-White lining & Road Signage, published by the Belfast City Council Planning Office on 04 May 2020 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles. A minimum of 6 No. parking spaces shall be for disabled users and will be close to building accesses.

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

18. A minimum of 20 No. secure covered cycle parking stands shall be provided and permanently retained close to the accesses to the proposed development for use by staff and visitors to the development.

REASON: to encourage the use of alternative modes of transport for development users.

19. The development hereby permitted shall operate in accordance with the approved Travel Plan within the Transport Assessment published by the Belfast City Council Planning Office on 20 January 2020. This shall include provision of the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by DfI Roads. This Travel Plan shall be issued as a standalone document and the measures contained within will be monitored and assessed from the inception of the Plan on a minimum of an annual basis to ensure the Plan's effectiveness.

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

20. The development hereby permitted shall operate in accordance with the approved Event Management Plan within the Transport Assessment published by the Belfast City Council Planning Office on 20 January 2020. This Event Management Plan shall be issued as a standalone document and the measures contained within will be monitored and assessed from the inception of the Plan on a minimum of an annual basis to ensure the Plan's effectiveness.

REASON: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles and in the interests of road safety and the convenience of road users.

21. All hard and soft landscape works shall be completed in accordance with the approved drawings, the appropriate British Standard, the relevant sections of the National Building Specification NBS [Landscape] and plant material with the National Plant Specification NPS prior to occupation of any dwelling / part of the development hereby approved.

All plant stock supplied shall comply with the requirements of British Standard 3936, 'Specification for Nursery Stock'. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 'Code of Practice for General Landscape Operations [excluding hard surfaces]'.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

22. No equipment, machinery or materials are to be brought on the site for the purpose of the development including demolition and site clearance until all trees to be retained have been protected by fences or other suitable means of enclosure as per recommendations of BS 5837 'Trees in relation to Construction' 2005.

Protective fencing shall be at least 2.3 metres high, comprising of a scaffolding framework, verticals positioned no more than 3.0 metres apart driven into the ground approximately 0.6 metres, braced to resist impacts, supporting weldmesh panels, fixed in a manner to avoid easy removal as shown in BS 5837 2005, Figure 2.

Within the fenced area no activities associated with building operations shall take place, and the ground levels within those areas shall not be altered. All means of protection shall be retained in situ for the duration of the development.

Reason: To ensure that adequate protection measures are put in place around TPO trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

23. Should any tree, shrub or hedge be removed, uprooted or destroyed or dies or becomes, in the opinion of the Local Planning Authority seriously damaged or defective, it shall be replaced within the next planting season by trees, shrubs or hedges of the same species, variety and size to those originally planted, unless the Local Planning Authority gives its written consent to any request for variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

Signature(s)

Date:

ANNEX	
Date Valid	14th January 2020
Date First Advertised	7th February 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 2 Bloomfield Court,Belfast,Down,BT5 5AL The Owner/Occupier, 2 Carnforth Street,Ballymacarret,Belfast,Down,BT5 4QA The Owner/Occupier, 22 Avoniel Drive,Belfast,Down,BT5 4SJ The Owner/Occupier, 22 Avoniel Road,Belfast,Down,BT5 4SF The Owner/Occupier, 27 Avoniel Road,Belfast,Down,BT5 4SE The Owner/Occupier, 29 Avoniel Road,Belfast,Down,BT5 4SE The Owner/Occupier, 3 Bloomfield Court,Belfast,Down,BT5 5AL The Owner/Occupier, 31 Avoniel Road,Belfast,Down,BT5 4SE The Owner/Occupier, 31 Bloomfield Parade,Belfast,Down,BT5 5AS The Owner/Occupier, 33 Avoniel Road,Belfast,Down,BT5 4SE The Owner/Occupier, 35 Avoniel Road,Belfast,Down,BT5 4SE The Owner/Occupier, 37 Avoniel Road,Belfast,Down,BT5 4SE The Owner/Occupier, 39 Avoniel Road,Belfast,Down,BT5 4SE The Owner/Occupier, 64 Avoniel Road,Belfast,Down,BT5 4SF The Owner/Occupier, 66 Avoniel Road,Belfast,Down,BT5 4SF The Owner/Occupier, 68 Avoniel Road,Belfast,Down,BT5 4SF The Owner/Occupier, 70 Avoniel Road,Belfast,Down,BT5 4SF The Owner/Occupier, 72 Avoniel Road,Belfast,Down,BT5 4SF The Owner/Occupier, 74 Avoniel Road,Belfast,Down,BT5 4SF The Owner/Occupier, 76 Avoniel Road,Belfast,Down,BT5 4SF The Owner/Occupier, 78 Avoniel Road,Belfast,Down,BT5 4SF The Owner/Occupier, Avoniel Nursery School,Avoniel Road,Belfast,Down,BT5 4SF The Owner/Occupier, Avoniel Primary School,Avoniel Road,Belfast,Down,BT5 4SF The Owner/Occupier, Unit 1-2 ,Factory Street,Belfast,Down,BT5 5AW The Owner/Occupier, Unit 11,1 Connswater Link,Belfast,Down,BT5 4AF The Owner/Occupier, Unit 13,1 Connswater Link,Belfast,Down,BT5 4EF The Owner/Occupier, Unit 3-4 ,Factory Street,Belfast,Down,BT5 5AW The Owner/Occupier, Unit 7,1 Connswater Link,Belfast,Down,BT5 4AF The Owner/Occupier, Unit 9,1 Connswater Link,Belfast,Down,BT5 4EF The Owner/Occupier, Unit 9-13 ,Factory Street,Belfast,Down,BT5 5AW	
Date of Last Neighbour Notification	3rd February 2020
Date of EIA Determination	11th February 2020
ES Requested	No

