

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



**Belfast  
City Council**

8<sup>th</sup> December, 2020

**MEETING OF PLANNING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet remotely on Tuesday, 15th December, 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 - 32)
- (c) Declarations of Interest

2. **Restricted Item**

- (a) Finance Update (Pages 33 - 60)

3. **Committee Site Visits**

- (a) LA04/2019/0463/F - Revision of previously approved application (Z/2012/0645/RM) and erection of 10 semi-detached dwellings and associated site works - Plots 36-45 of residential development on lands south of 25 Harberton Park (Pages 61 - 62)

- (b) Pre-emptive site visit to LA04/2019/2653/F - Demolition of existing property and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas: and 8 floors of grade A office accommodation at Chancery House 88 Victoria Street
- (c) Pre-emptive site visit to LA04/2020/1864/F - Application under Section 54 of the Planning Act (Northern Ireland) 2011 in respect of planning permission Z/2014/0077/F (erection of new pavillion, new 3G all weather pitch with associated perimeter and spectator fencing, ball catch nets, floodlighting and improvements to pedestrian and vehicular access to include new access, footpath and car parking) to vary Condition 13 (seeking to vary the scheme of landscaping to be implemented) at Glassmullin Gardens/Slieveban Drive

4. **Planning Appeals Notified**

5. **Planning Decisions Issued**

6. **Planning Applications**

- (a) (Reconsidered Item) LA04/2019/0463/F - Revision of previously approved application (Z/2012/0645/RM) and erection of 10 semi-detached dwellings and associated site works - Plots 36-45 of residential development on lands south of 25 Harberton Park (Pages 63 - 78)
- (b) LA04/2019/1833/F - New dwelling to replace previous dwelling on site at 11 Ashley Park, Dunmurry (Pages 79 - 86)
- (c) LA04/2020/1353/F - Erection of additional roof top plant, ventilation and ductwork and erection of louvered aluminium screen along eastern elevation at 12-30 Wellington Place and 42-46 Upper Queen Street (Pages 87 - 98)
- (d) LA04/2020/1803/F - Change of use to House of Multiple Occupancy at 60 Springfield Road (Pages 99 - 106)
- (e) LA04/2020/0409/F - Retrospective amendments to previously approved application LA04/2018/2960/F, two storey extension to rear and side with elevation changes, including raised patio, change of levels to rear and boundary/screening walls and fences at 210 Malone Road (Pages 107 - 114)
- (f) LA04/2019/2989/F - Erection of a care home with associated car parking, servicing, landscape and access off Balmoral Avenue at The King's Hall and RUAS site south of Upper Lisburn Road/Balmoral Avenue west of Harberton Park and north east of Balmoral Golf Club (Pages 115 - 146)
- (g) LA04/2020/1563/F - Variation of conditions 2 (method of works statement), 3 (road construction details), 5 (archaeological programme of works) and 7 (hard and soft landscaping details) of planning permission LA04/2015/0405/F to enable the development to be delivered in two phases. Phase 1 will be the construction of the toucan crossing on Ormeau Embankment and associated works, Phase 2 will comprise the remaining works including construction of the main bridge structure at Lower Ormeau Embankment and River Terrace (Pages 147 - 172)

- (h) LA04/2020/0708/F - Works to allow the decommission of Boodle's Dam maintaining the existing water levels; including earthworks to reduce the existing dam embankment; re-profiling of the adjacent land; removal of existing structures (concrete wall, draw off towers, bridge); formalising the inlet and outlet arrangements; landscape improvements to allow for integration into the Ligoniel Park and all associated works (Pages 173 - 184)
- (i) LA04/2020/0673/F - Environmental improvement works to include: new footpaths and cycleway, new multi - use games area, new outdoor gym equipment, new play area, new street furniture and park lighting, relocation of the community garden providing new polytunnel, toilet block, shed and allotment beds, new car park provision, landscape interventions including planting, woodland management, resurfacing, regrading and all associated works on Lands at "The Bullring" located parallel to the Westlink motorway and adjacent Denmark Street/California Close between Peters Hill and Regent Street
- (j) LA04/2020/0880/F - equipped playground with a pedestrian entrance off Moyard Park at Site of Vere Foster Primary School, Moyard Parade (Pages 185 - 192)
- (k) LA04/2020/1180/LBC - Repair, restoration and cleaning of central steps at Belfast City Cemetery, Falls Road (Pages 193 - 198)
- (l) LA04/2020/2089/F & LA04/2020/2018/LBC - alterations to a section of wall at the boundary between Whiterock Road and City Cemetery Service Yard, involving increasing the height of the masonry wall to improve site security at Belfast City Cemetery, Falls Road. (Pages 199 - 210)

## 7. **Miscellaneous Items**

- (a) Information Guide for Local Councils - HED Consultation (Pages 211 - 228)
- (b) Performance and Improvement Update (Pages 229 - 232)
- (c) Annual Monitoring Report (Section 76 financial developer contributions)
- (d) Updated training programme for the Planning Committee (Pages 233 - 236)





## Planning Committee

Wednesday, 4th November, 2020

### SPECIAL MEETING OF PLANNING COMMITTEE HELD REMOTELY VIA MICROSOFT TEAMS

Members present: Councillor Hussey (Chairperson);  
Councillors Brooks, Carson, Matt Collins,  
Garrett, Groogan, Hanvey,  
Maskey, McCullough, McKeown, 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;  
Ms. C. Donnelly, Democratic Services Officer; and  
Mrs. L. McLornan, Democratic Services Officer.

Also attended: Councillors Gormley, McDonough-Brown and Whyte.

#### **Apologies**

No apologies for inability to attend were reported.

#### **Declarations of Interest**

Councillor McKeown advised that he had attended a meeting where individuals had raised concerns in respect of item 3a, LA04/2016/0559/F, but that, as he had not expressed an opinion on the application, he would take part in the discussion.

#### **Committee Site Visits**

##### **Note of Site Visits**

It was noted that the Committee had undertaken site visits on 22nd and 28th October in respect of the following planning application:

- LA04/2016/0559/F - Construction of 4 office blocks – Block A 10 storeys, Block B 14 Storeys, Block C and Block D 3 Storeys plus 4 retail units, plant and car parking with external plaza and associated landscaping on site at the junction of Stewart Street/ East Bridge Street and West of Central Station East Bridge Street; and

It was further noted that the Committee had undertaken a site visit on 22nd October in respect of the following application:

**Special Meeting of Planning Committee,  
Wednesday, 4th November, 2020**

- LA04/2019/2387/F - Residential development comprising 151 apartments and ancillary uses including; management suite, communal space, reception area and servicing (refuse/recycling/bicycle storage) and plant equipment; and associated car parking and public realm improvements to Scrabo Street, Station Street and Middlepath Street on Land adjacent to Quay Gate House 15 Scrabo Street, footpaths and public realm at Scrabo Street, Station Street and Middlepath Street

**Pre-Emptive Committee Site Visit**

In response to a suggestion from the Planning Manager (Development Management), the Committee agreed to undertake a pre-emptive site visit to the following site:

- LA04/2020/0804/F - Proposed major mixed use development comprising 653 residential dwellings (549 social housing units and 104 affordable housing units); 2 replacement residential care homes; mixed use area including local neighbourhood retail centre (1 convenience retail anchor unit and 3 retail/hot food/coffee shop units and hotel; Class B business uses within employment zone comprising a mix of 6 Class B1a offices; 1 Class B1b/B1c call centre and R&D office; and 11 Class B1b/B1c/B2 call centre and R&D offices/light industrial units.; community facilities including community building; MUGA pitch and play area. Development includes 2 vehicular site access points from Monagh By-Pass (1 signalised), associated internal road network, pedestrian and cycle ways, public open space, children's play area(s), landscaping, 2 no. waste water treatment works, and all other site and access works (amended scheme) at Lands West of Monagh By-Pass South of Upper Springfield Road & 30-34 Upper Springfield Road & West of Aitnamona Crescent & St Theresa's Primary School. North and East of 2-22 Old Brewery Lane Glanaulin 137-143a Glen Road & Airfield Heights & St Mary's CBG School Belfast.

**Planning Applications**

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

**LA04/2016/0559/F – Site at the junction of Stewart Street/East Bridge Street  
and West of Central Station East Bridge Street Belfast**

The Planning Manager reminded the Committee that the application was due to be considered by the Planning Committee at its meeting on 15th October but, in light of the fact that the membership of the Committee had changed since it first considered the application, the Committee agreed, at its meeting on 13th October, to defer consideration

**Special Meeting of Planning Committee,  
Wednesday, 4th November, 2020**

of the application in order to undertake a site visit, and further agreed that a Special meeting would be held to consider the application.

A site visit for the Planning Committee had taken place on 22nd October, with a second site visit carried out on 28th October for those Members who were unable to attend.

The Committee was provided with an overview of the proposals. The Planning Manager explained that the application had originally been received in March 2016 and reported to the Planning Committee in September 2016, and that the Committee had resolved to grant planning permission, subject to conditions and a Section 76 Planning Agreement. Subsequently, permission was issued in June 2017 but subject to a High Court challenge and the Court had quashed the Council's decision in May 2018 on the grounds that the decision failed to have regard to the Belfast Urban Area Plan (BUAP) as the adopted plan and failed to take into account the recommendations of the Planning Appeals Commission following the independent examination into Draft Belfast Metropolitan Area Plan (dBMAP), which recommended that the site should be zoned for housing.

He reported that the application did not include social housing and the Planning Authority should assess the application before it. He advised that, as set out in the report to the 15th October Planning Committee, significant weight should be given to the most recent version of dBMAP (2014), which had identified the site as un-zoned white land, given its advanced stage and that the only area of contention was related to retail policy at Sprucefield and that, over previous years, it had been the consistent approach of both officers and the Planning Committee.

The Committee was advised that the site was located within the City Centre of Belfast as defined within BUAP 2001 and both versions of draft BMAP 2015. It was located on un-zoned land within the City Centre outside the primary retail core and within the city centre office area and that the Belfast City Centre Regeneration and Investment Strategy (CCRIS 2015) aimed to increase the employment population of the city centre.

He explained that the site extended to approximately 0.8 hectares and was located adjacent to East Bridge Street, which sat at a higher level with access taken off Stewart Street which sat at a lower level. The site was a vacant, hard standing plot of land which had previously been used as a temporary car park.

He further explained that the site was situated between very different urban forms of development, the high rise commercial development to the north, the elevated Lanyon Place Railway Station to the west and the domestic residential scale and form of the Markets residential area to the south and west.

He highlighted that the key material factors in the post judicial review assessment of this application were as follows:

**Special Meeting of Planning Committee,  
Wednesday, 4th November, 2020**

- Principle of Proposed land use for Office and Retail at this location;
- Belfast Urban Area Plan 2001;
- Draft Belfast Metropolitan Area Plan 2015;
- Decision of the Planning Committee on 20 September 2016;
- Response from Ministerial Advisory Board;
- Response from Historic Environment Division – St George’s Market;
- Height, Scale & Massing;
- Landscape & Visual;
- Impact on Amenity & Surrounding Properties & Area;
- Traffic Movement & Parking;
- Other Environmental Matters;
- Economic Benefits;
- Pre-Community Consultation;
- Consideration of additional Representations; and
- Section 76 Planning Agreement.

The Committee was informed that 858 objections had been received which had raised issues that included:

- Scale, height and massing – impact on the Markets residential area;
- Harmful impact on residential amenity – overbearing, sense of being hemmed in; overlooking and loss of light;
- Adverse noise and disruption;
- Breach of Article 8 of Human Rights Act;
- Additional traffic and commuter parking;
- Already an oversupply of offices;
- Access and connectivity;
- Impact on Tunnels Project including poor access, lack of daylight and incompatibility;
- Objection from Ministerial Advisory Group;
- No affordable housing; and
- Lack of community benefits.

The Planning Manager informed the Committee that a consultation with the Ministerial Advisory Group had taken place in November 2018 to enable an impartial view to be obtained, responding to the comments from the Judge, and that the Ministerial Advisory Group had concluded that, had it considered the proposal at an earlier stage, it would have recommended that the arrangement of buildings on the site was reconsidered; and that the site should be considered as a transition site between business (at Lanyon) and living (at the Markets) and thus a mixed use scheme should be encouraged to provide the best regeneration opportunity.

He further reported that consultation had taken place with the Historic Environment Division (HED) which had no objection as the proposal was too far removed to impact or harm the setting of St. George’s Market.

**Special Meeting of Planning Committee,  
Wednesday, 4th November, 2020**

The Planning Manager drew the Members' attention to the Late Items Report and highlighted that a further objections from the Markets Development Association Objection and the MLA for South Belfast raising issues that included:

- Unacceptable height, scale, massing and design in conflict with BUAP and dBMAP;
- Accessibility and connectivity;
- Adverse impact on the Tunnels Project;
- Site should be zoned for housing; and
- Planning permission should be refused and the site should come forward as a mixed-use and inclusive development.

He advised the Committee that the planning permission for the Tunnels Project, a conversion of and extension to existing archways to comprise a crèche, and employment education and training club, community space, café, health and fitness facility with access to East Bridge Street and Lanyon Place Train Station, had been granted in May 2015 and that there was a current application for renewal. He added that the proposed design and layout of the ground floor retail units would complement the Tunnels Project and that a Section 76 Planning Agreement was recommended to secure a Tunnels Protection Scheme and public access to the project.

He informed the Members that officers recommended that the application should be approved with conditions and a Section 76 Planning Agreement given that the proposed uses accorded with SPPS, PPS 4 and dBMAP 2015, and that the scale, height, massing and design were, on balance, acceptable with regard to impact on the character and appearance of the area and residential amenity of occupants of the housing to south and west. He added that there was sufficient parking proposed, subject to implementation of the travel plan, and that consideration had also been given to the £55m investment, 350 construction jobs and 2,500 operational jobs and that there had been no objections from statutory consultees.

The Chairperson welcomed Councillor McDonough-Brown to the meeting and he was invited to address the Committee. He stated that he objected to the application for the following reasons:

- The Planning Appeals Commission report recommended that the site hadn't been adequately represented;
- That the size, scale and massing were inappropriate;
- That the Council needed to recognise the value of inner-city communities and that approving the application would indicate that growth of the city was being prioritised at the expense of the people who live in it; and
- The Council's Corporate Plan highlighted a need for 31,000 new homes in the city.

**Special Meeting of Planning Committee,  
Wednesday, 4th November, 2020**

The Chairperson welcomed Councillor Whyte to the meeting and he was invited to address the Committee. He stated that he objected to the application for the following reasons:

- That the site was not at street level;
- The impact the proposed high buildings would have on the Markets area; and
- That consideration should be given to the Ministerial Advisory Group's report and focus should be placed upon Sir Bernard McCloskey's recommendation that the area should be zoned for housing.

The Chairperson welcomed Councillor Gormley to the meeting and he was invited to address the Committee. He stated that he objected to the application for the following reasons:

- The proposals would fatally undermine the Tunnels Project;
- Whilst the applicant had claimed the project delivered and complemented the Tunnels Project, they were opposed to the renewal of the planning permission;
- That the proposed buildings would have a negative impact on the light levels in the tunnels and space around them, and leave Tunnels Project predominantly in the shade; and
- The Tunnels project would be isolated from the Markets community.

The Chairperson welcomed Councillor Flynn to the meeting and he was invited to address the Committee. He stated that he objected to the application on the basis that the report from the Ministerial Advisory Group advised that the Planning Committee should be presented with all material concerns for the purpose of a fully informed decision and that the Committee report contained a number of significant issues and failed to attain the standard of being fully informed.

The Chairperson welcomed Mr. D. Worthington, Agent, and Ms. B. Dobbin, Vice-Chair of the Market Development Association (MDA), who outlined a number of reasons why they objected to the application, including that, although the Committee report had been updated, the contents remained the same and did not present a fully rounded and balanced picture pursuant to the recommendations of the Ministerial Advisory Group (MAG) report and therefore the Committee could not make a fully informed decision. Mr. D. Worthington stated that the BUAP should be applicable as it was still relevant and that the Planning Appeals Commission had favoured housing on the site because of a significant shortfall in housing provision in the area.

Ms. B. Dobbin explained to the Committee that she was a resident of the Markets area and that her home was overlooked by a hotel and tall buildings, and with no garden, she had been emotionally drained and fearful of the application as it would further diminish natural light and would be detrimental to the Markets community and that the Tunnels project would become inconsequential.

**Special Meeting of Planning Committee,  
Wednesday, 4th November, 2020**

In response to Members' questions about how the proposals would affect the Markets community, and if they felt that the Applicant had taken the concerns of local residents into consideration, the deputation together explained that consultation had been limited and that the community felt it had not been consulted with. They added that the loss of light and connectivity would be detrimental to the area and its residents.

The Chairperson then welcomed Mr. S. Beattie QC, Mr A. Mains and Mr. S. Blaney, representing the applicant, to the meeting. Mr. S. Beattie QC advised the Committee that:

- Mr Justice McCloskey had made no pronouncements on the applicable planning policy or the structure of the policy;
- SPPS for Northern Ireland as the guiding principle was in favour of development;
- The MAG report referred to the kindred constructions of the BT Building and the Hilton Hotel;
- dBMAP 2014 and BUAP designated the site as white land, prompting a presumption of development;
- The red line of the Tunnels application did not encompass all the land required to make the project work, it required external third party land;
- The application delivered employment through a Section 76 Planning Agreement.

A Member asked how the Applicant would mitigate the existing parking and traffic concerns of residents of the Markets community, whilst bringing 2500 employees to the area with a provision of 66 parking spaces. Mr. S. Blaney reported that the Department for Infrastructure had been consulted and had no concerns, and that a Travel Plan had been produced which fundamentally outlined how the proposal could mitigate the number of vehicles entering the city given the site's proximity to a train station and the provision of bicycle spaces.