Planning History

Ref ID: Z/2007/0350/F

Proposal: Proposed Connswater community greenway (a linear park) following the course of the Connswater, Loop and Knock rivers. This includes walkways, pedestrian crossings and cycle ways; landscaping, and allotments; bio-remediation of the river including limited realignment, cross section re-profiling, riffles, cascades, attenuation pools and reed beds, several minor footbridges across the river and 3 No. landmark foot and cycle bridges; street furniture, lighting, cycle stands, interpretation boards and CCTV; fencing and gates; limited car parking to provide disabled access to greenway and rationalisation of car parking at Hollywood Arches and installation of weir infrastructure at entrance to Victoria Park.

Address: Lands extending from Victoria Pk to Cregagh Glen inc. parts of Cregagh Rd, Castlereagh College, Loop River Pk, Castlereagh Rd, Beersbridge Rd, Newtownards Rd, Sydenham Bypass, & lands in between. Also inc. lands extending from Beersbridge Rd to C

Decision:

Decision Date: 26.07.2007

Ref ID: LA04/2016/2121/LBC

Proposal: Refurbishment & alterations to interior of primary school building. Alterations to north elevation by extension of 3 blocks. Demolition of structures which are not listed.

Address: Elmgrove Primary School, (Avoniel Site) and Nursery Unit, Avoniel Road, Belfast, BT5 4SF,

Decision: CG

Decision Date: 24.10.2017

Ref ID: LA04/2016/2219/F

Proposal: Refurbishment and alterations to primary school including 2 single storey rear extensions and 2 storey rear extension. Construction of double nursery school building, car parking, landscaping, fencing and site works. (amended plans, additional information and corrected site address)

Address: Elmgrove Primary School (Avoniel Site) and Nursery Unit, Avoniel Road, Belfast, BT5 4SF and lands to the rear of Avoniel Road Leisure Centre, Avoniel Road, Belfast, BT5 4SF,

Decision: PG

Decision Date: 24.10.2017

Ref ID: LA04/2019/2560/DC

Proposal: Discharge of conditions no's 3,4,6 and 7 of LA04/2016/2121/LBC

Address: Elmgrove Primary School (Avoniel Site) and Nursery Unit, Avoniel Road, Belfast, BT5 4SF,

Decision: AL

Decision Date:

Ref ID: LA04/2019/0493/PAN

Proposal: The proposal involves the demolition of the existing leisure centre building and adjacent buildings and the construction of a new 2 storey pavilion with relocated car parking, the provision of 1No. new 90m X 55M 3G pitch, 1No. new 50m X 30m pitch and 3No. covered 30m X 20m pitches and 2No. 30m X 20m pitches all with fencing and lighting. The proposal maintains existing linkages to the Connswater Greenway.

Address: Avoniel Leisure Centre, Avoniel Road, Belfast, BT5 4SF.,

Decision: PANACC

Decision Date:

Ref ID: LA04/2019/2626/LDP

Proposal: Demolition of existing buildings on site of Avoniel Leisure Centre

Address: Avoniel Leisure Centre, Avoniel Road, Belfast, BT5 4SF,

Decision: PG

Decision Date:

Ref ID: LA04/2016/0714/PAN

Proposal: New classroom extension and refurbishment of Avoniel listed Primary School to include three blocks perpendicular to the existing. A new replacement double classroom nursery building is situated in the south-east corner of the site. A new access onto Avoniel Road is proposed along with an amended car park and proposed internal road layout.

Address: Avoniel Road, located off Avoniel Road, Belfast, BT3 9BT with road access from Avoniel Road and Avoniel Drive.,

Decision: PANACC

Decision Date:

Ref ID: LA04/2019/2971/F

Proposal: Demolition of the existing leisure centre building and adjacent buildings and the Construction of a new 2 storey pavilion including ground floor changing room facilities, multipurpose rooms, and 250 seat spectator stand, relocated car parking, 1no new 90m x 55m 3G pitch, 1no new 50m x 30m pitch and 3no covered 30m x 20m pitches and 2no. 30m x 20m pitches all with fencing and lighting. The proposal maintains existing linkages to the Connswater Greenway.

Address: Avoniel Leisure Centre, Avoniel Road, Belfast, BT5 4SF,

Decision:

Decision Date:

Ref ID: LA04/2019/2896/DC

Proposal: Discharge of Conditions no's. 3, 4, 6, & 7 of LA04/2016/2121/LBC and conditions no's. 10, 11, 13 & 14 of LA04/2016/2219/F

Address: Elmgrove Primary School (Avoniel Site) and Nursery Unit, Avoniel Road, Belfast, BT5 4SF,

Decision:

Decision Date:

Ref ID: Z/1989/0655

Proposal: Extension to Connswater Shopping Centre to include retailing, business park, housing and car parking

Address: CONNSWATER INDUSTRIAL ESTATE EAST BREAD STREET, BELFAST BT5

Decision:

Decision Date:

Ref ID: Z/1993/0664

Proposal: Construction of 11 no. new dwellings

Address: AVONIEL ROAD BELFAST BT5

Decision:

Decision Date:

Ref ID: Z/1974/0153
Proposal: ERECTION OF STAFF CANTEEN, KITCHEN AND SECURITY ROOM
Address: 4-12 AVONIEL ROAD
Decision:
Decision Date:

Ref ID: Z/1988/0052
Proposal: Housing Development
Address: FORMER GUINNESS PREMISES AVONIEL ROAD BELFAST
Decision:
Decision Date:

Ref ID: Z/1996/0289
Proposal: Synthetic and filled grass pitch for soccer, hockey and other sports and erection of 8 no. lighting columns (Option no. 2)
Address: AVONIEL LEISURE CENTRE AVONIEL ROAD BELFAST BT5
Decision:
Decision Date:

Ref ID: Z/1996/0290
Proposal: Synthetic and filled grass pitch for soccer, hockey and other sports and erection of 8 no. lighting columns (Option no. 1)
Address: AVONIEL LEISURE CENTRE AVONIEL ROAD BELFAST BT5
Decision:
Decision Date:

Ref ID: Z/2002/0667/F
Proposal: Extension of mezzanine floor on one side to provide approximately 110 metre squared of additional floor space
Address: Furniture House, Unit 10, Connswater Retail Park, Link Road, Belfast
Decision:
Decision Date: 20.08.2002

Ref ID: Z/2004/0552/F
Proposal: Environmental improvements to include provision of ramps & lighting
Address: Avoniel Leisure Centre, Albertbridge Road, Belfast BT5 4SF
Decision:
Decision Date: 05.07.2005

Ref ID: Z/1986/0973
Proposal: EXTENSION TO PREMISES TO BE USED AS MAT STORE
Address: AVONIEL LEISURE CENTRE, AVONIEL ROAD
Decision:
Decision Date:

Ref ID: Z/1985/2504

Proposal: ENVIRONMENTAL IMPROVEMENTS AND THE CLOSURE OF AVONIEL ROAD WITH BRICK

Address: 24-62 AVONIEL ROAD

Decision:

Decision Date:

Ref ID: Z/2010/0311/F

Proposal: Installation of self-contained steel storage unit, size 20' x 8' (6m x 2.4m).

Address: Avoniel Play Centre, Avoniel Road, Belfast, BT5 4SS

Decision:

Decision Date: 05.05.2010

Ref ID: Z/1987/1287

Proposal: Installation of 3 no 4 tonne bulk gas storage vessels

Address: AVONIEL LEISURE CENTRE AVONIEL ROAD BELFAST

Decision:

Decision Date:

Ref ID: Z/1990/0840

Proposal: Extension to Leisure Centre

Address: AVONIEL LEISURE CENTRE AVONIEL ROAD BELFAST

Decision:

Decision Date:

Ref ID: Z/1996/0102S

Proposal: Erection of two storey bank

Address: LAND BOUNDED BY CONNSWATER RIVER, NEW LINK ROAD, ALBERTBRIDGE ROAD AND NEWTOWNARDS ROAD BELFAST BT5

Decision:

Decision Date:

Ref ID: Z/1997/0304

Proposal: Erection of three retail warehouses

Address: ARCHES RETAIL PARK ALBERTBRIDGE ROAD BELFAST BT5

Decision:

Decision Date:

Ref ID: Z/1996/0102

Proposal: Erection of retail warehousing, leisure building, bank, shop, fast food restaurant and office with associated car parking (Outline Permission)

Address: EAST BREAD STREET/ALBERTBRIDGE ROAD BELFAST BT5

Decision:

Decision Date:

Ref ID: Z/2002/0966/F

Proposal: Extension to existing fitness club.

Address: Unit 11 Connswater Retail Park, Albertbridge Road, Belfast

Decision:

Decision Date: 13.08.2002

Ref ID: Z/1996/0102R

Proposal: Bingo complex with associated car park

Address: DEVELOPMENT BOUNDED BY CONNSWATER RIVER, NEW LINK ROAD, ALBERTBRIDGE ROAD AND SKIPTON STREET BELFAST

Decision:

Decision Date:

Ref ID: Z/2005/1752/F

Proposal: Demolition of 3 no. existing retail units, construction of 2 no. new retail units and re-cladding of 6 no. existing retail units and amendment to previously approved extension to unit 11 (ref. Z/2002/0966/F)

Address: Connswater Retail Park, Albertbridge Road, Belfast

Decision:

Decision Date: 03.07.2006

Ref ID: Z/1997/0563

Proposal: Amendment of previously approved bingo complex

Address: ARCHES RETAIL PARK, ALBERTBRIDGE ROAD BELFAST BT5

Decision:

Decision Date:

Ref ID: Z/1999/3481/F

Proposal: Petrol Filling Station for Tesco

Address: Connswater Shopping Centre, Bloomfield Avenue, Belfast, BT5.