In response to a further question, as to whether the application maintained connectivity and its impact on the Tunnels Project, Mr. S. Blaney explained that the planning permission for the Tunnels Project had some fundamental problems including the access to East Bridge Street and the proposed lift and stairs existing outside the red line of the application site. He further stated that the Applicant's proposal included solutions to the aforesaid fundamental problems in order to deliver the Tunnels Project.

In response to a further question with regard to community engagement and a wind assessment, the delegation outlined the Applicant's previous engagement and further attempts at engagement with the Markets Development Association and stated that the wind assessment was carried out in response to objections that indicated concern that the proposal would create a wind tunnel effect, and that outcome of the wind assessment was that there would be no issue with regard to wind.

A Member asked the delegation how confident the Applicant was in securing the projected 2500 jobs, and what consideration had been given to the requirement for office

**Special Meeting of Planning Committee,  
Wednesday, 4th November, 2020**

space after COVID-19. In response, the delegation indicated that the proposals would bring around 2000 people to work on construction of the project, however, without planning permission, and the history of the applicant meant securing investment had been difficult but were confident as developers, that there would be a requirement in the future for office accommodation, particularly from international investors.

Following further discussion, the Director of Planning and Building Control clarified the process by which the MAG report had been commissioned, he confirmed that the Council's commission brief was to look at the design of the proposal and to have it integrated effectively with the surrounding area as a means to inform officers and the Planning Committee as the decision makers.

He added that the applicant had fulfilled its statutory obligations in terms of engagement with the local community, through the planning process during the lifetime of the application. He reported that the passage of time which had passed since consultation with the Statutory Consultees did not require further consultation unless there had been a material change in circumstance.

He further added that the site had been designated as white land in the most recent version of the Belfast Metropolitan Area Plan (BMAP) 2014, and that the application of BMAP was consistent in the officers' approach to all applications which came before the Committee.

Upon hearing suggested refusal reasons from Members, the officers conferred to encapsulate the wording.

**Proposal**

Moved by Councillor Garrett  
Seconded by Councillor Groogan,

1. the proposed development, by reason of height, visual impact, scale and massing would have an over-dominant impact on the character and appearance of the area and therefore failed to meet PED9 of PPS4, Planning Policy CC014 of the draft BMAP (2015), the Laganside South and Markets Character Area Policy CC017 of draft BMAP (2015) and Policy CC12 of BUAP (2001);
2. the proposed development, by reason of height, scale and massing would be visually overbearing and have an over-dominant impact on the adjacent housing to the south and west which would unacceptably impact on the living conditions and amenity of those occupants by way of loss outlook and sense of enclosure, and therefore failed to meet PED9 of PPS4; and
3. the proposed development, by reason of height, visual impact, scale, massing and design would have an over-



**Special Meeting of Planning Committee,  
Wednesday, 4th November, 2020**

dominant impact on the adjacent proposed Tunnels Project, particularly in relation to visual dominance, overshadowing, loss of daylight and inadequate access, including a lack of permeability and therefore failed to meet PPSNI and Policy PED9 of PPS4.

The Committee delegates power to the Director of Planning and Building Control for the final wording of the refusal reasons.

On a vote, ten Members voted for the proposal and four against and it was declared carried.

Chairperson

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# Planning Committee

Tuesday, 17th November, 2020

## MEETING OF PLANNING COMMITTEE HELD REMOTELY VIA MICROSOFT TEAMS

- Members present: Councillor Hussey (Chairperson);  
Councillors Brooks, Carson, Matt Collins,  
Garrett, Groogan, Hanvey, Hutchinson,  
Maskey, McCullough, McKeown, 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;  
Ms. C. Donnelly, Democratic Services Officer; and  
Mrs. L. McLornan, Democratic Services Officer.
- Also attended: Councillors T. Kelly and McDonough-Brown.

### **Apologies**

No apologies for inability to attend were reported.

### **Minutes**

The minutes of the meetings of 13th and 15th October were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 2nd November, 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 item 6c, Havelock House, in that she had previously made representation in respect of the application, had engaged with objectors and wished to speak in objection to the application. As such, she would leave the meeting immediately after speaking on the item.

Councillor McKeown advised that, in respect of item 6c, Havelock House, he had listened to local residents in regards to the associated planning application but that, as he had not expressed a view in respect of it, he was content that he could participate in any discussion on the matter.

Councillor Nicholl declared an interest in respect of item 6d, Harberton Park, in that she had engaged with objectors and would be speaking in opposition to the application and would therefore leave the meeting immediately after speaking on the item.

**Meeting of Planning Committee,  
Tuesday, 17th November, 2020**

**Schedule of Meetings**

The Committee agreed to the following schedule of meetings for the year 2021:

- Tuesday, 19th January;
- Thursday, 21st January (for training);
- Tuesday, 16th February;
- Thursday, 18th February (for training);
- Tuesday, 16th March;
- Thursday, 18th March (for training);
- Tuesday, 20th April;
- Thursday, 22nd April (for training);
- Tuesday, 18th May;
- Thursday, 20th May (for training);
- Tuesday, 15th June;
- Thursday, 17th June (for training);
- *No meetings in July (recess)*
- Tuesday, 17th August;
- Thursday, 19th August (for training);
- Tuesday, 14th September;
- Thursday, 16th September (for training);
- Tuesday, 19th October;
- Thursday, 21st October (for training);
- Tuesday, 16th November;
- Thursday, 18th November (for training);
- Tuesday, 14th December; and
- Thursday, 16th December (for training).

**Restricted Item**

**Finance Update**

**The information contained in the report associated with the following item is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.**

Resolved – That the Committee agrees to exclude the members of the Press and public from the Committee meeting during discussion of these items as, due to the nature of the items, there would be a disclosure of exempt information as described in Section 42(4) and Section 6 of the Local Government Act (NI) 2014.

The Committee was provided with an update on the impact of the Covid-19 pandemic on the Council's financial position, and a strategy to address the forecast deficit and the mitigation measures which had and would be taken as the situation evolved.

Noted.

**Meeting of Planning Committee,  
Tuesday, 17th November, 2020**

**Committee Site Visit**

It was also noted that the Committee had undertaken a site visit on 16th November in respect of application LA04/2020/0804/F - Proposed major mixed use development comprising 653 residential dwellings (549 social housing units and 104 affordable housing units); 2 replacement residential care homes; mixed use area including local neighbourhood retail centre (1 convenience retail anchor unit and 3 retail/hot food/coffee shop units and hotel; Class B business uses within employment zone comprising a mix of 6 Class B1a offices; 1 Class B1b/B1c call centre and R&D office; and 11 Class B1b/B1c/B2 call centre and R&D offices/light industrial units.; community facilities including community building; MUGA pitch and play area. Development includes 2 vehicular site access points from Monagh By-Pass (1 signalised), associated internal road network, pedestrian and cycle ways, public open space, children's play area(s), landscaping, 2 no. waste water treatment works, and all other site and access works (amended scheme) at Lands West of Monagh By-Pass South of Upper Springfield Road & 30-34 Upper Springfield Road & West of Aitnamona Crescent & St Theresa's Primary School. North and East of 2-22 Old Brewery Lane Glanaulin 137-143a Glen Road & Airfield Heights & St Mary's CBG School, Belfast.

**Planning Appeals Notified**

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

**Planning Decisions Issued**

The Committee noted a list of decisions which had been taken under the delegated authority of the Director of Planning and Building Control, together with all other planning decisions which had been issued by the Planning Department between 5th October and 9th November.

**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)**

**LA04/2019/0463/F - Revision of previously approved application  
(Z/2012/0645/RM) and erection of 10 semi-detached dwellings and  
associated site works - Plots 36-45 of residential development on  
lands south of 25 Harberton Park**

Before presentation of the application commenced, the Committee agreed to defer consideration of the application to enable a site visit to be undertaken to allow the Committee to acquaint itself with the location and the proposals at first hand.

**Meeting of Planning Committee,  
Tuesday, 17th November, 2020**

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

**(Reconsidered item) LA04/2019/2387/F - Residential development comprising 151 apartments and ancillary uses including: management suite, communal space, reception area and servicing (refuse/recycling/bicycle storage) and plant equipment; and associated car parking and public realm improvements to Scrabo Street, Station Street and Middlepath Street on Land adjacent to Quay Gate House 15 Scrabo Street, footpaths and public realm at Scrabo Street, Station Street and Middlepath Street**

The Principal Planning officer reminded the Committee that, at its meeting on 13th October, it had agreed to defer consideration of the application to enable a site visit to be undertaken to allow the Committee to acquaint itself with the location and the proposals at first hand and to request further information on sustainable transport measures and the travel plan. The site visit had taken place on 22nd October.

He provided the Committee with an overview of the application. He outlined that the recommendation to approve was subject to the developer entering into a Section 76 Planning Agreement to include green travel measures, including:

- the submission of a residential travel plan;
- travel cards for each of the 151 units for 3 years;
- submission of a car club strategy and provision of 3 parking spaces retained for car club purposes (ongoing/permanent basis); and
- voucher / subsidy for a bicycle for each apartment.

He explained that the Section 76 agreement would also include developer contributions for:

- monetary contribution towards nearby play space facilities (Rotterdam Street) to offset the policy requirement for provision of children's play space/equipment;
- provision and future maintenance of the external amenity space within the site; and
- employability and skills framework/details for the construction element of the proposal.

The Committee was advised that the original report incorrectly stated that the building was 11 storeys. He pointed out that the application sought full planning permission for a 19 storey residential building, comprising an 11 storey podium element (maximum height of 30.6metres), including outdoor amenity area, with a further 8 storey tower element above (maximum height of 55.1metres), for 151 apartments and ancillary uses.

**Meeting of Planning Committee,  
Tuesday, 17th November, 2020**

The Members were advised of the key issues which were considered in the assessment of the proposal, including the principle of the proposal at this location, layout, scale, form, massing, height and design, the impact on amenity, flooding and drainage impact.

The Principal Planning officer explained that the site was within the City Centre boundary in the BUAP and both versions of BMAP, where residential development was acceptable in principle. The site comprised a car park area associated with an adjacent office building and included a hard-surfaced area underneath an existing elevated railway line, and lay adjacent to the junction with the M3 on-slip.

The Members were advised that the proposal supported the aims of the Belfast Agenda around city centre living and that residential uses were located immediately adjacent to the site.

The Planning officer advised that the site was not located in a Conservation Area or Area of Townscape Character (ATC), there were no listed buildings or assets of any historic interest on site, nor was the site in close proximity to any heritage assets.

He advised the Committee that it was considered that the scale, height, massing and materials of the building were, on balance, acceptable and appropriate to the site context and the area. He explained that the massing of the building was broken up by the design and that the layout assisted in addressing the townscape of the M3 on-slip and the distance views from Middlepath Street and Bridge End. The solid to void ratio of the fenestration also assisted in reducing the massing of the building.

The Committee was advised that the proposal would not adversely impact on the amenity of existing properties, and included amenity space for prospective residents.

The Principal Planning officer outlined that all consultees including DFI Roads, the Urban Design Officer, DEARA, HED, SES, NI Water, HED, Environmental Health, BCC Landscape Section and Belfast City Airport had no objections to the proposal.

One objection, which related to the height of the proposed building, and one letter of support had been received in relation to the application.

A Member queried how accessible the Rotterdam Street play area would be to the prospective residents, given the busy roads surrounding the site. In response, the Planning officer explained that while there were busy roads, Rotterdam Street could be reached by pelican crossings and that it was within a short walking distance of the site.

A further Member raised concerns regarding the outlook for residents. In response the Principal Planning officer explained that, three apartments on each floor would have an outlook to the carpark and the office building, with the others looking towards the direction of the M3 or to the front.

**Meeting of Planning Committee,  
Tuesday, 17th November, 2020**

In response to a Member's question regarding the usability of the ground floor amenity space which was adjacent to the M3, the Planning officer explained that it was considered acceptable and was enhanced by virtue of the change in level between the amenity space and the slip road, and the existing landscape buffer. He advised that officers felt that the public realm improvements which were proposed as part of the scheme and the size of the residential accommodation were, on balance, acceptable.

The Chairperson welcomed Mr. M. Gordon, Turley, to the meeting. He explained that the ground floor would contain non-residential elements, such as plant and the gym, as it was not considered conducive to a quality residential environment. He advised the Committee that drone photographs had been taken on site to consider the views from the upper floor apartments. He added that considerable thought had gone into the residential amenity and that vertical louvres had been added to the external façade in order to allow light in and to reduce the invisibility between the office building and the residential scheme. He added that each apartment had a private external, recessed balcony.

In relation to the play space, he acknowledged that the environment was hard and that it was a difficult network to negotiate and that it would be a judgement for parents to make in terms of how children accessed the park. He explained, however, that the proposal demonstrated a good use of the developers' contributions framework in action, in that it provided approximately an acre of high quality external public realm improvements.

With regards to the height of the building, he explained to the Committee that the site had the capacity to accommodate a tall building insofar as it was not within a Conservation Area or an ATC, and that the Historic Environment Division (HED) had advised that there would be no significant harm to any nearby heritage assets. He highlighted the general poor quality condition of the sites within the east bank shatterzone and that increased use and height was required.

Moved by Councillor Garrett  
Seconded by Councillor Carson,

That the Committee grants approval to the application, subject to the imposing of the conditions set out within the case officer's report and to no new substantive planning issues being raised by third parties, and delegates power to the Director of Planning and Building Control for the final wording of the conditions.

On a vote, eleven members voted for the proposal, two against and one no vote and it was declared carried.

**LA04/2020/0804/F - Mixed use development comprising 653 residential dwellings (549 social housing units and 104 affordable housing units); 2 replacement residential care homes; mixed use area including local neighbourhood retail centre (1 convenience retail anchor unit and 3 retail/hot food/coffee shop units and hotel; Class B business uses within employment zone comprising a mix**



**Meeting of Planning Committee,  
Tuesday, 17th November, 2020**

**of 6 Class B1a offices; 1 Class B1b/B1c call centre and R&D office; and 11 Class B1b/B1c/B2 call centre and R&D offices/light industrial units.; community facilities including community building; MUGA pitch and play area including 2 vehicular site access points from Monagh By-Pass (1 signalised), associated internal road network, pedestrian and cycle ways, public open space, children's play area(s), landscaping, 2 no. waste water treatment works, and all other site and access works on lands West of Monagh By-Pass, South of Upper Springfield Road & 30-34 Upper Springfield Road & West of Altnamona Crescent**

The Senior Planning officer provided the Committee with the details of the substantive scheme in the north west of the City.

He outlined the key issues which were considered during the assessment of the proposed development, including:

- Development Plan considerations
- Principle of Proposed Uses
- Open Space Provision
- Landscaping
- Layout, Massing, Design and Visual Impact
- Traffic, Movement and Parking
- Impact on the Environment and Amenity
- Other Environmental Matters
- Drainage and Flooding
- Natural Heritage including potential impact on Protected Sites, Protected Priority Species and Habitats
- Built heritage / archaeology
- Developer Contributions/ Section 76 Agreement
- Pre-application Community Consultation

He advised the Committee that the principle of the proposed uses and general layout and location of the uses had been established through outline planning permission (Z/2010/1284/O) which was extant. The Members were advised that the uses also sat comfortably with the proposed mixed use zoning in Draft BMAP 2015.

The Committee was advised that the development was proposed on an expansive sloping site just within the settlement limits. The Senior Planning officer outlined that the site was zoned for Employment/Industry (Zoning BT007) in Draft BMAP 2015 (published November 2004) and zoned as a Mixed Use site (Zoning BT002) in BMAP 2015 (published September 2014). He explained that there was also an extant outline planning approval on the site for a mixed use development and that the presumption was therefore in favour of development.

He advised the Committee that, although a large number of trees must be removed to facilitate the development, many protected trees would be retained and that a comprehensive replanting scheme was included, with existing trees integrated within open spaces throughout the development. He added that the scheme respected the site's

**Meeting of Planning Committee,  
Tuesday, 17th November, 2020**

edge of settlement location with a south-north landscape spine as a key design concept, providing a visual bridge between the urban character of the Glen Road to the rural character of the Belfast Hills to the north of the site.

He pointed out that the design and layout responded to the topography of the site in such a way as to minimise the visual impact.

The Committee was advised that the quantum of social and affordable housing would not only contribute towards one of the main aims of the Belfast Agenda but would also provide much needed housing in an area of identified housing stress. He explained that the introduction of retail, office and industrial units, as well as hotel and care homes, would provide jobs for people in the locality and beyond.

The Senior Planning officer advised that the design and access statement outlined that the proposal represented an investment of around £95million from the private sector and during the construction phase would create about 400 construction jobs. Once operational, the proposal would generate approximately 370 local jobs in a range of sectors within the employment, retail, community and trust home uses.

He reported that an Environmental Statement had been submitted with the application and had been considered in the assessment of the application. He explained that after scrutiny from expert consultees it was concluded that the proposal would not have any significant impacts on the environment.

The Committee was advised that, of the statutory consultees, NI Water, DfI Roads, Historic Environment Division (HED) and Tourism NI had no objections subject to conditions.

The Members' attention was drawn to the Late Items pack, whereby a second response had been received from the Belfast Hills Partnership, reiterating that they had no objections but that they had some concerns as detailed within the case officer's report. The response from DfI Rivers had also been received and the Senior Planning officer explained that the relevant conditions had already been included within the Case officer's report.

He explained that NIEA had been re-consulted with additional information and that they had responded with a number of recommended conditions. Shared Environmental Services and the BCC Trees and Landscape Team had also responded with a number of recommended conditions and, if granted, delegated authority was sought to attach the conditions and to finalise wording if necessary.

The Senior Planning officer outlined that two objections had been received, the details of which were outlined within the Case Officer's report. He explained that concerns had been raised regarding the ability of the existing roads infrastructure to cope with an increase in traffic. He explained that DfI Roads had confirmed it was satisfied with the proposal and was content that there would be no unacceptable impact on the existing road network. He added that the mitigation offered by a robust Travel Plan and a 5 year contribution towards a bus route which would run through the site was considered to outweigh any requirement to improve the existing infrastructure serving the site and in the

**Meeting of Planning Committee,  
Tuesday, 17th November, 2020**

surrounding area. He added that DfI Roads was satisfied with the level of parking proposed for the development, where most dwellings were served by two in-curtilage parking spaces.