Decision:

Decision Date: 04.09.2000

Ref ID: Z/1994/6005

Proposal: WAREHOUSE AND PACKAGING BUILDING CARNFORTH STREET (ROPEWORKS DEV.)

Address: CARNFORTH STREET

Decision:

Decision Date:

Ref ID: Z/1994/0364

Proposal: Erection of Food Packaging and Storage building

Address: LANDS BOUNDING BETWEEN SKIPTON STREET AND AVONIEL LEISURE CENTRE BELFAST BT5

Decision:

Decision Date:

Ref ID: Z/2008/0795/F

Proposal: Variation of conditions 5 and 6 of planning approval Z/2007/0350/F - Proposed Connswater community greenway (a linear park) following the course of the Connswater, Loop and Knock rivers. This includes walkways, pedestrian crossings and cycle ways; landscaping, and allotments; bio-remediation of the river including limited realignment, cross section re-profiling, riffles, cascades, attenuation pools and reed beds, several minor footbridges across the

river and 3 No. landmark foot and cycle bridges; street furniture, lighting, cycle stands, interpretation boards and CCTV; fencing and gates; limited car parking to provide disabled access to greenway and rationalisation of car parking at Hollywood Arches and installation of weir infrastructure at entrance to Victoria Park- an extension to the time period for the preparation of baseline surveys and an ecological management plan for the Connswater community greenway.

Address: Lands extending from Victoria Pk to Cregagh Glen inc. parts of Cregagh Rd, Castlereagh College, Loop River Pk, Castlereagh Rd, Beersbridge Rd , Newtownards Rd, Sydenham Bypass, & lands in between. Also inc. lands extending from Beersbridge Rd to C

Decision:

Decision Date: 28.10.2008

Notification to Department (if relevant) N/A

Date of Notification to Department:

Response of Department:



Subject:	Belfast Housing Land Availability Summary Report 2019-20
Date:	15 September 2020
Reporting Officer:	Aidan Thatcher, Director of Planning and Building Control
Contact Officer:	Martyn Smithson, Senior Planning Officer

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

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

1.0	Purpose of Report or Summary of Main Issues
1.1	To provide an overview of the Council's Housing Land Availability Summary Report for the 2019/20 monitoring period.
1.2	The report presents the outcomes of annual housing land monitoring and helps inform the preparation of the new Local Development Plan (LDP) for the District. It provides a snapshot of the amount of land available for new residential development as of 1 April 2020, and is supported by an online map portal showing the status of all existing housing monitor sites.

2.0	Recommendation
2.1	The Committee is asked to note the outcomes of the annual Housing Monitor report for 2019/20 contained at Appendix 1 and the intention to publish this summary document and accompanying online map portal on the Council's website.
3.0	Main Report
3.1	Background Members are reminded that the Planning Act (NI) 2011 requires the Council to make an annual report to the Department for Infrastructure (DfI) outlining the extent to which the objectives set out in the LDP are being achieved. As the Council are currently preparing the first new LDP for Belfast under this new legislation, the production of Annual Monitoring Reports has not yet commenced. Instead, annual Housing Land Availability Monitor

	reports (referred to as the 'Housing Monitor' reports) are being prepared by the Council until the new LDP is adopted.
3.2	<p>Housing Land Availability Reports</p> <p>The primary purpose of the Housing Monitor is to inform the formulation of the Council's new LDP. However, it will also help the Council identify where a shortfall in potential land supply might exist and can inform house-builders on the availability of land that may be suitable for housing.</p>
3.3	<p>The Housing Land Availability Summary Report (Appendix 1) presents the headline figures from a register of potential housing land maintained by the Council, based on current planning policy designations and planning consents. This provides a snapshot of the amount of land available for new homes and capacity for future housing units as of 1st April 2020, as well as providing detail in respect of the net gains in residential units for the 2019/20 period. This differs from the new dwelling completion statistics published routinely by central Government which only provide a total for new build homes, without accounting for units lost as a result of redevelopment. The report will be supported by the online map portal showing the status of all existing housing monitor sites, on the Development Plan and Policy part of the Council website.</p>
3.4	<p>During the 2019/20 monitoring year 698 units were completed on 18.5ha of land across the District. 378.4ha of land remains, with potential capacity for 21,692 residential units. This is based on deliverable planning approvals and land allocated within the development plan, but doesn't include other potential sites that may be suitable for residential development.</p>
3.5	<p>The total number of dwellings completed in the district has fallen by 15.9% from 830 in 2018/19 to 698 in the current monitor year. The proportion of dwellings completed within the Urban Footprint is recorded at 76.4% and, as at 1 April 2020, 38.7% of the remaining potential available for future dwellings is on land zoned for housing or mixed use development.</p>
3.6	<p>It is emphasised that the monitor represents a register of housing land based on policy designations and planning permissions, rather than an accurate picture of all potentially viable housing land. It should also be noted that this year's report is based on data for the period largely prior to the Covid-19 lockdown, so the full implications of Coronavirus will not be reflected until next year's report.</p>
3.7	<p><u>Finance and Resource Implications</u></p> <p>There are no resource implications associated with this report.</p>
3.8	<p><u>Asset and Other Implications</u></p> <p>None noted.</p>
3.9	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>The Housing Monitor report presents factual information and makes no recommendations relating to the future allocation of land for housing. There are therefore no relevant equality or good relations implications attached to this report.</p>
4.0	<p>Appendices</p>
	<p>Appendix 1 – Belfast Housing Land Availability Summary Report 2019/20</p>