The Chairperson welcomed Mr. T Stokes, TSA Planning, to the meeting. He advised the Committee that the proposal was not just another large housing development and that the applicant wanted to create a new, sustainable community in west Belfast, putting the core principles of society, the environment and the economy at its centre. He further outlined that:

- the residential areas were split into 8 individual character areas, each with their own identity;
- three large areas of public open space were included throughout the development in addition to smaller spaces, well above the minimum guidance, and all were connected via cycle and pedestrian footways;
- it would promote economic development and local employment opportunities within the retail hub, office and light industrial units, hotel and care homes;
- a green boulevard would run through the centre of the site and the layout allowed for many existing trees on the site to be retained, with 1,100 new street trees proposed, along with over 8,000 new native woodland trees and over 60,000 shrubs and new hedging. Existing grasslands would be enhanced and extended, and 25 bat boxes would be added to support the ecology;
- the application had been subject to extensive Pre-Application Discussions prior to submission and, throughout the 10 month process, a number of meetings and workshops were held between the Council and the design team. The discussions had continued when the application had been lodged;
- the fact there had only been two representations objecting to the development was testament to the applicant's successful engagement with the local community;
- there were two new accesses onto the Monagh By Pass, with the main entrance into the site being a new signalised junction, and the proposal included measures to support a new bus service to the site;
- noted the comments from the Council's Local Development Plan Team, suggesting that the density of the site should be around 1,100 dwellings, and it was not often that a developer would turn down the opportunity to almost double the residential density of a site, however, they believed the proposal provided the most sustainable plan for the site; and
- the application had the full support of the NI Housing Executive.

In response to a Member's questions, Mr. T. Stokes confirmed that the wastewater treatment works would be adopted by NI Water and that the applicant had a bond with DfI Roads to adopt the street lights within the development.

**Meeting of Planning Committee,  
Tuesday, 17th November, 2020**

A Member commented that, where possible, they would like to see cycle lanes segregated from pavements and walkways as it was generally acknowledged that this was safer, particularly for those with visual impairment.

A further Member stated that he welcomed the inclusion of the significant number of social housing units within the scheme. He sought clarification on the Local Development Plan Team's objection. In response, the Director of Planning and Building Control advised that the LDP Team's analysis of the application had been somewhat crude in terms of comparing it with the density of the surrounding area. He outlined that the topography of the site had to be considered, particularly in terms of the sites constraints. He added that the proposal would create a site where people would live, work and play.

In response to a Member's question regarding the transport infrastructure to the site, Mr. C. Dickinson, DfI Roads, confirmed that there was an agreement between the applicant and Translink to fund a bus service to the site for the first five years, from day one. He explained that Translink would continue to operate the bus route after that time as it would with any other route.

A further number of Members welcomed the application.

The Committee approved the application subject to conditions and a Section 76 Planning Agreement to secure the implementation of detailed Travel Plans, Employability and Skills Plan, financial contributions to help establish a bus route to serve the site, provision of social housing and the management and maintenance of public open space within the development. The Committee delegated power to the Director of Planning and Building Control to finalise the wording of the conditions, the Section 76 Agreement and to resolve any issues arising from any outstanding consultation responses.

(The Committee adjourned for a five minute recess at this point in proceedings)

**LA04/2020/0067/F - Demolition of existing buildings and erection of 270 apartment building comprising 8, 5 and 3 storey elements, provision of hard and soft landscaping including communal courtyard gardens, public realm, provision of 40 car parking spaces, cycle parking, substation and associated works at Havelock House, Ormeau Road**

The Principal Planning officer provided the Committee with a detailed overview of the proposal to demolish Havelock House and the construction of a build to rent apartment block. He explained that the height of the proposed building varied with a maximum height of 8 storeys located in a central location along the Ormeau Road, with the height stepping down to 7, 6, 5 and 3 storeys to the rear.

He outlined the main issues which had been considered in the consideration of the application, including:

- the principle of demolition;
- the principle of residential development at that location;
- acceptability of height, scale, layout and design;

**Meeting of Planning Committee,  
Tuesday, 17th November, 2020**

- impact on the character of the area including built heritage;
- impact on adjoining amenity;
- access, Car Parking and Sustainable Transport Measures;
- environmental considerations e.g. Air Quality, Noise, Dust, Contamination, Lighting; and
- drainage and flood risk.

The Members were advised that, in the BUAP the site was located within the city centre and was not zoned for any use. They were advised that, in draft BMAP 2004 and 2015 the site was located within the city centre and within the Shaftsbury Square Character Area and was not zoned for any specific use.

The Principal Planning officer advised that 73 representations had been received and he advised that the issues had been addressed within the report. The concerns related to:

- the historical significance and heritage value of Havelock House, which should be listed;
- concern regarding Department for Communities listing evaluation;
- the Heritage Statement was inadequate;
- that it would damage the setting of 5 listed buildings;
- that an Environmental Impact Assessment was required to address the cumulative loss of heritage assets;
- insufficient unallocated parking;
- the scale of the development would be detrimental to the neighbouring properties;
- the potential to destabilise interface associated with the site;
- Disruption associated with noise, dust, site traffic; and
- the level of engagement between the Council and local community in relation to the application, particularly with the challenges of COVID-19.

He advised the Members that the maximum height of the proposed building was comparable to that of the adjoining 8 storey apartment block at Portland 88. He illustrated that the proposed development stepped down from 8 storeys fronting the Ormeau Road to 7, 6, 5 and 3 storeys towards the rear of the site and the adjoining existing established residential area off Donegall Pass. The Committee was advised that the separation distances were considered acceptable. The Principal planning officer reported that the orientation of the building and the path of the sun would ensure that there would be no adverse overshadowing from the proposed development.

The Principal Planning officer explained that HED objected to the proposed development and considered that it would have an adverse impact on the setting of listed buildings, in particular those in the Gasworks due to the height of the proposed development and advised that the proposed development was contrary to Policy BH 11 of PPS 6 and paragraph 6.12 of the SPPS.

He explained that, if the Planning Committee was minded to approve the application, the Council would be required to notify the Department for Infrastructure (DfI)

**Meeting of Planning Committee,  
Tuesday, 17th November, 2020**

given the significant objection from HED in accordance with Section 89 of the Planning Act (Northern Ireland) 2011.

He outlined that DFI Roads had no objections to the proposed development, which proposed 40 on site car parking spaces, including 4 spaces for use by a car club and 4 disabled spaces. The applicant had also proposed the following green travel measures to support the development, which would be secured through a Section 76 Agreement:

- submission and implementation of a Residential Travel Plan;
- Travel Cards for each residential unit for 3 years;
- provision of 4 permanent car club spaces; and
- provision of discounted membership of a car club (50%) for a period of 3 years

He drew the Committee's attention to the Late Items Pack. He advised the Members that the Council's Good Relations Unit had been consulted on the objections from Save Havelock House and Donegall Pass Community Forum, which raised specific concerns with regard to the impact of the development on the existing interface at Vernon Street. He outlined that their response had not changed from what was in the Case officer's report, in that they had no objection to the development, explaining that, while the Council had a commitment to promote shared space but, as it did not own or maintain any structures referred to in the planning application, it had no influence in the development of the built environment in that area.

He added that the Council's City Regeneration and Development Team had also been consulted in respect of the concerns regarding the interface at Vernon Street. He explained that they were in support of the development as it met core policies of the Belfast City Centre Regeneration and Investment Strategy (CCRIS) 2015.

He outlined the details of a number of other objections which had been received since the publication of the case officer's report from Ms. Clare Bailey MLA, Ms. Paula Bradshaw MLA, Dr. Ken Griffin, Dr. Agustina Martire, Friends of the Earth, Save Havelock House, Donegall Pass Community Forum, Markets Development Association and a petition of objection.

The Committee noted that a request had been received from "Save Havelock House" to be permitted five minutes to address historical and technical issues in relation to the application, which they advised were different to the perspective from local residents. The Committee agreed that Dr K. Griffin, Save Havelock House, would be granted five minutes to address the Committee, in addition to the group of objecting residents, who would be represented by Ms. S. Green, Donegall Pass Community Forum. It was therefore agreed that the applicant/agent would be given ten minutes to address the Committee.

Councillor Groogan advised the Committee that she objected to the application for the following reasons:

**Meeting of Planning Committee,  
Tuesday, 17th November, 2020**

- it was contrary to BH11 of PPS6;
- the height would have a significant adverse impact on the listed buildings in the vicinity and that Portland 88 should not be used as justification to continue to pass applications which continued to breach planning policy and which ignored the cumulative impact on the setting of those buildings;
- it represented an increase in height from the Portland 88 building;
- the height was incompatible with Shaftesbury Square Character Area under both version of BMAP, where it should be between 2 and 3 storeys, and that developments should be fine-grained in nature;
- also contrary to BUAP Tall Buildings policy CC12;
- it did not represent sustainable and quality residential development in line with PPS7;
- limited residential amenity space would be provided and it sought to rely on publicly funded open and play space within the area which was not in line with OS2 of PPS8 and did not meet the exception test;
- it failed to comply with LC1 of Addendum to PPS7 due to significant detrimental impact on the environmental quality of residential amenity in the local area;
- it would create increased air pollution, due to increased cars from the development;
- issues with noise, overshadowing and lack of privacy; and
- that she had issues with NI Water's response, given the well-documented waste water capacity issues in the City.

(Councillor Groogan left the meeting at this point in proceedings)

The Chairperson then welcomed Councillor T. Kelly to the meeting. She advised that she objected to the proposal for the following reasons:

- that residents of Donegall Pass had first-hand knowledge of living beside a construction site while the nearby Portland 88 building was being constructed, and that it had significantly impacted upon their mental health and some had indicated that they may move house if the proposal was approved;
- that, as with any other inner city area, there was already a significant problem with commuter parking and the proposal could mean adding another 230 cars into the area;
- those cars would again reduce the air quality of the area for residents;
- that bin collections and deliveries were already regularly unable to be made as a result of mass commuter parking;
- an eight storey building beside two storey houses was inappropriate and would cause significant overlooking, overshadowing and loss of privacy for existing residents;

**Meeting of Planning Committee,  
Tuesday, 17th November, 2020**

- the tall Portland 88 building should not be used as a precedent for approving the proposed development, given its impact on the Donegall Pass community.

The Chairperson then welcomed Councillor McDonough-Brown to the meeting. He explained that he objected to the application, as:

- the size of the building was disproportionate for its context;
- HED had reservations about the scheme;
- with only 40 parking spaces provided as part of the scheme, for 270 units, there would be a significant insufficient supply which would undoubtedly add to the existing demand in the area;
- that the residents of Donegall Pass and the Markets were at risk of being squeezed out of their areas, due to the significant amount of development around them, and that this should be given significant consideration; and
- that the Committee should consider the listing of the building which was the only television studio on the island which had survived from that period.

The Chairperson then welcomed Ms. S. Green, Donegall Pass Community Forum, to the meeting. She explained that she represented residents who objected to the application for the following reasons:

- Donegall Pass had a significant older community and had some of the highest rates of long-term ill health in the region;
- a high number of elderly residents and both adults and children with long-term mental or physical health conditions were housebound and required high levels of care;
- that residents were so concerned at the proposed development that they had called for an impact assessment to be carried out to evidence their concerns;
- that participation from Section 75 groups, as determined under the Northern Ireland Act 1998, was never easy;
- the pandemic and the restrictions made it even more difficult, if not impossible, for carers to attend information sessions or consultation events as day centres and schools were closed;
- due to the ongoing restrictions, access to the Council's Community Centre hall, the only place large and safe enough for residents to view and consult on the plans, was denied as residents were told it was not allowed to hold one-off meetings;
- residents had limited capacity and access to IT facilities and therefore hard copy of the plans were requested from and supplied on 29th September;
- a site visit to Havelock House was requested by residents but it was denied with no reason given;
- on 5th October residents had met with planners and had brought up issues regarding consultation on interface issues and



**Meeting of Planning Committee,  
Tuesday, 17th November, 2020**

subsequently submitted them, in writing, to the Planning service on 9th November;

- on 10th November they had received a response stating that Planners had been liaising with the Good Relations Unit and the City Regeneration and Development Unit, which had not been mentioned at the meeting on 5th October;
- on 13th November, three documents had been uploaded onto the Planning Portal, one of which was a consultation from the City Regeneration and Development Unit, dated April 2020, which seemed a disingenuous manoeuvre;
- no further opportunity to engage with residents had been given and a complaint and a request to delay the application was submitted to Planning; and
- the current plans reinforced the segregation of, and hemming in of, the Donegall Pass Community.

The Chairperson then welcomed Dr. K. Griffin, representing Save Havelock House, to the meeting. He advised the Committee that he urged the Committee to reject the application for a number of reasons, namely, that:

- Save Havelock House was concerned about the Planning Service's handling of the application and had requested the Council's records of the Pre-Application Discussion;
- it had taken two months to be sent the information, and it had arrived too late for their written submission and that some records were missing;
- they had found records which raised concerns regarding the possibility that the recommendation for approval of the application may have been pre-determined;
- they had received material which showed that planners had prioritised the applicant's wishes over good planning choices;
- the applicant had originally been told by planners that Portland 88 was not an appropriate baseline for development and that cues for height and massing should be taken from the surrounding context of mainly 2 storey development, yet, after engagement with the applicant, Portland 88 had become the Planning Department's baseline;
- issues relating to the interface – whereby the planners report had cast doubt on its existence, yet there was evidence which suggested that the applicant had been asked to make provision for its future reopening, and that the Good Relations Unit had only been contacted regarding the issue ten days ago;
- issues regarding too few parking spaces at the proposed development;
- the building itself had regional cultural significance and national historic importance, and it was the last early regional television station with a large portion of the original fabric intact;

**Meeting of Planning Committee,  
Tuesday, 17th November, 2020**

- the planners' recommendation relied on HED's Listing Assessment, which he felt was a flawed document produced by authors unfamiliar with the architecture involved;
- the impact statement for Havelock House was not included in the applicants heritage report and which would show that the development would have a major impact on built heritage;
- the demolition of Havelock House would likely have a significant impact on cultural heritage, which should have triggered an environmental impact assessment.

The Committee was advised that Mr. B. McKerverey, Historic Environment Division (HED) was in attendance. He advised that HED's objection focussed on the fact that the development was within the setting of a number of listed buildings, including the Rose Cottage, the former Presbyterian Church in Donegall Pass, the Meter House, the Klondyke Building and the Gas Office, and that the proposed development was very tall and heavily massed in comparison. He suggested that HED felt that a smaller, less dominant development which was more subservient to those buildings would be suitable.

In response to a question from a Member regarding the provision of only 40 parking spaces within the development, Mr. C. Dickinson, DfI Roads, advised the Committee that, given its inner city location, the Department considered it a very sustainable solution, as most journeys to and from the site would be on foot, by bus or bicycle.

Mr. Dickinson explained that the evidence held by DfI Roads showed that there would be low car ownership for the apartments in that location. He added that each car in a car club was shown to meet the needs of 40 drivers. He stated that DfI Roads did not feel that overspill parking would be an issue.

A number of Members raised concerns regarding the low number of car parking spaces which were provided. A number of Members also raised issues with the proposed car club spaces and stated that the proposed Travel Plan was idealistic rather than realistic. Members raised the issue of commuter parking and the impact that this had on the wider Donegall Pass community, the lack of progress which had been made in relation to residents' parking schemes across the City, as well as issues with the existing public transport infrastructure.

The Members were advised that Ms. S. McCreesh, Environmental Health officer, was in attendance to answer questions. In response to a Member's query regarding the Air Quality Impact Assessment, she advised the Committee that the inclusion of 40 car parking spaces within an air quality management area was considered acceptable and that they had no concerns regarding the concentration levels of Nitrogen Dioxide or Particulate Matter as a result of the proposals. She did advise, however, that a condition was recommended regarding the installation of centralised heating/hot water system to ensure that there was no adverse impact on air quality as a result of such facilities. A further condition was also recommended seeking the submission of a Dust Management Plan prior to construction.

**Meeting of Planning Committee,  
Tuesday, 17th November, 2020**

A Member queried why the Portland 88 building had been used as a benchmark in terms of scale and massing for the proposal, when it was in fact an outlier, given that the vast majority of the surrounding buildings were two and three storeys. In response, the Principal Planning officer explained that the scale and massing were considered acceptable and an appropriate response to its context. He explained that Portland 88 was one material consideration, as part of the site's context on the arterial route, and that the shoulder height had been reduced through the PAD process to align better with the Klondyke building opposite. He added that the building deliberately stepped down towards the rear in order to integrate with the surrounding residential streets.

A further Member queried the statement made by Dr. Griffin, whereby correspondence showed that the developers had liaised with the Planning Department prior to the application having been submitted. In response, the Planning Manager explained that there was a significant misunderstanding of Pre-Application Discussions (PADs) and that applicants and developers were, in fact, encouraged to discuss their plans with the Planning Department as soon as possible, prior to submission of an application, in order that schemes could be shaped or improved and that the required level of information was submitted with an application to ensure that it was dealt with in the most efficient way. He explained that, specifically in relation to that application, a significantly taller building was initially proposed for the south side and that planners had asked the applicant to lower it. He refuted the allegation that there was any pre-determination of the application.

The Chairperson welcomed Mr P. Stinson, Turley, to the meeting and advised him that he had ten minutes to address the Committee. He advised the Committee that:

- the addition of 270 apartments in a city centre location would make a significant contribution towards one of the aims of the Belfast Agenda;
- it constituted a £28million investment and, over the construction timeline, it would support 88 fulltime jobs as well as apprenticeships as part of the Section 76 Planning Agreement;
- a detailed Pre-Application Discussion (PAD) had taken place with planning officials and statutory consultees over 14 months, resulting in the fundamental parameters for the scale, height, massing and design of the building, having taken account of its relationships with the Ormeau Road, the city centre context and the surrounding residential properties, and that significant changes had been made as a result of that process;
- a pre-application community consultation had been carried out with a public event in September 2018 and that they had engaged with residents and the Donegall Pass Community group, having attended a site visit to their homes in August;
- Havelock House was not a listed building, nor was it within a Conservation Area or an Area of Townscape Character, and the principle of demolition was therefore acceptable;
- the area around the site was characterised by a mix of uses and buildings of varying height and form;

**Meeting of Planning Committee,  
Tuesday, 17th November, 2020**

- HED, the statutory authority responsible for considering the merits of listing buildings, had confirmed that there was insufficient potential for listing Havelock House;
- the design had been informed by the surrounding context, in particular the red brick listed buildings opposite the site;
- the height of the proposed building had taken account of its immediate context, where the top floor occupied a small part of the overall footprint, where it recessed on the main Ormeau Road elevation;
- the design stepped down in height to 3 storeys at its western boundary, and the separation distances met the requirements as detailed within Creating Places;
- the design ensured that any potential overlooking and overshadowing was very limited;
- the proposed conditions, such as the dust management measures during construction, would minimise disruption and protect the amenity of local residents;
- in terms of amenity space, there would be communal space at ground and upper floor levels, a gym was included for residents of the building and the site was also within walking distance of two equipped playparks. Policy OS2 of PPS8 permitted allowances for such provision to be made off site in that manner;
- the Travel Plan included a number of green measures, including travel cards and discounted access to a car club, in addition to 40 on site parking spaces. It was proposed that those measures would be secured through a Section 76 Planning Agreement and that DfI had no objection; and
- NIHE had confirmed that there was no need to recommend further social provision in the area that could not be met on available sites in Donegall Pass.

In response to a query from a Member, Mr. Stinson confirmed that they had met with a number of residents who lived to the rear of the site, at their properties, in August. They had provided plans to the residents to help them understand the proposals.

In response to the transport issues raised by Members, the Director of Planning and Building Control explained that as there was no objection from DfI Roads, as the statutory consultee on highways issues, that it would be difficult to refuse the application on grounds relating to those issues.

He provided the Committee with information in respect of the Council's aims in securing a variety of sustainable transport measures, not just car clubs, and that officers were working alongside the Department for Infrastructure (DfI) in relation to their Transport Plan at a City level. He emphasised that a modal shift in attitude was required in respect of sustainable transport. He advised the Committee that its training schedule for 2021 was being finalised and that it included a session with the DfI, including information relating to car clubs. He added that they wanted to expedite residents' parking schemes.

**Meeting of Planning Committee,  
Tuesday, 17th November, 2020**

A Member stated that they remained unconvinced with the evidence that DfI Roads relied upon, using cities in England or Scotland as examples, and that it did not reflect the culture in Northern Ireland.

The Divisional Solicitor advised the Committee that, to refuse an application on the basis of issues around parking, when DfI Roads had confirmed that the proposal was acceptable, it would be difficult to defend, and that the Council would need technical evidence of its own if the refusal was appealed by the applicant. She explained that it would therefore be unlikely to be upheld by the Planning Appeals Commission.

Upon hearing suggested refusal reasons from Members, the officers conferred to encapsulate the wording.

Moved by Councillor Brooks,  
Seconded by Councillor O'Hara,

That the Committee agrees to refuse the application for the following reasons:

1. the proposed development, by reason of height, scale, massing and design would have an over-dominant impact on the surrounding listed buildings and therefore failed to meet SPPS Policy BH11 of PPS6;
2. the proposed development, by reason of height, scale, massing and design would have an over-dominant impact when viewed from Ormeau Avenue and the residential streets to the west and north-west, causing harm to the character and appearance of the area, and therefore failed to meet SPPS policy QD1 of PPS7; and
3. the proposed development, by reason of height, scale, massing and design would have an over-dominant impact on the residential properties on Walnut Street, Walnut Court and could result in a loss of outlook and amenity to those occupiers, contrary to policy SPPS QD1 of PPS7.

The Committee delegates power to the Director of Planning and Building Control for the final wording of the refusal reasons.

On a vote, thirteen members voted for the proposal and none against and it was declared carried.

(Councillor Groogan returned to the meeting at this point)

(Councillors McKeown and Nicholl left the meeting at this point)

**Meeting of Planning Committee,  
Tuesday, 17th November, 2020**

**LA04/2020/1873/F - Community space and extension to the children's play area previously consented under planning application ref LA04/2018/0323/F, with 3.6m perimeter fence on lands at Frank Gillen Centre (1A Cullingtree Rd)**

The Principal Planning officer outlined the details of the application which sought permission to extend a previously approved playground and the addition of a community space. She explained that the proposal was to be incorporated into a wider community and recreation scheme at the Frank Gillen Centre, as approved by Committee in October 2018.

She provided the main issues which had been considered in the assessment of the application, including the effect on the character and appearance of the area, and the impact on the living conditions of neighbouring properties and access.

The Committee was advised that officers felt that the extension of the park would improve the local environmental quality and would not result in unacceptable noise or nuisance impacts. The Principal Planning officer added that the proposed security fencing was relatively light weight and was adequately separated from nearby dwellings and that it would not result in any significant impact to residents, in terms of dominance, shadow or outlook.

She explained that Environmental Health and DfI Roads had offered no objections to the proposal and that no third party representations were received.

The Committee granted approval to the application, subject to the imposing of the conditions set out within the case officer's report.

**LA04/2020/1478/F - Variation of Conditions 4 and 5 of Z/2014/1373/F -relating to proposed gas protection measures, design and verification. At Blackstaff Way, Kennedy Way Industrial Estate**

The Planning Manager advised the Committee that the application sought to vary conditions 4 and 5 of planning permission Z/2014/1373/F. He explained that the original application had granted permission for the erection of a warehouse/office building in 2015. He explained that, given the length of time which had passed since its approval, officers had sought confirmation that the development had commenced. The Members were advised that, on the basis of evidence submitted by the applicant, it appeared that development had commenced within the time limits and that the variation of the conditions could be assessed under Section 54 of the Planning Act (Northern Ireland) 2011.

He advised the Committee that the site was located within the development limits of Belfast within both the Belfast Urban Area Plan and the Draft Belfast Metropolitan Area Plan (2015) and that it was within a zoned area of existing employment/industry (BT011/30).

The Planning Manager outlined that the variation of conditions 4 and 5 proposed to update the proposed gas remediation protection measures, design and verification.

**Meeting of Planning Committee,  
Tuesday, 17th November, 2020**

He highlighted that approval Z/2014/1373/F included a Contamination Assessment Report and, since it had been produced, BS8485 had been updated in 2015 and again in 2019.

He explained that DAERA Land and Groundwater Team and Environmental Health had been consulted in relation to the amended wording of the conditions and both had responded with no objections to the proposed variations.

The Members' attention was drawn to the Late Items pack where it was noted that Condition 1 was included in error and, if granted, would not be included within the Decision Notice.

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.

**LA04/2020/0163/F - 27 apartments within 2 x 3 storey buildings including access, car parking, cycle bays, open space, landscaping and all associated site works on lands adjacent and to south of nos 1-13 (odds) Lewis Park and nos 2-20 Lewis Mews**

The Principal Planning officer provided the Committee with the details of the application. She advised that the site was unzoned whiteland in the BUAP and dBMAP 2004, and that the majority of the site was zoned for housing in draft BMAP 2014. The remaining part located to the south was unzoned whiteland within draft BMAP 2014.

She provided the main issues which had been considered in the assessment of the case, including:

- the principle of the proposal at this location;
- design, layout and impact on the character and appearance of the area;
- impact on residential amenity;
- impact on traffic and parking;
- impact on Historic Monuments;
- flooding and infrastructure capacity; and
- environmental matters

She advised the Committee that the proposals followed the general pattern of previously approved apartments along the river and that the design and layout would not create conflict, was in keeping with the local character, and would not impact on environmental quality or residential amenity in accordance with PPS 7.

The Members were advised that each unit had an adequate outlook and that dwelling units were proposed to be built to a size not less than those set out Policy LC1, providing adequate living accommodation.

**Meeting of Planning Committee,  
Tuesday, 17th November, 2020**

The Principal Planning officer advised that it was considered that the design, layout and separation distances proposed were acceptable and would not significantly impact on existing residential amenity by way of overlooking, dominance or overshadowing.

She outlined that 7 objections, from 3 local residents, had been received and raised issues including noise, dust and disruption during the construction phases, boundary maintenance concerns regarding ground conditions on a neighbouring development, inaccuracies with submitted maps, impact on residential amenity and health and safety concerns. The issues had been dealt with in the Case officer's report.

The Committee was advised that DfI Roads was content with the parking spaces and access provided and that HED (Historic Monuments), Rivers Agency, NI Water and Environmental Health had all considered the proposal and had offered no objections.

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 to finalise the wording of conditions subject to no new substantive planning issues being raised by third parties.

Chairperson



By virtue of paragraph(s) 3 of Part 1 of Schedule 6  
of the Local Government Act (Northern Ireland) 2014.

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## Planning Committee

Wednesday, 2nd December, 2020

### PLANNING COMMITTEE SITE VISITS – NOTE OF MEETINGS

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

**LA04/2019/0463/F - Revision of previously approved application (Z/2012/0645/RM) and erection of 10 semi-detached dwellings and associated site works – Plots 36-45 of residential development on lands south of 25 Harberton Park**

Members Present: Councillors Brooks, Hanvey, Hussey and Maskey.

Officers in Attendance: Ms. K. Mills, Principal Planning officer and  
Mr. N. Hasson, Planning officer.

The Committee convened at the site at 12.15 p.m. for the purpose of undertaking a site visit in respect of the application.

The Members viewed the site with the proposed plans.

The site visit concluded at 12.45 p.m.

Chairperson

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## Development Management Officer Addendum Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 15 <sup>th</sup> December 2020	
<b>Application ID:</b> LA04/2019/0463/F	
<b>Proposal:</b> Revision of previously approved application (Z/2012/0645/RM) and erection of 10no semi-detached dwellings and associated site works	<b>Location:</b> Plots 36-45 (total 10no Units) of residential development to lands south of 25 Harberton Park Belfast as approved under reference number Z/2012/0645/RM (total 140no units)
<b>Referral Route:</b> Councillor referral	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> HBH Developments c/o Blue Horizon 551-555 Lisburn Road Belfast	<b>Agent Name and Address:</b> Dimensions Architects 1 Montgomery House 478 Castlereagh Road Belfast
<p><b><u>ADDENDUM REPORT</u></b></p> <p>This full application was previously listed for Planning Committee on 17<sup>th</sup> November 2020. The item was deferred to allow the members of the Planning Committee to visit the site. The site visit took place on Wednesday 2<sup>nd</sup> December 2020.</p> <p>Members should read this Addendum Report in conjunction with the original full detailed planning report attached below.</p> <p>Subsequent to the publication of the case officer report for the November Planning Committee, there are a number of updates which Members of the Committee should be aware of and are set out below:</p> <p><b><u>Summary</u></b></p> <ul style="list-style-type: none"> <li>• DFI Roads have provided a consultation response offering no objections to the proposed development subject to conditions set out below;</li> <li>• Updates on planning applications in the locality;</li> <li>• 2 additional objections have been received from Harberton Crescent Residents Group (HCRG), dated 13<sup>th</sup> and 15<sup>th</sup> November 2020;</li> <li>• A letter from the planning agent was received on 17<sup>th</sup> November in response to a previous objection from Harberton Crescent Residents Group.</li> </ul> <p>DFI Roads responded to the outstanding consultation on 10<sup>th</sup> November 2020, offering no objections subject to conditions. DFI Roads clarified that letters of representation uploaded to the Planning Portal (on or before 23<sup>rd</sup> October 2020) have been considered by the Department for Infrastructure in the assessment of this development application. The consultation response advised that the Planning Service '<i>may wish to consider the impact that any on-street parking occurring as a result of the proposed development may have on the amenity of residents</i>'. It is not</p>	

considered that on-street parking as a result of the proposal will have an unacceptable detrimental impact on the amenity of existing or potential residents. Parking and forms an integral requirement for all suburban housing schemes, the movement of traffic and parking on street is therefore typical and will not unduly impact residents.

DFI Roads has proposed the following conditions:

*The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Private Streets Determination drawing No.P239/R60 Rev.H uploaded to the Planning Portal 5<sup>th</sup> October 2020, prior to the occupation of any other works or other development hereby permitted.*

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

*The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on drawing No.P239/R60 Rev.H bearing the Department for Infrastructure Determination date stamp 29<sup>th</sup> October 2020.*

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

*No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course. The final wearing course shall be applied on the completion of each phase of the development.*

*REASON: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.*

*The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with Private Streets Determination drawing No.P239/R60 Rev.H uploaded to the Planning Portal 5<sup>th</sup> October 2020 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.*

*REASON: To ensure adequate provision has been made for parking within the site.*

#### Other Applications in the locality

Planning applications LA04/2018/2682/F and LA04/2020/0119/F were previously listed in the case officer report as live applications. Both applications have subsequently been withdrawn. These applications related to sites directly to the north and south of the application site respectively.

Furthermore, a new planning application has been submitted in respect of No. 14 Harberton Crescent, i.e. Plot 129. This site is located opposite the application site. This issue was referred to in the Case officer report as the dwelling and driveway had been built in a different location on site than approved under ref. LA04/2016/0200/F. The Planning application seeks to regularise the amendments to the constructed layout. The application remains under consideration.

#### Additional Objections

2 additional objections have been received from Harberton Crescent Residents Group (HCRG), dated 13<sup>th</sup> and 15<sup>th</sup> November 2020.

The issues raised include:

- Differences in the approved PSD for LA04/2016/0200/F and the current application LA04/2019/0463/F have been identified.
- PSD Drawing for LA04/2016/0200/F shows 3 parking spaces in driveways of both No. 18 and No. 20 Harberton Crescent. PSD layout for current proposal sees a reduction to 2 spaces per driveway, thereby reducing overall amount of parking spaces.
- Inaccuracies between the approved PSD drawings and constructed driveways. HCRG advise that it isn't possible to fit 3 cars in the driveway, as per PSD layout approved in accordance with LA04/2016/0200/F.
- HCRG seek clarification that the correct number of parking requirements are met as per 'Creating Places'.

The Council's analysis of the issues raised is listed below:

- PSD Drawing No. P239 R62c and P239 R61g are the appropriate PSD parking layout drawings for the proposed development.
- Drawing No. P239 R61g is a smaller scale layout showing the parking layout in the immediate area of the application site. An additional 4 dwellings (plot 112, 113, 129 and 130) have been included to reflect total parking requirements along this phase of development. This drawing shows a shortfall of 3.75 spaces.
- Drawing No. P239 R61g is a larger scale layout showing the parking arrangements for the overall northern portion of the site. The overall development is divided into zones. This drawing shows an over provision of visitor parking by 4 spaces within Zones 1 and 2.
- Comparing the overall PSD parking layout of Zones 1 and 2 of the current application with the extant approval LA04/2016/0200/F, there is a significant increase in on street visitor parking spaces across the development.
- LA04/2019/0463/F – 21 on-street spaces in Zone 1 and 26 on-street spaces in Zone 2.
- LA04/2016/0200/F – 15 on-street spaces in Zone 1 and 13 on-street spaces in Zone 2.
- Through the processing of the current application, the Council requested that no visitor parking should be proposed in curtilage (within the proposed dwellings on the application site). This has been addressed with the proposed PSD layout.
- The PSD Drawing has been amended in relation to No. 18 and 20 Harberton Crescent, reduced from 3 spaces to 2 spaces. As per the objectors' comments, 3 cars would not fit in this driveway, however it appears 2 cars could be accommodated. This reduction in internal spaces has been accommodated with on street parking.
- The proposed dwellings are for 5 bed semi-detached dwellings. Parking Standards does not include a requirement for this arrangement, however it appears the Roads engineer used and DFI Roads accepted the same requirement as for 4 bed semi-detached dwellings (2.75 spaces).

A letter from the planning agent was also received on 17<sup>th</sup> November in response to an objection from Harberton Crescent Residents Group (dated 20<sup>th</sup> October 2020).

The letter set out the following:

- Creating Places is silent on 5-bedroom properties in relation to parking standards, however 4-bedroom properties require 2.75 spaces. The agent therefore considers that proposed dwellings for 4 no. bedrooms and above apply the 4-bedroom criteria regarding parking standards.
- The agent states that the matter of incorrect driveways is not relevant to and is outside of the current planning application.
- The agent states that the proposal is in accordance with Creating Places.

**Recommendation**

As per the full case officer report, the case officer recommendation remains unchanged it is considered that the proposal is on balance acceptable and is recommended for approval, subject to conditions.

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.

## Committee Application

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2019/0463/F	<b>Date of Committee:</b> 17 November 2020
<b>Proposal:</b> Revision of previously approved application (Z/2012/0645/RM) and erection of 10no semi-detached dwellings and associated site works	<b>Location:</b> Plots 36-45 (total 10no Units) of residential development to lands south of 25 Harberton Park Belfast as approved under reference number Z/2012/0645/RM (total 140no units)
<b>Referral Route:</b> Councillor referral	
<b>Recommendation:</b> APPROVAL	
<b>Applicant Name and Address:</b> HBH Developments c/o Blue Horizon 551-555 Lisburn Road Belfast	<b>Agent Name and Address:</b> Dimensions Architects 1 Montgomery House 478 Castlereagh Road Belfast
<b>Executive Summary:</b>  <p>The proposal is for the 'Revision of previously approved application Z/2012/0645/RM and erection of 10 No. semi-detached dwellings and associated site works'.</p> <p>The proposed development is in substitution for 10 units previously approved, which consisted of 8 No. semi-detached dwellings and 2 No. detached dwellings granted under planning reference Z/2012/0645/RM.</p> <p>The main issues to consider are:</p> <ul style="list-style-type: none"> <li>Impact on parking and road safety.</li> <li>Impact on character of the area.</li> <li>Layout and design</li> <li>Residential amenity</li> <li>Drainage issues.</li> </ul> <p>27 objections were received in respect of the proposed development, relating to a number of issues, primarily parking, road safety, overall design concept and drainage, in addition to issues regarding the existing built development.</p> <p>The site is not zoned for a use within BUAP, draft BMAP 2004 or the unlawfully adopted version of BMAP 2015.</p> <p>The proposed buildings are generally respectful of the surrounding context and character of the immediate locality. Furthermore, it is considered that the pattern of development is generally in keeping with the overall character and environmental quality of the established area.</p>	

Many of the objections relate to existing parking and proposed parking on site. DFI Roads have informally advised that they are content with the proposal. At the time of writing this report, they advised that the Private Streets Determination Drawings were awaiting final sign off. An update will be provided in the late items Report to Committee.