Belfast Housing Land Availability Summary Report

2019/2020

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1. Introduction

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

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

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

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

The Planning Act (NI) 2011 requires Belfast City Council to make an annual report to the Department for Infrastructure outlining the extent to which the objectives set out in the LDP are being achieved. As the Council are currently preparing the first new LDP for Belfast under this new legislation, the production of Annual Monitoring Reports has not yet commenced. Instead, annual Housing Monitor reports are being published by the Council until the new LDP is adopted.

2. Methodology

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

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

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

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

3. Summary Tables and Graphs

The following summary tables detail the supply of housing for the Belfast district from 1 April 2019 to 31 March 2020 and provide a snapshot of the land remaining for housing and its associated potential capacity to accommodate new homes. Cumulative totals are also provided since the Council's housing monitor was established – i.e. 1 April 2015, the date at which the Council gained statutory responsibility for planning.

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

3.1 Settlement Summary

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

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

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

- **Area Developed 1 April 2019 to 31 March 2020** – the area of land in hectares (ha) developed during the current monitor year;
- **Area Developed 1 April 2015 to 31 March 2020** – the cumulative area of land in hectares (ha) developed to date from 1 April 2015 (the date at which the Council gained statutory responsibility for planning);
- **Units Complete 1 April 2019 to 31 March 2020** – the number of dwellings completed during the current monitor year;

- **Units Complete 1 April 2015 to 31 March 2020** – the cumulative total number of dwellings completed to date from 1 April 2015 (the date at which the Council gained statutory responsibility for planning);
- **Available Potential (Hectares)** – the area of land estimated as available for additional dwelling completions within monitored sites as at 31 March 2020; and
- **Available Potential (Dwelling Units)** – the estimated number of dwellings that could be accommodated on the available potential land as at 31 March 2020.

During the 2019/20 monitoring year 698 units were completed on 18.5 ha of land across the District. 378.4 ha of land remains, with potential capacity for 21,692 units. Within Belfast City, 593 units completed were within Outer Belfast, with a further 103 units completed within the City Centre. 13,148 of the available potential units are within Outer Belfast, whilst 5,383 and 3,138 potential dwelling units remain in the City Centre and Harbour Area respectively. There were a further 2 completions in Hannahstown with a total of 23 potential dwelling units available across the three Small Settlements.

Figure 1 shows the total dwellings completed for the district from 2015/16 to present, to allow for an analysis of trends over a longer timeframe. The total number of dwellings completed in the district has decreased by 15.9% from 830 in 2018/19 to 698 in the current monitor year.

3.2 Urban Footprint Summary

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

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

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

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

76.4% of the 696 units completed within Belfast City were built on land within the Urban Footprint. Of the remaining potential dwelling units, 93.5% are within the Urban Footprint.

Figure 2 shows the proportion of dwellings within the Urban Footprint for the district from 2015/16 to present, to allow for an analysis of trends over a longer timeframe. The proportion of dwellings completed within the Urban Footprint has decreased from 84.1% in 2018/19 to 76.4% in the current monitor year.

3.3 Land Use Zoning Summary

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

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

27.7% of the dwelling units completed during 2019/20 have been delivered on zoned land within Belfast City. The number of units completed on all other land was 505 dwellings.

Figure 3 shows the proportion of units completed for the district on both housing or mixed use zoned land expressed as a percentage of the total number of dwellings completed from 2015/16 to present. This proportion has increased from 25.8% in 2018/19 to 27.7% in the current monitor year. Figure 4 shows the total number of units completed on all other land. This 'windfall' provision has decreased by 18.0% from 616 units in 2018/19 to 505 in the current monitor year.

Table 4 provides details of the capacity for future dwelling units on the same basis as Table 3. Of the remaining potential available for future dwellings, 38.7% is currently zoned for housing or mixed use. 4,270 of the available 21,692 potential dwelling units can be delivered on land zoned for housing and 4,125 units on land zoned for mixed use. In comparison, 13,297 of the remaining potential units can be provided on all other land.