The design and layout will not create conflict with adjacent land uses and there is no unacceptable impact on residential amenity as a result of the proposal. Potential issues with drainage and sewage infrastructure have been addressed following consultation with DFI Rivers Agency and NI Water.

It is considered that the proposal is on balance acceptable and is recommended for:

**Approval subject to Conditions**

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.

<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b>
1.1	The proposal is for the 'Revision of previously approved application Z/2012/0645/RM and erection of 10 No. semi-detached dwellings and associated site works'.
1.2	The proposed development is in substitution for 8 No. semi-detached dwellings and 2 No. detached dwellings previously approved under planning reference Z/2012/0645/RM.
1.3	<p>The proposed dwellings are a mix of house types:</p> <ul style="list-style-type: none"> <li>• 6 of the dwellings are semi-detached with a ridge height of 10.1 metres (2.5 storeys). The front elevation of the overall building has two gable projections on either side of the building with ground floor bay windows. There are two roof dormers on the front and a small window at the top of the gable projection. Chimneys are projected on both sides of the building. The proposed gable width is 12.9 metres and there is a 2 storey rear return with roof space conversion (9.1 m to ridge). Juliet balconies are proposed at first floor level at the rear. These 6 proposed dwellings are the northernmost dwellings on the site.</li> <li>• 4 of the dwellings are semi-detached with a ridge height of 10.1 metres (2.5 storeys). The front elevation of the overall building has two gable projections on either side of the building with ground floor bay windows. There are two roof dormers on the front and a small window at the top of the gable projection. Chimneys are projected on both sides of the building. The proposed gable width is 12.9 metres and there is a single storey rear extension proposed. There are dormers located on the rear of the building.</li> </ul>
<b>2.0</b>	<b>Description of Site</b>
2.1	The site of this housing development (currently under construction) is on lands previously owned by the Royal Agricultural Society at the King's Hall complex. It is a flat site located between Harberton Park (residential) and Balmoral Golf Club. The proposed site is located along the western boundary of the overall residential development site and measures 0.365 Ha. Balmoral Golf Club is located immediately to the west of the site. The western boundary is defined by a metal palisade fence, with a mix of coniferous and deciduous trees providing a buffer between the development and the adjacent golf club. The trees are on land controlled by the Golf Club. The surrounding land use is defined by residential development, both existing and in construction.



## Planning Assessment of Policy and other Material Considerations

### 3.0 Site History



3.1	<p>An outline planning application (Z/2003/1697/O) for the demolition of the existing buildings and erection of a residential development comprising 140 units was approved in 2009. A reserved matters application (Z/2012/0645/RM) for the same proposal was then granted planning permission in 2014.</p> <p>There have also been six planning approvals granted for amendments to Z/2012/0645/RM:</p>
3.2	LA04/2015/0358/F - Amendments to previous planning approval (Z/2012/0645/RM) to include changes to house types and modification to plot arrangements including garages, landscaping and related site and access works for the first phase of development comprising 19 dwellings.
3.3	LA04/2016/0200/F - Erection of 48 No. Dwellings including garages and landscaping (amendments to Z/2012/0645/RM).
3.4	LA04/2017/0157/F - Revision of previous approved application (Z/2012/0645/RM) and erection of 12 no. detached dwellings, 4 no. semi-detached dwellings, 3 no. townhouses and 18 no. apartments (in total 37 units) and associated works.
3.5	LA04/2017/2331/F – Erection of 13 dwellings comprising 3No. detached dwellings, 6No. semi-detached dwellings & 4No. apartments and associated site works.
3.6	LA04/2017/2383/F - Revision of previously approved application Z/2012/0645/RM and erection of 2 No. detached dwellings (in total 2 No. units) and associated works.
3.7	LA4/2018/0969/F - Change of house type to that approved under Z/2012/0645/RM to include extension - Plot 128, Harberton Park, Belfast
3.8	<p>One recent planning application in relation to the overall site (site immediately to the north) has been withdrawn:</p> <p>LA04/2020/0117/F - Revision of previously approved application (Z/2012/0645/RM) and erection of 6no. apartments and associated site works - Approximately 25 metres west of 39 Harberton Crescent (Withdrawn)</p> <p>Furthermore, there are currently two other applications under consideration in relation to the overall residential development:</p>
3.9	LA04/2018/2682/F – Revision of previously approved application (Z/2012/0645/RM) and erection of 2 no. semi-detached dwellings and 5 no. apartments (in total 7 no. units) and associated site works - Plots 32, 33, 34 and 35 (total 4 no. units) of residential development to lands south of 25 Harberton Park.
3.10	LA04/2020/0119/F – Revision of plot 45 (Dunleath hall) to previously approved application LA04/2017/2331/F and erection of 6 No. apartments and associated site works - 15 metres west of No.20 Harberton Crescent
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan (BUAP)
4.2	Draft Belfast Metropolitan Plan 2015 (Draft BMAP)
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 PPS 12 Housing in Settlements PPS 15 Planning and Flood Risk
<b>5.0</b>	<b>Statutory Consultees Responses</b>
5.1	DFI Roads – No objection / awaiting final PSDs
5.2	NIEA – No objection, subject to condition
<b>6.0</b>	<b>Non Statutory Consultees Responses</b>
6.1	BCC Environmental Health – No objection, subject to condition
6.2	NI Water – No objection
6.3	Rivers Agency – No objection
<b>7.0</b>	<b>Representations</b>
7.1	27 objections were received in respect of the proposed development. 9 individual residents made representations with regard to the proposal. More recently, 10 residents have formed 'Harberton Crescent Residents Group', which has made the latest representations. The objections relate to the following issues:
7.2	<ul style="list-style-type: none"> <li>Existing residents are being forced to park on the road, as widths of existing driveways do not allow 2 cars to be parked. Photographs have been provided showing this on separate occasions.</li> <li>Existing vehicles are being damaged whilst parked on the street. Proposal will exacerbate this issue.</li> <li>Proposal will have a detrimental impact on road safety and congestion. Proposal introduces approximately 25 cars to the 90 degree bend, exacerbating existing issues.</li> <li>Proposal will create road safety issues for pedestrians, cyclists and children playing.</li> <li>Proposal will exacerbate existing issues regarding ease of access for emergency vehicles and service vehicles (such as bin lorries and delivery vans).</li> <li>Proposed triple back to back parking within proposed dwellings is not practical / unworkable.</li> <li>Reduction in parking provision of plot 36.</li> <li>Proposed visitor parking within driveways is not a workable solution.</li> <li>An adjacent dwelling has not been built in accordance with the approved plans, thereby exacerbating the parking issues.</li> <li>Proposal does not comply with published 'parking standards'.</li> <li>Technical issues with proposed PSD Drawings –             <ul style="list-style-type: none"> <li>Proposed visitor parking outside plots 35 &amp; 36 is not 15 m from road bend.</li> <li>Proposed visitor parking outside plots 41 &amp; 42 is not 15 m from road junction.</li> <li>Plot 113 &amp; 112 show 3 parking spaces, however only 2 in situ.</li> <li>Plot 129 access is shown in wrong location.</li> <li>Proposed 90 degree road bend has not been widened, in accordance with 'Creating Places'.</li> </ul> </li> <li>Issues with equivalence of the overall development. Concerns that there is an uneven distribution of green space in the overall development.</li> <li>No 3D visuals, street sections / elevations have been submitted.</li> </ul>

	<ul style="list-style-type: none"> <li>Proposed dwellings have been increased in height from the extant approval.</li> <li>Proposed number of bedrooms far exceeds the number of bedrooms from the extant approval.</li> <li>Proposal results in overdevelopment / intense development.</li> <li>Submitted drainage details are limited.</li> <li>NI Water response raises concerns that proposed development will impact detrimentally on existing infrastructure.</li> <li>Impact on wellbeing of existing residents.</li> <li>Developer should provide a survey of the existing 'as built' development to indicate actual dimensions on the ground.</li> <li>Inaccuracies raised regarding the submitted 'as built' drawings.</li> <li>Issues with neighbour notification.</li> <li>Residents Group have requested an opportunity to meet with the developer.</li> </ul>
<b>8.0</b>	<b>Assessment</b>
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 2014 (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	The site is not zoned for a use within BUAP, draft BMAP 2004 or the unlawfully adopted version of BMAP 2015.
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 aims to promote more sustainable housing development within existing urban areas and places emphasis on increasing housing density within settlements. It also encourages sustainable forms of development, good design and balanced communities. The use of greenfield land for housing should be reduced and more urban housing should be accommodated through the recycling of land and buildings.</p>
8.4	<p><u>Character / Layout / Design</u></p> <p>The proposed dwellings are semi-detached dwellings, with a ridge height of 10.1 metres and a gable depth of 12.8 metres. The proposed external wall materials are a mix of red clay facing brick and off white painted / self-coloured render.</p>
8.5	Whilst the gable widths are relatively large, this is generally characteristic of the surrounding development and similar gable widths were included on 4 of the previously approved dwellings. Furthermore, there are existing dwellings located in Harberton Crescent with gable depths of 12.45 metres. With regard to the ridge height, the proposed dwellings are higher

	than all of the existing approved dwellings in this part of the site, as well as the existing nearby dwellings located in Harberton Crescent. However, the increase in ridge height is relatively marginal and is not considered a major concern given the surrounding context. Furthermore, it is noted that the overall existing development includes a number of dwellings taller than that proposed. The dwellings with the 2 storey rear returns will result in a degree of bulkiness, however, there are no public views of the rear returns and on balance, the arrangement is considered acceptable.
8.6	With regard to the proposed materials and detailing of the proposed dwellings, they are considered to represent a betterment than the extant approval, as the proposal is more in keeping with the existing built development.
8.7	The proposal represents a betterment of the previously approved development with regard to building line, with a stronger building line now evident.
8.8	It is considered that the proposed density is not significantly higher than the existing density. Furthermore, there is no net increase in residential units when compared to the extant approval.
8.9	For the reasons outlined above, it is considered that the proposed buildings are generally respectful of the surrounding context and character of the immediate locality. Furthermore, it is considered the pattern of development is generally in keeping with the overall character and environmental quality of the established area and on balance is acceptable.
	<u>Access / Parking</u>
8.10	Several objections have been received, with regard to existing parking and proposed parking on site. These issues have been summarised in para 7.2 above.
8.11	Objections raised concern regarding the width of driveways within a number of existing properties in Harberton Crescent. It appears that the constructed driveways are not wide enough to accommodate 2 vehicles parking at the same time, therefore putting pressure on on-street parking. The objectors have been advised that this issue relates to previously approved development and is outside the red line boundary of this application.
8.12	The proposed development includes in curtilage parking for 2 vehicles within each dwelling and 7 on-street visitor parking spaces.
8.13	DFI Roads have informally advised that they are content with the proposal. At the time of writing this report, they advised that the Private Streets Determination Drawings were awaiting final sign off. An update will be provided in the late items Report to Committee.
	<u>Movement Pattern / local facilities</u>
8.14	The proposed development is too small for the provision of local neighbourhood facilities, however the site provides easy access for vehicles, pedestrians and cyclists to Harberton Park and nearby public transport facilities.
	<u>Amenity space / Landscaping</u>
8.15	Adequate provision has been made for private open space within the proposed development, in accordance with the provisions of Creating Places. The proposed landscaping assists with integration and softens the visual impact of the proposal. The proposal does not impact on any existing trees along the western boundary.
8.16	As this proposal relates to 10 dwellings, there is no requirement for public communal amenity space. However, public amenity space was previously approved and has been provided in accordance with the details of Z/2012/0645/RM.

8.17	<p><u>Residential amenity</u></p> <p>It is considered that the design and layout will not create conflict with adjacent land uses and there is no unacceptable impact on residential amenity as a result of the proposal.</p>
8.18	<p>The proposed development includes windows on the side wall of the rear returns at first floor level on 6 of the dwellings. These windows originally gave rise to overlooking concerns, however drawings were amended to show these windows would be opaque glazed. The proposal also includes windows at the rear within these rooms, therefore there will be no detrimental impact on outlook for potential occupiers.</p>
8.19	<p><u>Boundary treatments</u></p> <p>The proposed boundary treatments include timber fencing, red brick walls and post and wire fencing. It is considered that the proposed boundary treatments are acceptable and are respectful of the surrounding context.</p>
8.20	<p><u>Drainage / Sewage infrastructure</u></p> <p>As the proposal is for over 10 dwelling units, a drainage assessment was submitted in accordance with policy FLD 3 of PPS 15. DfI Rivers provided comment, advising that they accept the logic of the Drainage Assessment and have no reason to disagree with its conclusions. Rivers Agency also advised that responsibility for justifying the Drainage Assessment and implementation of the proposed flood risk measures rests with the developer.</p>
8.21	<p>NIEA Water Management Unit have concerns that the proposal has potential to adversely affect the surface water environment and advised consultation with NI Water to determine if WWTW capacity is available. NI Water have provided clarification that existing capacity is available.</p>
8.22	<p>An objection raised concerns that the lack of a surface water sewer within 20 m of the site would impact detrimentally on existing infrastructure. NI Water have advised that the developer may wish to requisition a surface water sewer to serve the proposed development and / or obtain approval from Rivers Agency for discharge to a watercourse. The Drainage Assessment confirms that the developer proposes to construct new storm sewers to serve the development.</p>
8.23	<p><u>Contamination</u></p> <p>BCC EHO provided comment on the submitted Contamination Remediation Strategy and offered no objection, subject to a pre-occupation condition requesting a verification report. NIEA Land and groundwater team are content that the proposal has no unacceptable risk to the water environment. Conditions have been provided relating to contamination risks that are encountered during construction.</p>
8.24	<p><u>Other issues</u></p> <p>There are no negative impacts on features of the archaeological or built heritage and it is not considered that any security or personal safety issues will arise as a result of the proposal.</p>
8.25	<p>The agent is not required to submit 3D images of the proposed development. However, following an objection, a contextual elevation was submitted to show the overall proposal when viewed from the street scene.</p>
8.26	<p>Original drawings submitted raised concerns regarding dimensions of the site. Further to this, objectors raised several concerns regarding dimensions on site. A topographical survey was submitted by the agent to show that the proposed development could be accommodated within the application site. In addition to this, the Council raised this issue with DFI Roads</p>

8.27	<p>Private Streets officer, who advised that the constructed roads, footways etc. had been built in accordance with the approved PSD plans.</p> <p><u>Process Route - Councillor Referral</u></p> <p>Councillor Nicholl and McAteer requested that the application is presented to the Planning Committee in relation to the issues raised by objectors as set out above.</p>
9.0	<p><b>Summary of Recommendation: APPROVAL</b></p>
9.1	<p>The proposal is recommended for approval subject to Conditions</p>
9.2	<p>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.</p>
10.0	<p><b>Conditions</b></p>
10.1	<p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p>
	<p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>
10.2	<p>If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Department shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Department in writing, and subsequently implemented and verified to its satisfaction.</p>
	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.3	<p>After completing any remediation works required under condition 2 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Department. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.</p>
	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.4	<p>Prior to the occupation of the proposed development, the applicant shall provide to Belfast City Council, for written approval, a Verification Report. This report must demonstrate that the contaminated land remediation measures outlined in the following reports have been implemented:</p> <p>RSK report '<i>Additional Environmental Site Assessment - Lands South of 25 Harberton Park, Belfast</i>', Report reference number 601161-1(00), dated June 2015;</p> <p>RSK letter report '<i>Lands south of Harberton Park, Belfast</i>' Report reference number 610238, dated 11<sup>th</sup> September 2014;</p> <p>RSK letter report entitled - '<i>Plots No 35, 36, 37, 38, 39, 40, 41, 42, 43 and 44 (total of 10 No. units) residential development to lands south of Harberton Park, Belfast; Revision of previously approved application (Z/2012/0645/RM) and erection of 8 No semi-detached dwellings and 2 no detached dwellings (in total 10 no units) and associated site works</i>' Reference 601161_LR2200119, dated 6<sup>th</sup> February 2019</p>

	<p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use. It must demonstrate that any identified significant pollutant linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency.</p> <p>In particular, this Verification Report must demonstrate that all affected soils in gardens and landscaped areas are capped with appropriate material demonstrably suitable for end use (Residential) to a minimum depth of 600mm and a minimum of 200mm top soil in the designated areas as outlined in Figure 1 of the RSK letter report Reference 601161_LR2200119, dated 6<sup>th</sup> February 2019</p> <p>Reason: Protection of human health.</p>
10.5	<p>Prior to occupation of the dwellings, hereby permitted, all boundary treatments shall be completed in accordance with the approved Drawing No's 07B and 08 uploaded to the Planning Portal on 5<sup>th</sup> October 2020 and 10<sup>th</sup> April 2020 respectively.</p> <p>Reason: To safeguard the privacy and amenity for prospective residents.</p>
10.6	<p>The materials to be used in the construction of the external surfaces of the dwellings hereby permitted, shall be as stipulated on the approved Drawing No's 04A and 5A uploaded to the Planning Portal on 27<sup>th</sup> August 2019 and Drawing No. 10 uploaded to the Planning Portal on 10<sup>th</sup> April 2020.</p> <p>Reason: In the interest of visual amenity and to ensure the proposal is in keeping with the surrounding dwellings.</p>
10.7	<p>Notwithstanding the provisions of Article 3 and Schedule - Part 1 Classes A, B, C, D, E, I, Part 2 Classes C, D, F, and Part 3 of The Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any legislation revoking that Order and re-enacting those provisions) no extensions, alterations, hardstanding, decking, minor alterations to or construction of any means of enclosure or the provision of renewable energy including stand-alone solar panels, ground or water source heat pumps and containers for the storage of biomass fuel shall take place within the curtilage of the dwellings hereby approved, including the formation of vehicular / pedestrian accesses, without the written permission of Belfast City Council.</p> <p>Reason: To preserve the integrity of the design and layout of the development and in the interests of residential amenity.</p>
10.8	<p>All proposed planting indicated within Drawing No. 06A uploaded to the Planning Portal on 10<sup>th</sup> April 2020 shall be planted prior to completion of the hereby approved development.</p> <p>Reason: To ensure the provision and establishment a high standard of landscape within the site.</p>
10.9	<p>Prior to any work commencing protective (herras) or similar fencing 2.5 metres in height will need to be installed based on the root protection area (RPA) on existing trees to be retained adjacent to the proposed site works within the site. Fencing must be in place prior to any works taking place. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.</p>