Table 1: Settlement Summary 2019/20

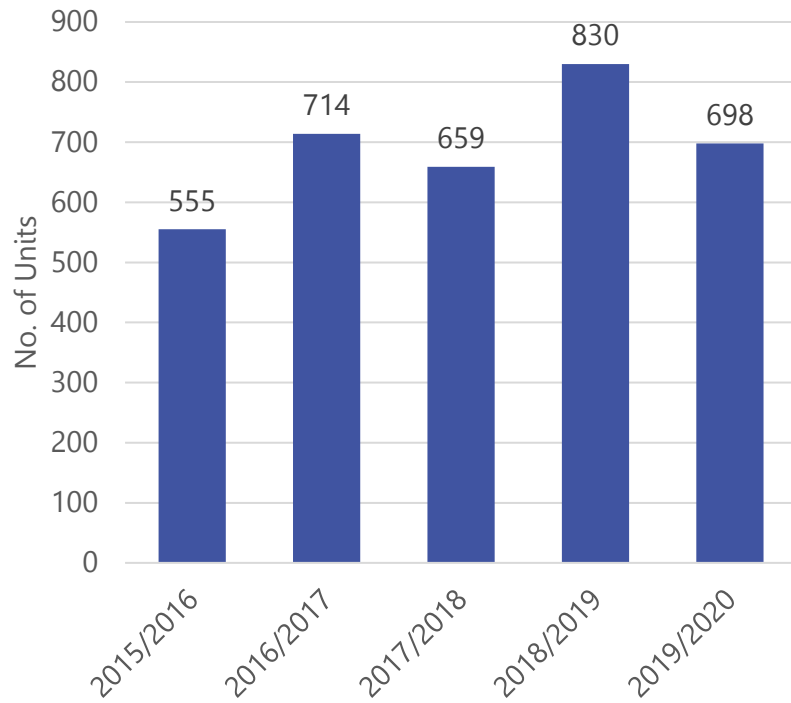
Settlement	Area Developed (Hectares)		Units Complete		Available Potential (Hectares)	Available Potential (Dwelling Units)
	01-04-19 to 31-03-20	01-04-15 to 31-03-20	01-04-19 to 31-03-20	01-04-15 to 31-03-20		
Belfast City						
Outer Belfast	17.8	90.9	593	3,128	254.9	13,148
City Centre	0.4	2.1	103	305	36.4	5,383
Harbour Area	0.0	0.0	0	0	85.9	3,138
Belfast City Total	18.3	93.1	696	3,433	377.2	21,669
Small Settlements						
Edenderry	0.0	0.0	0	0	0.7	20
Hannahstown	0.2	1.0	2	23	0.3	2
Loughview	0.0	0.0	0	0	0.2	1
Small Settlement Total	0.2	1.0	0	23	1.2	23
DISTRICT TOTAL	18.5	94.1	698	3,456	378.4	21,692

Note – Hectare values may not tally due to rounding

Table 2: Urban Footprint Summary 2019/20

Settlement / Area	Area Developed (Hectares)		Units Complete		Available Potential (Hectares)	Available Potential (Dwelling Units)
	01-04-19 to 31-03-20	01-04-15 to 31-03-20	01-04-19 to 31-03-20	01-04-15 to 31-03-20		
Urban Footprint	10.4	67.0	532	2,916	324.2	20,270
<i>Units within the Urban Footprint (%)</i>	-	-	76.4%	84.9%	-	93.5%
Greenfield	7.9	26.1	164	517	53.0	1,399
Belfast City Total	18.3	93.1	696	3,433	377.2	21,669

**Figure 1: Total Dwellings Completed
2015-2020**



**Figure 2: Proportion of Dwellings Within the Urban Footprint
2015-2020**

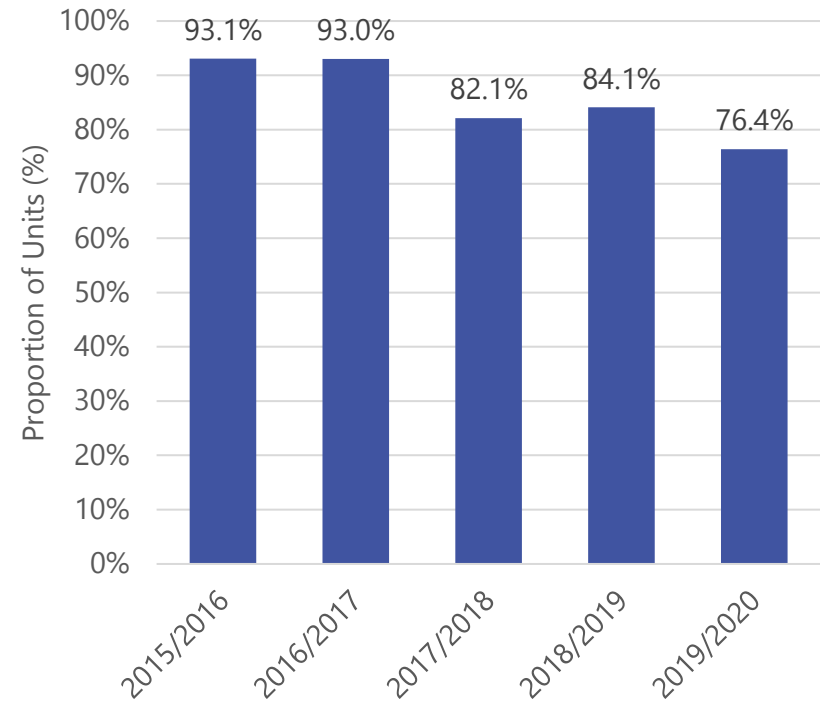
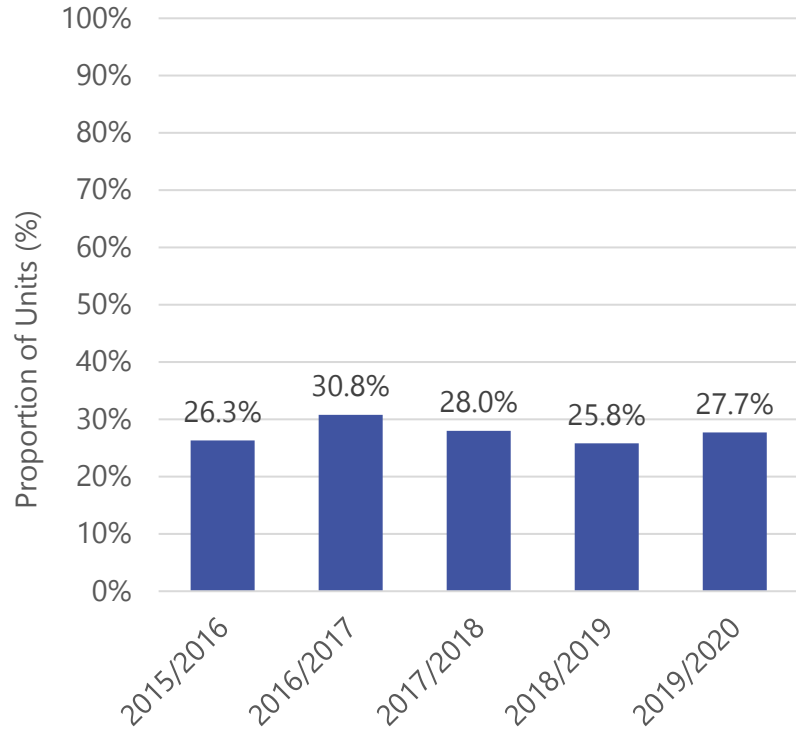


Table 3: Land Use Zoning Completed Units 2019/20

Settlement / Area	Units Complete									
	Land Zoned for Housing		Land Zoned for Mixed Use		All other land		Total		Proportion on Zoned Land (%)	
	01-04-19 to 31-03-20	01-04-15 to 31-03-20	01-04-19 to 31-03-20	01-04-15 to 31-03-20	01-04-19 to 31-03-20	01-04-15 to 31-03-20	01-04-19 to 31-03-20	01-04-15 to 31-03-20	01-04-19 to 31-03-20	01-04-15 to 31-03-20
Belfast										
Outer Belfast	193	918	0	60	400	2,150	593	3,128	32.5%	31.3%
City Centre	0	4	n/a	n/a	103	301	103	305	0.0%	1.3%
Harbour Area	n/a	n/a	0	0	0	0	0	0	0.0%	0.0%
Belfast Total	193	922	0	60	503	2,451	696	3,433	27.7%	28.6%
Small Settlements										
Edenderry	n/a	n/a	n/a	n/a	0	0	0	0	n/a	n/a
Hannahstown	n/a	n/a	n/a	n/a	2	23	2	23	n/a	n/a
Loughview	n/a	n/a	n/a	n/a	0	0	0	0	n/a	n/a
Small Settlement Total	n/a	n/a	n/a	n/a	2	23	2	23	n/a	n/a
DISTRICT TOTAL	193	922	0	60	505	2,474	698	3,456	27.7%	28.4%