<p>10.10</p> <p>10.11</p> <p>10.12</p> <p>10.13</p>	<p>Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees.</p> <p>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.</p> <p>No storage of materials, parking of vehicles or plant, temporary buildings, sheds or offices within the RPA of trees within the site and adjacent lands.</p> <p>Reason: To avoid compaction within the RPA.</p> <p>Where necessary careful hand digging will be employed within the RPAs with extreme care being taken not to damage tree roots and root bark.</p> <p>Reason: To avoid root severance</p> <p>DFI Roads conditions TBC</p>
<p><b>Notification to Department (if relevant)</b></p>	
<p><b>Representations from Elected members:</b></p> <p>Cllr McAteer Cllr Nicholl Cllr Lyons</p>	



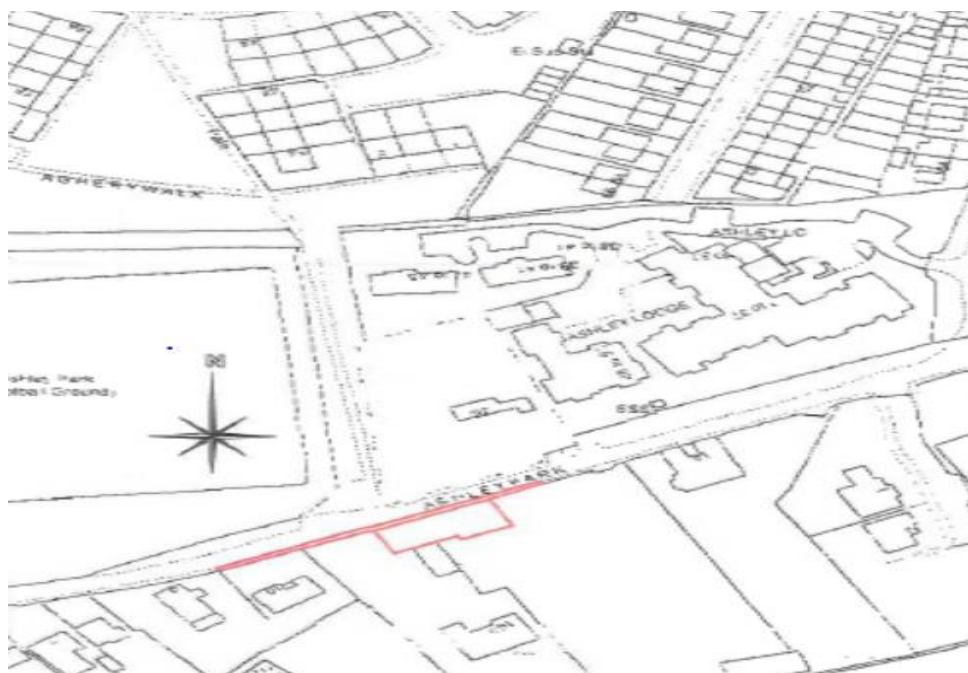
## Committee Report

Development Management Report	
<b>Application ID:</b> LA04/2019/1833/F	<b>Date of Committee:</b> Tuesday 15 <sup>th</sup> December 2020
<b>Proposal:</b> New dwelling to replace previous dwelling on site, with connection to all existing services to the site and use of existing vehicular access into the site.	<b>Location:</b> 11 Ashley Park Dunmurry Belfast BT17 9EH
<b>Referral Route:</b> Referral to the Planning Committee under Section 3.8.1 of the Scheme of Delegation. Cllr Walsh in respect of the planning history on the site.	
<b>Recommendation:</b> Refusal	
<b>Applicant Name and Address:</b> Ms Emma Regan 44 Redwood Grove Dunmurry Belfast	<b>Agent Name and Address:</b> Don Sonner 26a St Jeans Cottages Cookstown BT80 8DQ
<p><b>Executive Summary:</b></p> <p>The proposal is for a new dwelling to replace the previous dwelling on site, with connection to all existing services to the site and use of existing vehicular access into the site.</p> <p>The site is white land within BUAP and is in the Dunmurry draft Area of Townscape Character as designated within dBMAP.</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> <li>• Principle of a dwelling in this location</li> <li>• Character/Layout/Design</li> <li>• Private amenity/landscaping</li> <li>• Access/Parking</li> <li>• Impact on neighbouring amenity</li> <li>• Impact on established residential area</li> </ul> <p>The principle of a dwelling in this location is acceptable.</p> <p>The site is located in a rectangular plot measuring 0.025 ha in size. The dwelling is to be a two storey property finished in smooth render, and has an internal floor space of approximately 140sq metres and a ridge height of approximately 8.6m. The dwelling features a car port and 1<sup>st</sup> floor balcony, the design and layout is compatible with the policies set out in PPS7 and will not impact on the character of the area or result in an unacceptable impact to neighbour amenity.</p> <p>DFI Roads were consulted and objected to the proposal.</p> <p>The proposal is considered contrary to policy AMP 2 of PPS 3 in that the proposed access will prejudice road safety. The visibility splays are deemed to be inadequate.</p> <p>Having had regard to the development plan, relevant planning policies, and other material considerations, it is determined that the proposal should be refused.</p> <p><b>Recommendation</b></p>	

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

## Case Officer Report

### Site Location Plan



### Block Plan





## Characteristics of the Site and Area

<b>1.0</b>	<b>Description of Proposed Development</b> New dwelling to replace previous dwelling on site, with connection to all existing services to the site and use of existing vehicular access into the site.
<b>2.0</b>	<b>Description of Site</b> The site is located at 11 Ashley Park. The site is a previously developed site of 0.025 hectares in size. The site sits adjacent to the road and fronting the property at no. 10a. The site previously contained a dwelling which was demolished between 2012 and 2015. The site has since been fenced off with palisade fencing.  The surrounding area is residential comprised of detached or semi-detached dwellings of a variety of materials and form, set on sizeable plots. Opposite the site is a cricket ground. The site is white land within BUAP and is in the Dunmurry draft Area of Townscape Character as designated within dBMAP.

## Planning Assessment of Policy and other Material Considerations

<b>3.0</b>	<b>Site History</b>
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	S/2008/0529/F, 11 Ashley Park, Dunmurry, Belfast, BT17 9EH, Demolition of existing dwelling and the erection of two dwellings (Amended Scheme), PERMISSION REFUSED, 07.11.2014
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan
4.2	Draft Belfast Metropolitan Area Plan 2015 Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
4.3	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	Planning Policy Statement 3: Access, movement and parking
4.5	Planning Policy Statement 6 (Addendum): Areas of Townscape Character
4.6	Planning Policy Statement 7: Quality Residential Environments
4.7	Planning Policy Statement 7 (Addendum): Safeguarding the character of established residential areas.
4.8	Development Control Advice Note 8: Housing in urban areas
4.9	Development Control Advice Note 15: Vehicular Access Standards
<b>5.0</b>	<b>Statutory Consultees Responses</b> DFI Roads- Objects NI Water- No objections
<b>6.0</b>	<b>Non Statutory Consultees Responses</b> Environmental Health- No objections
<b>7.0</b>	<b>Representations</b>
7.1	The application was neighbour notified most recently on the 17 <sup>th</sup> September 2020 and advertised in the local press most recently on the 25 <sup>th</sup> September 2020. One representation was received and is summarised below: <ul style="list-style-type: none"> <li>Plan shows existing brickwork to be set back which is not in the applicant's ownership. Case Officer's Response: The brickwork is not within the red line and the applicant cannot carry out work without the owner's permission.</li> </ul>
7.2	Cllr Walsh referred the application to the Planning Committee under Section 3.8.1 of the Scheme of Delegation. In respect of the planning history on the site, for two dwellings which were refused and the report stated that a sole dwelling on this site is desirable.
<b>8.0</b>	<b>Other Material Considerations</b> None
8.1	<b>Any other supplementary guidance</b> Creating Places
<b>9.0</b>	<b>Assessment</b>
9.1	The proposal is considered to be in compliance with the development plan.

9.2	<p><b>Assessment</b></p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> <li>• Principle of a dwelling in this location</li> <li>• Character/Layout/Design</li> <li>• Private amenity/landscaping</li> <li>• Access/Parking</li> <li>• Impact on neighbouring amenity</li> <li>• Impact on established residential area</li> </ul> <p>It is considered that the proposal is not in compliance with SPPS in that the proposed development will cause demonstrable harm to interests of acknowledged importance which are considered below.</p> <p><b>Principle of a dwelling in this location</b></p> <p>The proposed site is located within the proposed Dunmurry Area of Townscape Character as designated within dBMAP, the site is located within whiteland in the BUAP. Given the site previously contained a dwelling which has since been demolished, the principle for a dwelling in this location is deemed to be acceptable.</p> <p><b>Site History</b></p> <p>S/2008/0529/F, 11 Ashley Park, Dunmurry, Belfast, BT17 9EH, Demolition of existing dwelling and the erection of two dwellings was refused in July 2014 for the following reason</p> <p>The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: "Quality Residential Environments" in that it would, if permitted, result in over development of the site, and would be detrimental to the character and appearance of the local area by virtue of its scale, form and massing. The development also provides inadequate private amenity space and therefore fails to create a quality and sustainable residential environment.</p> <p>Councillor Walsh has referred the application to committee in respect of the planning history on the site. In the case Officer's report for the application reference S/2008/0529/F it states that a 'single unit was the only option available'. It is noted that the entrance to the site within the previous application differs to this application and achieves the necessary visibility splays. The Council agree that the principle for one dwelling in this location is achievable, however the proposal must meet the required visibility splays.</p> <p><b>Character/Layout/ Design</b></p> <p>It is considered that the proposal respects the surrounding context and is appropriate to the character of the surrounding area. The proposal is for a detached dwelling to be finished in white render with a driveway provided to the side elevation directly accessed from Ashley park. The surrounding area is comprised of dwellings which are set back from the road and contain driveways to the side. The proposed dwelling is in this regard out of character. However, it is considered that the proposed dwelling is in a similar location as to the previously demolished dwelling. It is therefore considered that while the previous dwelling was demolished a number of years ago it would attributed to the character of the area. With consideration to the previous dwelling it is deemed that the proposed respects the surrounding context and is appropriate. When the designation of draft ATC was applied the previous dwelling would have been in situ. Therefore this proposal will not impact the character of the draft ATC given its similarities in location and massing to the previous dwelling. The proposal therefore complies with policy ATC 1 of the addendum to PPS 6.</p>
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The form and materials of the proposed dwelling will tie in with the surrounding area. The proposed dwelling is to be white render. There is a variety in form of the surrounding dwellings and the proposed dwelling will therefore add to this variety which as stated in creating places provides a visual variety and interest.

**Private amenity/landscaping**

The proposal complies with PPS 7 in that an adequate level of private space has been provided. Creating places advises a minimum of 40sq metres of amenity space. The amenity space provided with the driveway/garden and the 1st floor terrace is 45.16sq metres which is deemed sufficient.

**Access/Parking**

The proposal is considered contrary to policy AMP 2 of PPS 3 in that the proposed access will prejudice road safety. Paragraph 5.15 states that the department will expect applicants to have control over the land required to provide the requisite visibility splays and ensure that they are retained free of any obstruction. The proposal contains direct access from the proposed driveway to Ashley Park. DFI Roads were consulted and objected stating that the visibility splays were not adequate. The neighbouring land contains a brick wall which will obstruct visibility. A representation received from the occupants at no. 10a confirmed this was within their ownership. The previous dwelling contained a vehicular access bounded with a boundary wall and which contained a large gate. The previous dwelling and access has since been demolished, any access to the site has been removed and a palisade fence erected fronting the site. As the previous dwelling and access has been demolished the proposal is treated as a new development and therefore paragraph 5.15 applies.

The visibility splays required are 2 x 45m. The applicant can achieve this to the east of the site, however the visibility splay to the west is only 2m x 1.59m which falls considerably short of the requirement. Therefore, the visibility splays are inadequate the proposed access will prejudice road safety.

Given that the applicant has not amended the red line to include the neighbouring brick wall and subsequently not served notice on the landowner it cannot be considered that the applicant has any prospect of gaining control of the third party lands in order to carry out the works necessary to comply with the required sightlines, as the area required does not form part of this application.

**Impact on residential amenity**

The proposal will not have an adverse impact on existing or proposed dwellings. The proposed dwelling has a sufficient separation distance from no. 10a as to not cause any overlooking or overshadowing.

**Impact on established residential area**

The area in which the site is located is defined as an established residential area as defined within the addendum to PPS 7. Therefore policy LC1 applies which contains 3 further criteria the proposal must comply with.

The proposal complies with criterion (a). Given that the site is historically a residential site and contained a dwelling until the proposal was demolished between 2012 and 2015 the density is not significantly higher than the surrounding area.

The proposal complies with criterion (b) in that the pattern of development is in keeping with the overall character and environmental quality of the established residential area. As demonstrated previously the site has previously contained a dwelling and therefore a dwelling in this location and of this scale is in keeping with the pattern of development.

	The proposal meets the space standards set out in annex A and therefore complies with criterion (c).
9.3	Having regard for the policy context and the considerations above, the proposal is unacceptable.
<b>10.0</b>	<b>Summary of Recommendation: Refusal</b>
<b>11.0</b>	<p><b>Reasons for refusal</b></p> <p>1. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2 paragraph 5.15 in that it would, if permitted, prejudice the safety and convenience of road users since visibility splays of (2 metres x 45 metres) from the proposed access, cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.</p> <p>Informatives</p> <p>1. The drawing refs referred to above correspond with those drawings submitted to the Authority in respect of this application and published to the Planning Portal NI on: 08/08/2019, drawing no. 01 and on 07/01/2020, drawing no. 02a.</p>
<b>Notification to Department (if relevant)</b>	
<b>Representations from Elected members:</b> <b>Cllr Walsh</b>	



## Committee Application

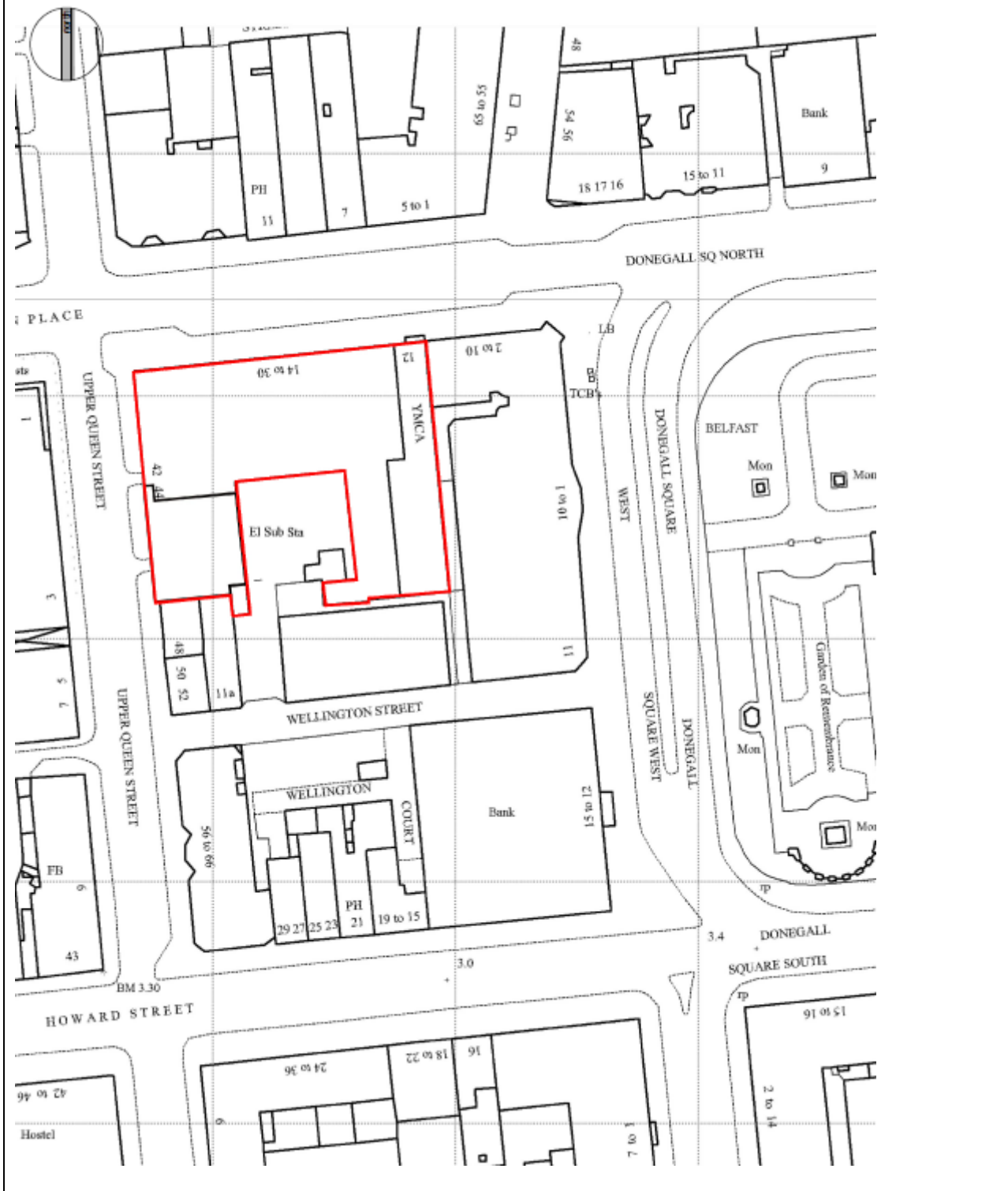
Development Management Report	
<b>Application ID:</b> LA04/2020/1353/F	<b>Date of Committee:</b> 15 <sup>th</sup> December 2020
<b>Proposal:</b> Erection of additional roof top plant, ventilation and ductwork and erection of louvered aluminium screen along eastern elevation (retrospective).	<b>Location:</b> 12 - 30 Wellington Place and 42 - 46 Upper Queen Street, Belfast, BT1 6FX
<b>Referral Route:</b> Request for referral to the Planning Committee under Section 3.8.1 of the Scheme of Delegation. Requested by Cllr Donal Lyons by reason of design, appearance and materials.	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Oakland (FRO) Ltd c/o Like Architects 3 Linenhall Street West Belfast BT2 8DY	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<p><b>Executive Summary:</b> Planning Permission is sought for the erection of additional roof plant, ventilation and ductwork as well as the erection of a louvered aluminium screen along the eastern elevation. The application is retrospective, as the works have already been completed.</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>• The impact on amenity, including visual amenity</li> <li>• The impact on the setting of the Listed Buildings</li> <li>• The impact on the character and appearance of the Conservation Area</li> </ul> <p>The application site lies within the development limits for Belfast. The site is located within Belfast City Centre Conservation Area, and within close proximity to a number of listed buildings, including the Scottish Provident Building and the City Hall.</p> <p>Overall, the proposal would have a detrimental impact on the setting of the most prominent view of these important listed buildings, due to its unsightly and alien/non-historic form. It is considered the screens will result in a negative impact on the setting of City Hall when viewed within its gardens and from Donegal Square. The screens are also considered to be incongruous and contextually inappropriate to the backdrop/skyline of the Scottish Provident Building.</p> <p>The application has been neighbour notified and advertised in the local press, no third party comments have been received. Historic Environment Division and the Belfast City Council Conservation Team have been consulted, and both consultees are unable to support the proposal. Environmental Health have also been consulted as part of the application process and have no concerns.</p> <p>The proposal has been assessed against and is considered to be contrary to the SPPS, BUAP, Draft BMAP, PPS6 and Section 104 of the Planning Act 2011. Having regard to the policy context and other material considerations, the proposal is considered unacceptable and planning permission is recommended for refusal.</p>	