**Figure 3: Proportion of Units Complete on Zoned land
2015-2020**



**Figure 4: No. of Units Complete on All Other Land
2015-2020**

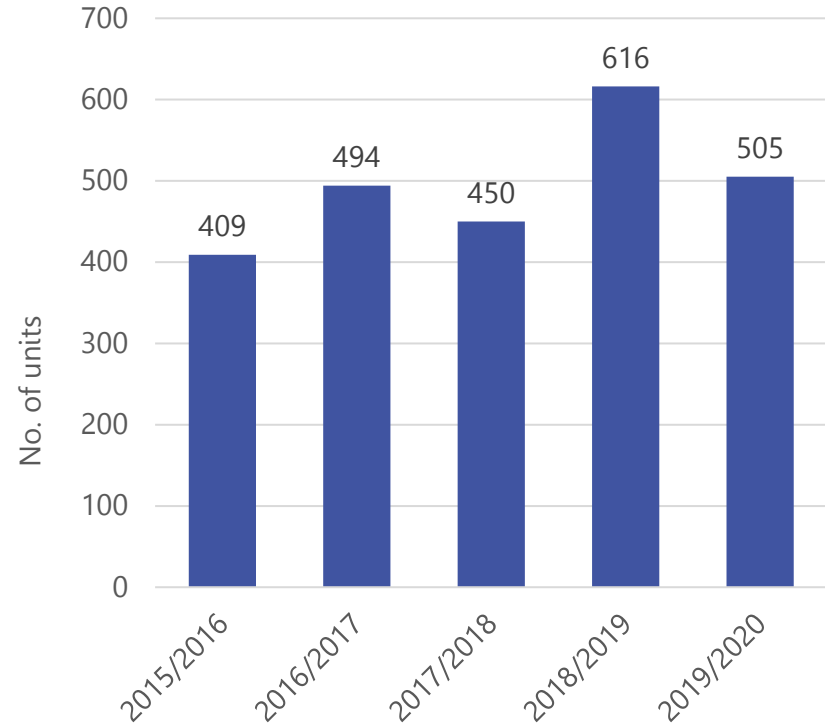


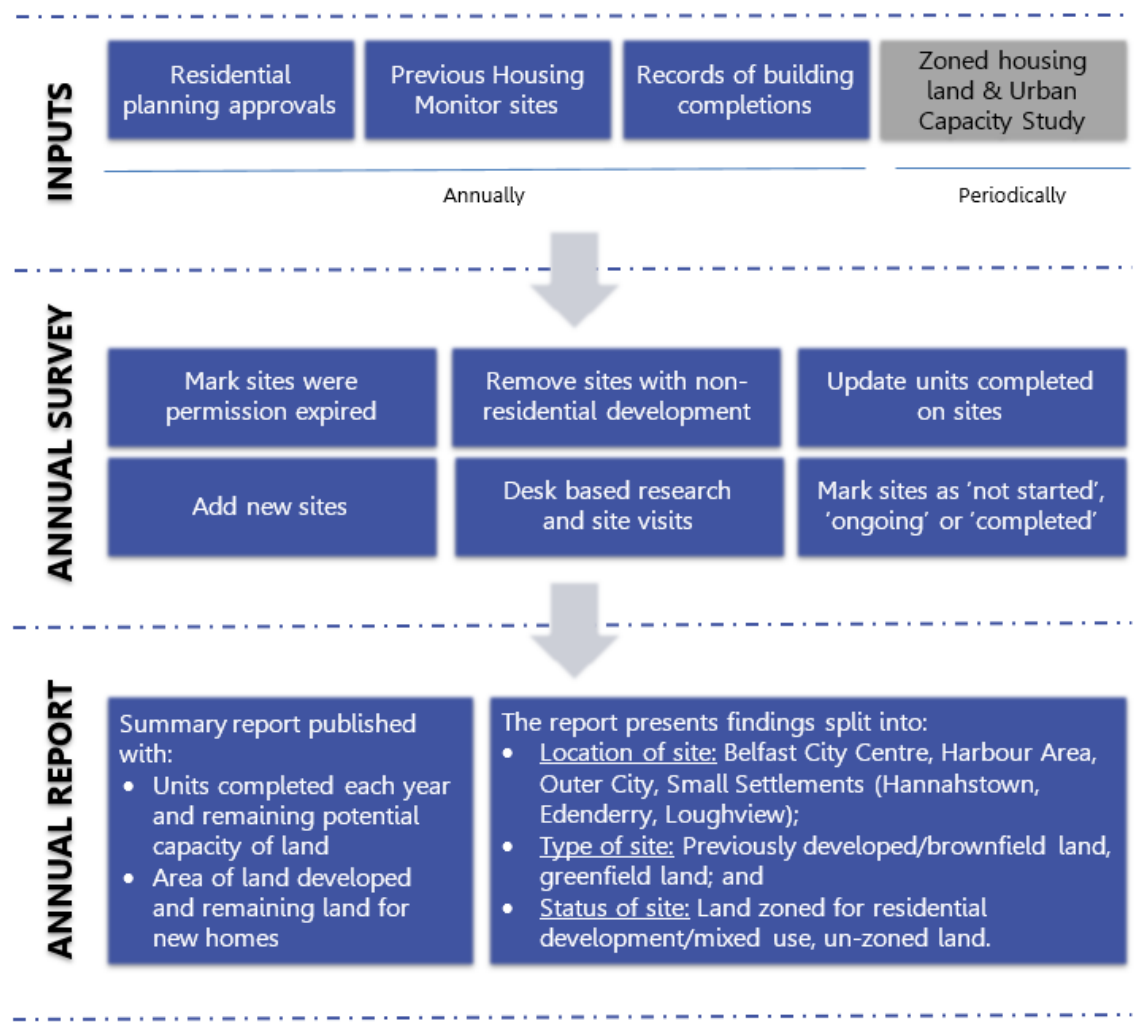
Table 4: Land Use Zoning Remaining Potential Units 2019/20

Settlement / Area	Remaining Potential Units				
	Land Zoned for Housing	Land Zoned for Mixed Use	All other land	Total	Proportion on Zoned Land (%)
Belfast City					
Outer Belfast	3,518	1,100	8,530	13,148	35.1%
City Centre	752	n/a	4,631	5,383	14.0%
Harbour Area	n/a	3,025	113	3,138	96.4%
Belfast City Total	4,270	4,125	13,274	21,669	38.7%
Small Settlements					
Edenderry	n/a	n/a	20	20	n/a
Hannahstown	n/a	n/a	2	2	n/a
Loughview	n/a	n/a	1	1	n/a
Small Settlement Total	n/a	n/a	23	23	n/a
DISTRICT TOTAL	4,270	4,125	13,297	21,692	38.7%

Appendix A: Summary Methodology

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

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



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