**Recommendation**

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

## Case Officer Report

### Site Location Plan



<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b> The planning application is seeking permission for the erection of additional roof top plant, ventilation and ductwork and the erection of louvered aluminium screen along the eastern elevation. The application is retrospective.
<b>2.0</b>	<b>Description of Site and Area</b> The application relates to 12-30 Wellington Place and 42-46 Upper Queen Street. The building has been redevelopment and is nearing completion following on from previous permissions granted. The ground floor units of the building are currently occupied by a number of retail and restaurant uses while the upper floors will be Grade A office space. The site is adjacent to the Scottish Provident Building which is a grade A listed building, and also falls within Belfast City Centre Conservation Area.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b>  LA04/2019/2610/F - Internal reconfiguration (retrospective); erection of external goods lift; one floor extension to existing external stairwell to facilitate access to roof; proposed service yard works for erection of single storey security office, store, bin storage area; and reconfiguration of car parking. (amended plans) (Under Consideration)  LA04/2016/2045/F - Alterations to ground floor lobby of Oyster House, extension and alteration to floors one to seven to rear of Oyster House and Royston House (comprising 2115 square metres of new office floor space) and alterations to elevations on Upper Queen Street and Wellington Place (excluding shop fronts to existing occupied ground floor retail units and restaurants) (Permission Granted)  LA04/2017/2333/F - Extension to Oyster and Royston House comprising two additional floors of office accommodation (floors 8 and 9), reconfiguration of lift core (on nine floors) at courtyard to rear, modifications to courtyard elevations, removal of existing facades on Wellington Place and Upper Queen Street and replacement with glass and steel façade (Permission Granted)  LA04/2017/0461/F - Extensions / Alterations to Oyster House and Royston House comprising of extensions to the 7th floor and 1 additional floor above for offices, an 9 storey lift core extension within the courtyard, creation of roof terrace, alterations to existing elevations and reconfiguration of ground floor to form to 2 new retail units and new entrance lobby on Wellington Place (Permission Granted)
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	(Draft) Belfast Metropolitan Area Plan (BMAP) 2015  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 both versions of 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.
	Draft BMAP 2004

	4.2.1	Policy SETT2 Development with the Metropolitan Development Limit and Settlement Development Limits
		Draft BMAP 2015 (purported to be adopted)
	4.2.2	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 6: Planning Archaeology and the Built Heritage
<b>5.0</b>		<b>Statutory Consultees Responses</b>
5.1		Historic Environment Division – unable to support application
<b>6.0</b>		<b>Non-Statutory Consultees Responses</b>
6.1		Belfast City Council Conservation Team – unable to support application
6.2		Belfast City Council Environmental Health – no objection
<b>7.0</b>		<b>Representations</b>
7.1		The application was neighbour notified on the 5 <sup>th</sup> August 2020. It was advertised in the local press on the 31 <sup>st</sup> July 2020. The consultation period expired on 19 <sup>th</sup> August 2020. No representations have been received to date. If any representations are received they will be reported as an update to committee.
<b>8.0</b>		<b>Other Material Considerations</b>
8.1		Belfast City Centre Conservation Area Design Guide Section 104 of the Planning Act (Northern Ireland) 2011
<b>9.0</b>		<b>Assessment</b>
9.1		The proposal is considered to be in compliance with the development plan.
9.2		The key issues in the assessment of the proposed development include: <ul style="list-style-type: none"> <li>• The impact on amenity, including visual</li> <li>• The impact on the setting of Listed Buildings</li> <li>• The impact on the character and appearance of the Conservation Area</li> </ul>
9.3		A significant factor to be considered as part of the planning application is the visual impact caused by the proposal from various viewpoints, as well as the impact it may have on the setting of listed buildings, in particular Scottish Provident Building which is Grade A listed. Given the close proximity to the listed building, Historic Environment Division were consulted as part of the application process.
9.4		HED Historic Buildings considers the proposal fails to satisfy SPPS 6.12 of the Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development and Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage. While HED were content in principle with the previous application LA04/2017/2333/F, it considers the rooftop arrangement in the new application is considerably more imposing. HED are concerned as the height of the rooftop plant screening required to cover the plant and equipment, due to the massing and height of the plant and equipment, detrimentally impacts on the character of the listed building. Although retrospective, HED requests the plant, equipment and rooftop plant screening be reconsidered so that it is reduced significantly in height, or is located on an alternative, less visible, area of the roof.

9.5	As the site falls within Belfast City Centre Conservation Area, the Conservation Team were also consulted as part of the application process. Policy BH 12- New Development in a Conservation Area (PPS 6 (para 7.8)) states that alterations will only be acceptable where they are sensitive to the existing building, in keeping with the character and appearance of the area etc. Very careful consideration will be required for alterations affecting the roof of a property as these may be particularly detrimental to the character and appearance of a conservation area. The Conservation Officer commented that it is important to recognise that Wellington Place/ Donegal Square North forms part of the Civic Axis in recognition of its prominence as a civic path in the mental image of the city, as the view denotes a sense of arrival into the historic core of the city – enhancing its importance and its contribution to the reading of the area as one of the city's legible districts – the historic Victorian, Edwardian era commercial core. The Conservation Officer stated that City Hall (and its gardens) along with the Scottish Provident Building forms one of the most pleasing historic vista's in the city.
9.6	The Conservation Team considered, as the application is retrospective, and the screens have already been installed, it is clear that they have a detrimental impact on the setting of this most prominent view due to their unsightly and alien/non-historic form. Any proposals for development which by its character or location may have an adverse effect on the setting of listed buildings will require very careful consideration by the council. Development proposals some distance from the site of a listed building can sometimes have an adverse effect on its setting e.g. where it would affect views of an historic skyline. It is considered the screens by way of form negatively impact on the setting of City Hall when viewed within its gardens and Donegal Square North. The screens are also considered to be incongruous and contextually inappropriate to the backdrop/skyline of the Scottish Provident Building.
9.7	In response to the concerns raised by HED and the Conservation Team, the agent submitted a supporting statement detailing a contextual analysis and the need for the development, however, upon further review of the information, HED confirmed they retain their stance that the proposal in its current form is contrary to the requirements of SPPS 6.12 and Policy BH11 PPS6. The Conservation Team also confirmed, informally, that they have no further comment on the application as their concerns have not been addressed. No further amendments or additional information has been submitted by the agent.
9.8	Given the nature of the proposals, Environmental Health were also consulted on the application to consider any impacts in terms of noise, air pollution, general amenity, ambient air quality, contaminated land and other considerations. Having considered the proposals, as well as a Noise Impact Assessment submitted by the agent, Environmental Health confirmed they had no concerns subject to conditions.
9.9	In conclusion, the proposed additional roof top plant, ventilation and ductwork and the erection of louvered aluminium screen along eastern elevation (retrospective) is not considered to be acceptable as there would be a significant impact on visual amenity, and the setting of the listed building. The proposal would be an incongruous addition of an inappropriate and imposing scale to the roof of the application site which would be viewed from various prominent viewpoints, contrary to Policy BH11 and BH12 of PPS6: Planning, Archaeology & Built Heritage, the SPPS and Section 104 of the Planning Act 2011.
10.0	<b>Summary of Recommendation: Refusal</b>
11.0	<b>Reasons for Refusal:</b>  1. The proposal is contrary to Planning Policy Statement 6, Planning, Archaeology & Built Heritage, Policy BH11 and BH12 and paragraphs 6.12,

	<p>6.18 and 6.19 of the Strategic Planning Policy Statement for Northern Ireland, in that it would, if permitted, be detrimental to the visual amenity and setting of the Grade A Listed Building and the character and appearance of the Belfast City Centre Conservation Area by reason of its size, scale and prominent location, resulting in an incongruous addition to the rooftop of the building.</p> <p>Informatives</p> <ol style="list-style-type: none"> <li>1. The drawing's associated with this planning application were submitted to the Authority and published to the Planning Portal NI on: 22/07/2020, drawing no. 01, 02, 03, 04, 05 and 06.</li> </ol>
<p><b>Notification to Department (if relevant):</b> N/A</p>	
<p><b>Representations from Elected members:</b> Councillor Lyons requested updates and that the application be presented to Planning Committee</p>	

<p><b>Details of Neighbour Notification</b> (all addresses)</p> <p>The Owner/Occupier, 1 Donegall Square West,Belfast,Antrim,BT1 6JA</p> <p>The Owner/Occupier, 1-3 ,Wellington Place,Belfast,Antrim,BT1 6GA</p> <p>The Owner/Occupier, 10 Donegall Square West,Belfast,Antrim,BT1 6JH</p> <p>The Owner/Occupier, 11 Donegall Square West,Belfast,Antrim,BT1 6JH</p> <p>The Owner/Occupier, 11 Donegall Square West,Belfast,Antrim,BT1 6JH</p> <p>The Owner/Occupier, 11a ,Wellington Street,Belfast,Antrim,BT1 6HT</p> <p>The Owner/Occupier, 13 Wellington Place,Belfast,Antrim,BT1 6GB</p> <p>The Owner/Occupier, 15 Wellington Place,Belfast,Antrim,BT1 6GB</p> <p>The Owner/Occupier, 17 Wellington Place,Belfast,Antrim,BT1 6GB</p> <p>The Owner/Occupier, 19 Wellington Place,Belfast,Antrim,BT1 6GB</p> <p>The Owner/Occupier, 1st Floor,2-4 Wellington Buildings,Wellington Street,Belfast,Antrim,BT1 6HT</p> <p>The Owner/Occupier, 1st Floor,2-4 Wellington Buildings,Wellington Street,Belfast,Antrim,BT1 6HT</p> <p>The Owner/Occupier,</p>
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1st Floor,25-27 Lesley House,Wellington Place,Belfast,Antrim,BT1 6GD  
 The Owner/Occupier,  
 2 Donegall Square West,Belfast,Antrim,BT1 6JA  
 The Owner/Occupier,  
 2,Wellington Buildings,1 Wellington Street,Belfast,Antrim,  
 The Owner/Occupier,  
 25-27 ,Wellington Place,Belfast,Antrim,BT1 6GD  
 The Owner/Occupier,  
 25-27 Lesley House,Wellington Place,Belfast,Antrim,BT1 6GD  
 The Owner/Occupier,  
 2nd Floor,11 Wellington Place,Belfast,Antrim,BT1 6GB  
 The Owner/Occupier,  
 2nd Floor,2-4 Wellington Buildings,Wellington Street,Belfast,Antrim,BT1 6HT  
 The Owner/Occupier,  
 2nd Floor,Fisherwick Building,9 Upper Queen Street,Belfast,Antrim,BT1 6FB  
 The Owner/Occupier,  
 3 Donegall Square West,Belfast,Antrim,BT1 6JA  
 The Owner/Occupier,  
 34 Wellington Place,Belfast,Antrim,BT1 6GF  
 The Owner/Occupier,  
 38 Wellington Place,Belfast,Antrim,BT1 6GF  
 The Owner/Occupier,  
 4 Donegall Square West,Belfast,Antrim,BT1 6JA  
 The Owner/Occupier,  
 4 Wellington Place,Belfast,Antrim,BT1 6GE  
 The Owner/Occupier,  
 48 Upper Queen Street,Belfast,Antrim,BT1 6FD  
 The Owner/Occupier,  
 4th 5th 7th Floor,5-7 Eagle Star House,Upper Queen Street,Belfast,Antrim,BT1 6FS  
 The Owner/Occupier,  
 5 Wellington Place,Belfast,Antrim,BT1 6GA  
 The Owner/Occupier,  
 5-6 ,Donegall Square West,Belfast,Antrim,BT1 6JA  
 The Owner/Occupier,  
 52-54 ,Upper Queen Street,Belfast,Antrim,BT1 6FD  
 The Owner/Occupier,  
 6 Wellington Place,Belfast,Antrim,BT1 6GE  
 The Owner/Occupier,  
 6th Floor Office,5-7 Eagle Star House,Upper Queen Street,Belfast,Antrim,BT1 6FS  
 The Owner/Occupier,  
 8 Wellington Place,Belfast,Antrim,BT1 6GE  
 The Owner/Occupier,  
 9 Donegall Square West,Belfast,Antrim,BT1 6JH  
 The Owner/Occupier,  
 9 Donegall Square West,Belfast,Antrim,BT1 6JH  
 The Owner/Occupier,  
 9 Upper Queen Street,Belfast,Antrim,BT1 6FB  
 The Owner/Occupier,  
 First Floor (Office 103),Scottish Provident Building,7 Donegall Square  
 West,Belfast,Antrim,BT1 6JH



The Owner/Occupier,  
First Floor (Office 104), Scottish Provident Building, 7 Donegall Square  
West, Belfast, Antrim, BT1 6JH

The Owner/Occupier,  
First Floor (Office 106), Scottish Provident Building, 7 Donegall Square  
West, Belfast, Antrim, BT1 6JH

The Owner/Occupier,  
First Floor (Office 110), Scottish Provident Building, 7 Donegall Square  
West, Belfast, Antrim, BT1 6JH

The Owner/Occupier,  
First Floor (Office 111), Scottish Provident Building, 7 Donegall Square  
West, Belfast, Antrim, BT1 6JH

The Owner/Occupier,  
First Floor (Office 113), Scottish Provident Building, 7 Donegall Square  
West, Belfast, Antrim, BT1 6JH

The Owner/Occupier,  
First Floor (Office 114), Scottish Provident Building, 7 Donegall Square  
West, Belfast, Antrim, BT1 6JH

The Owner/Occupier,  
First Floor (Office 115), Scottish Provident Building, 7 Donegall Square  
West, Belfast, Antrim, BT1 6JH

The Owner/Occupier,  
First Floor (Office 116), Scottish Provident Building, 7 Donegall Square  
West, Belfast, Antrim, BT1 6JH

The Owner/Occupier,  
First Floor (Office 117), Scottish Provident Building, 7 Donegall Square  
West, Belfast, Antrim, BT1 6JH

The Owner/Occupier,  
First Floor (Office 118), Scottish Provident Building, 7 Donegall Square  
West, Belfast, Antrim, BT1 6JH

The Owner/Occupier,  
First Floor (Office 119), Scottish Provident Building, 7 Donegall Square  
West, Belfast, Antrim, BT1 6JH

The Owner/Occupier,  
First Floor (Office 120), Scottish Provident Building, 7 Donegall Square  
West, Belfast, Antrim, BT1 6JH

The Owner/Occupier,  
First Floor (Office 121), Scottish Provident Building, 7 Donegall Square  
West, Belfast, Antrim, BT1 6JH

The Owner/Occupier,  
First Floor (Office 122), Scottish Provident Building, 7 Donegall Square  
West, Belfast, Antrim, BT1 6JH

The Owner/Occupier,  
First Floor (Office 123), Scottish Provident Building, 7 Donegall Square  
West, Belfast, Antrim, BT1 6JH

The Owner/Occupier,  
First Floor (Office 124), Scottish Provident Building, 7 Donegall Square  
West, Belfast, Antrim, BT1 6JH

The Owner/Occupier,

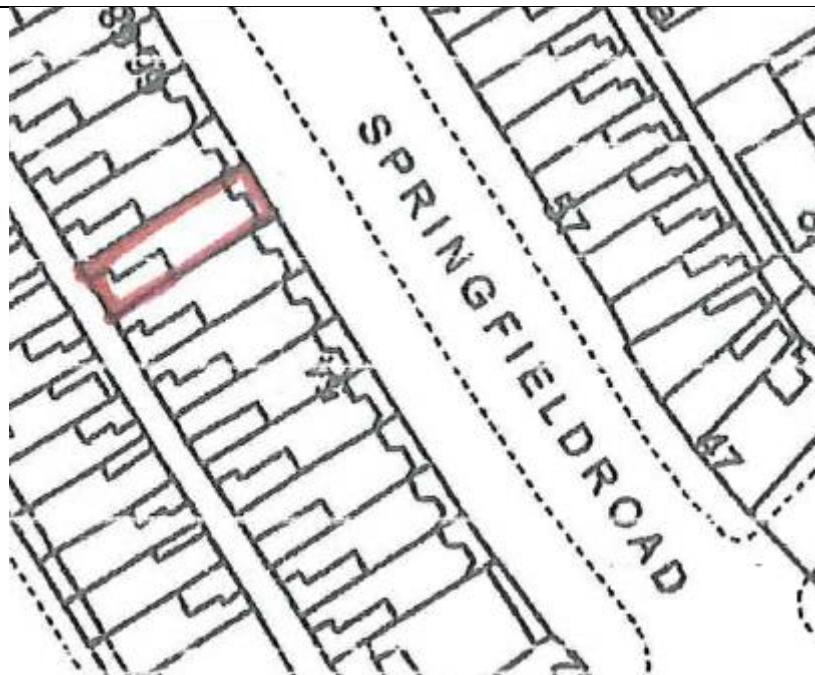
First Floor (Office 125),Scottish Provident Building,7 Donegall Square  
West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
First Floor (Office 126),Scottish Provident Building,7 Donegall Square  
West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
First Floor (Office 127),Scottish Provident Building,7 Donegall Square  
West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
First Floor (Office 128),Scottish Provident Building,7 Donegall Square  
West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
First Floor (Office 130),Scottish Provident Building,7 Donegall Square  
West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
First Floor (Office101),Scottish Provident Building,7 Donegall Square  
West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
Fisherwick Building,9 Upper Queen Street,Belfast,Antrim,BT1 6FB  
The Owner/Occupier,  
Fourth Floor (Offices 413-432),Scottish Provident Building,7 Donegall Square  
West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
Ground Floor,11 Wellington Place,Belfast,Antrim,BT1 6GB  
The Owner/Occupier,  
Ground Floor,5-7 Eagle Star House,Upper Queen Street,Belfast,Antrim,BT1 6QD  
The Owner/Occupier,  
Ground Floor,Royston House,34 Upper Queen Street,Belfast,Antrim,BT1 6FD  
The Owner/Occupier,  
Jefferson House,42 Queen Street,Belfast,Antrim,BT1 6HL  
The Owner/Occupier,  
Lesley House,25 Wellington Place,Belfast,Antrim,BT1 6GD  
The Owner/Occupier,  
Office 1 6th Floor,Royston House,34 Upper Queen Street,Belfast,Antrim,BT1 6FD  
The Owner/Occupier,  
Office 2 6th Floor,Royston House,34 Upper Queen Street,Belfast,Antrim,BT1 6FD  
The Owner/Occupier,  
Office 2nd Floor,Royston House,34 Upper Queen Street,Belfast,Antrim,BT1 6FD  
The Owner/Occupier,  
Offices 1st 2nd & 7th Floor,Royston House,34 Upper Queen Street,Belfast,Antrim,BT1 6FD  
The Owner/Occupier,  
Offices 1st Floor Unit 2,1-3 Capital House,Upper Queen Street,Belfast,Antrim,BT1 6FB  
The Owner/Occupier,  
Offices 1st-3rd Floor,19 Wellington Place,Belfast,Antrim,BT1 6GB  
The Owner/Occupier,  
Offices 2nd Floor Unit 1,1-3 Capital House,Upper Queen Street,Belfast,Antrim,BT1 6PU  
The Owner/Occupier,  
Offices 2nd Floor Unit 2,1-3 Capital House,Upper Queen Street,Belfast,Antrim,BT1 6FB  
The Owner/Occupier,  
Offices 3rd & 4th Floor,Royston House,34 Upper Queen Street,Belfast,Antrim,BT1 6FX

The Owner/Occupier,  
Offices 5th Floor,1-3 Capital House,Upper Queen Street,Belfast,Antrim,BT1 6PU  
The Owner/Occupier,  
Offices 6th Floor,1-3 Capital House,Upper Queen Street,Belfast,Antrim,BT1 6FB  
The Owner/Occupier,  
Royston House,34 Upper Queen Street,Belfast,Antrim,BT1 6FA  
The Owner/Occupier,  
Royston House,34 Upper Queen Street,Belfast,Antrim,BT1 6FD  
The Owner/Occupier,  
Scottish Provident Building,7 Donegall Square West,Belfast,Antrim,BT1 6JF  
The Owner/Occupier,  
Scottish Provident Building,7 Donegall Square West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
Scottish Provident Building,7 Donegall Square West,Belfast,Antrim,BT1 6JH  
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The Owner/Occupier,  
Scottish Provident Building,7 Donegall Square West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
Scottish Provident Building,7 Donegall Square West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
Second Floor (Office 202 A),Scottish Provident Building,7 Donegall Square  
West,Belfast,Antrim,BT1 6JH  
The Owner/Occupier,  
Unit 10,46 Upper Queen Street,Belfast,Antrim,BT1 6FD  
The Owner/Occupier,  
Unit 2,2-4 Wellington Buildings,Wellington Street,Belfast,Antrim,BT1 6HT  
The Owner/Occupier,  
Unit 4 Office 3rd Floor,1-3 Capital House,Upper Queen Street,Belfast,Antrim,BT1 6FB  
The Owner/Occupier,  
Unit 5,2-4 Wellington Buildings,Wellington Street,Belfast,Antrim,BT1 6HT  
The Owner/Occupier  
Unit 6,Ferguson/Royston House,Wellington Place,Belfast,Antrim,BT1 6GE

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Development Management Report	
<b>Application ID:</b> LA04/2020/1803/F	<b>Date of Committee:</b> Tuesday 15 <sup>th</sup> December 2020
<b>Proposal:</b> Change of use from dwelling to HMO	<b>Location:</b> 60 Springfield Road Belfast BT12 7AB
<b>Referral Route:</b> Request for referral to the Planning Committee under Section 3.8.1 of the Scheme of Delegation by Cllr Canavan for reasons relating to the local residents' concerns on anti-social behaviour and parking.	
<b>Recommendation:</b> Approval	
<b>Applicant Name and Address:</b> T Donnelly 263 Falls Road Belfast	<b>Agent Name and Address:</b> Ivory Architects 15 Old Coach Avenue Belfast BT9 5PY
<p><b>Executive Summary:</b> The application seeks full planning permission for a change of use from a single dwelling to a House in Multiple Occupation (HMO). The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> <li>• The principle of a HMO at this location,</li> <li>• Impact on surrounding residential amenity; and</li> <li>• Impact on draft Area of Townscape Character</li> </ul> <p>Five representations and a signed petition have been received in relation to the application, raising issues including: antisocial behaviour, lack of parking, dirt &amp; smell, not informed in direct to neighbours and lack of family housing provision.</p> <p>Consultees: DFI Roads, Environmental Health and the Councils internal development plan team.</p> <p>In respect of principle of the proposal at this location, the application site falls within a HMO Development Node HM 4/07 Falls Road/Springfield Road as designated within the HMO Subject Plan for Belfast (2015). Policy HMO 3 states that planning permission will only be granted along the frontages of designated HMO Development Nodes, providing it does not include HMO development at ground floor level within a designated commercial node or shopping area. The site is not within a designated commercial node or shopping area therefore the ground floor is not required to be commercial or shopping. The proposal is situated within the frontage of a designated HMO Development Node and is also in line with Policy HMO 6 as the criteria within this policy are either met or are not relevant.</p> <p><b>Recommendation- approval subject to conditions</b> Having regard to the policy context and third party objection, the proposal is considered, on balance, to be acceptable and planning permission is recommended for approval.</p>	

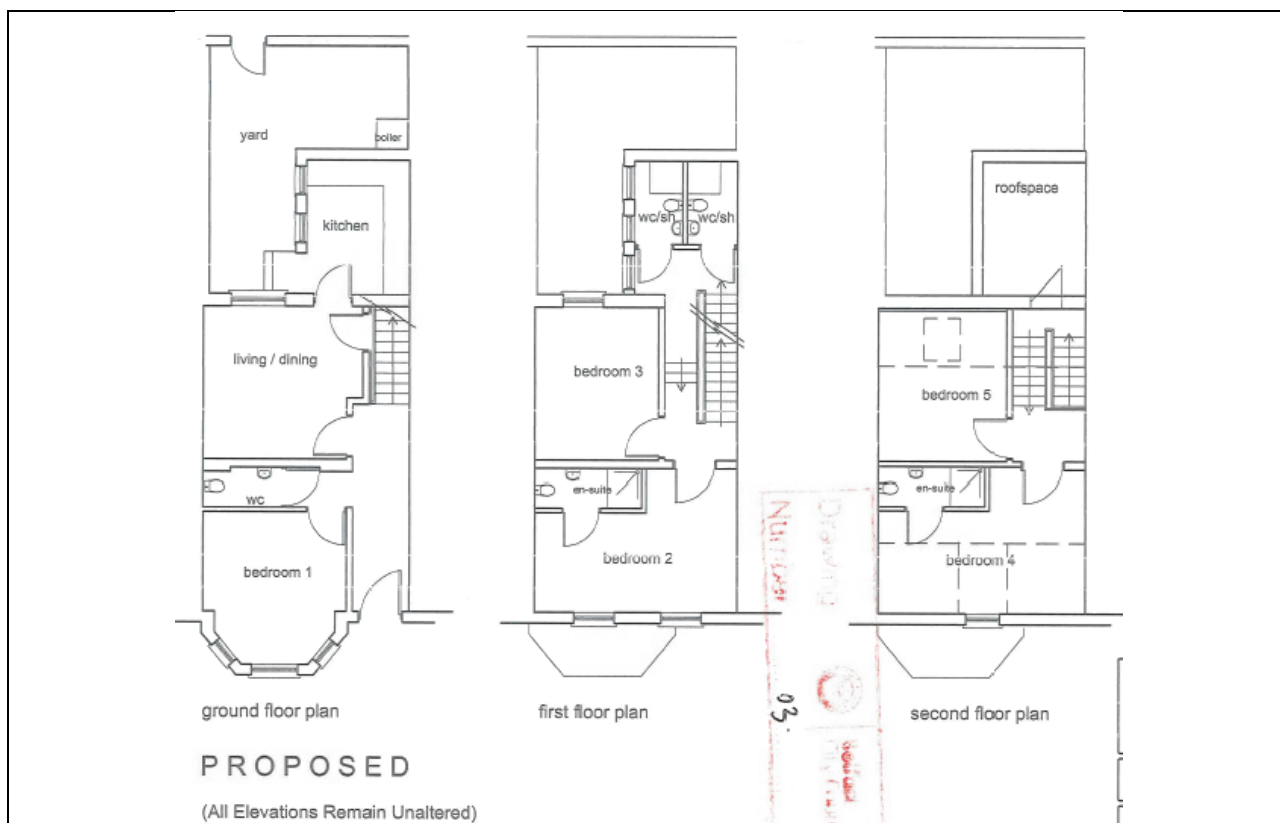
Case Officer Report
<b>Site Location Plan:</b>



**Existing floor plans:**



**Proposed floor plans:**



## Committee Application

Characteristics of the Site and Area	
<b>1.0</b>	<b>Description of Proposed Development</b> Planning Permission is sought for a change of use from dwelling house to a five bed House in Multiple Occupation (HMO).
<b>2.0</b>	<b>Description of Site</b> The site is located at 60 Springfield Road. The dwelling is a 2.5 storey, terrace property with a pitched roof finished in white render and red brick. The property has a small amenity area to the front, a small amenity area and shared alleyway to the rear.  The site falls within the draft Falls Road Area of Townscape Character
Planning Assessment of Policy and other Material Considerations	
<b>3.0</b>	<b>Site History</b> None
<b>4.0</b>	<b>Policy Framework</b>
<b>4.1</b>	Belfast Urban Area Plan
<b>4.2</b>	Draft Belfast Metropolitan Area Plan 2015  Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP

	still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
4.3	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	The Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015
4.4.1	Policy HMO 3
4.4.2	Policy HMO 6
4.5	Addendum to Planning Policy Statement 6: Areas of Townscape Character
<b>5.0</b>	<b>Statutory Consultees Responses</b> DFI Roads- No Objections
<b>6.0</b>	<b>Non Statutory Consultees Responses</b> Environmental Health- No Objections
<b>7.0</b>	<p><b>Representations</b></p> <p>The application was neighbour notified on the 22<sup>nd</sup> September 2020 and advertised in the local press on the 25<sup>th</sup> September 2020. Five representations and a signed petition of 17 signatures have been received in relation to the application, raising issues including: antisocial behaviour, lack of parking, dirt &amp; smell, not informed in direct neighbours and lack of family housing provision. The signed petition has been taken into account in relation to all of the areas addressed below.</p> <ul style="list-style-type: none"> <li>- Anti-social behaviour and house parties: <i>Case Officer's response</i>- This falls outside the remit of planning and Environmental Health were consulted regarding the potential for noise and disturbance and offered no objections to the proposal. The onus is on the HMO landlords to ensure they are good neighbours, take the behaviour of their tenants seriously and work to resolve any anti-social behaviour that occurs linked to their properties.</li> <li>- Issues surrounding lack of parking and traffic concern: <i>Case Officer's response</i>- DFI roads were consulted with regards to parking and traffic concerns and offered no objections to the proposal.</li> <li>- Dirt and smell: <i>Case Officer's Response</i>- Environmental Health were consulted and offer no objections to the proposal with regards to smell. Under the NI Houses in Multiple Occupation Act, landlords or agents must have good management policies and procedures in place to make sure physical standards are maintained, occupiers' rights are respected, and any problems which arise during the period of the license are effectively addressed. They must also be able to manage issues which may concern neighbours effectively (such as building maintenance, cleaning, noise or disturbance and suitability of the applicant or agent).</li> <li>- Neighbour notification: <i>Case Officer's response</i>- Nine neighbouring properties were notified. As set out in Article 8 of The Planning (General Development Procedure) Order (Northern Ireland) 2015, In respect of Neighbour Notification planning applications are advertised in the local press and notice is served on occupiers of neighbouring land. This is defined as meaning land which directly adjoins the application site or which would adjoin it but for an entry or road less than 20 metres in width.</li> <li>- Lack of family housing provision: <i>Case Officer's response</i>: The application is for a house of multiple occupation at this site and therefore must be processed and assessed as this.</li> </ul>
<b>8.0</b>	<b>Other Material Considerations</b>



	None
8.1	<b>Any other supplementary guidance</b> None
<b>9.0</b>	<b>Assessment</b>
9.1	<p>The key issues to be considered are:</p> <ul style="list-style-type: none"> <li>• Principle of an HMO in this Location</li> <li>• Residential Amenity</li> <li>• Impact on the draft Area of Townscape Character</li> </ul> <p>It is considered that the proposal is in compliance with SPSS in that the proposed development will not cause demonstrable harm to interests of acknowledged importance which are considered below.</p> <p><b>Principle of an HMO in this location</b> The site is located within the HMO Development Node HM 4/07 Falls Road/Springfield Road as designated within the Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015, as such policy HMO 3 applies. Policy HMO 3 states that planning permission will only be granted along the frontages of designated HMO Development Nodes, providing it does not include HMO development at ground floor level within a designated commercial node or shopping area. The proposal is considered to be situated within the frontage of the designated HMO Development Node.</p> <p>Policy HMO 3 is designed to accommodate the need and demand for HMO accommodation and direct it to areas where it can contribute to regeneration. Policy HMO 3 has only one criteria which is that planning permission for HMOs will be granted, providing it does not include HMO development at ground floor level within a designated commercial node or shopping area. The proposal is not within a designated commercial node or shopping area and therefore the ground floor does not have to be in commercial use and therefore planning permission for the HMO should be granted.</p> <p>The proposal complies with Policy HMO 6 in that the criteria are either met or are not relevant: the first bullet point is not relevant as the property is not within a Policy Area; the second bullet point is met in that the HMO is not wholly in the rear of the property and without access to the public street; and the third and fourth bullet points are not relevant as the proposal is not being converted into HMO flats.</p> <p><b>Impact on Amenity</b> The SPSS is relevant given the perceived impact of HMO development on amenity and parking within the locality. This is concerned with impact on amenity such as noise, nuisance and disturbance and impact on road safety and traffic circulation.</p> <p>DFI Roads had no objections to the proposal</p> <p>In terms of noise and disturbance Environmental Health were consulted with the proposal and advised that they had no objection.</p> <p>No operational development is proposed and therefore existing amenity space provision is unaffected.</p> <p>There is no impact on the visual amenity and character of the area given that no external changes are proposed.</p> <p><b>Impact on the draft Area of Townscape Character</b> Whilst the Addendum to PPS 6 ATCs does not apply to draft ATCs it provides a useful guide and in this case, the proposal would be in compliance with the Addendum to PPS 6</p>

	in that the proposed HMO will maintain the character of the surrounding area. There are no proposed alterations to the front elevation of the property.
9.3	Having regard for the policy context and the considerations above, the proposal is deemed acceptable.  Summary of Recommendation: Approval
<b>10.0</b>	<b>Summary of Recommendation: Approval</b>
<b>11.0</b>	<p><b><u>Conditions</u></b></p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p><b><u>Informative</u></b></p> <p><b>HOUSE OF MULTIPLE OCCUPATION ACT ( NORTHERN IRELAND) 2016</b> For detailed requirements relating to HMO Standards and relevant documentation you should visit NIHMO. Please see also the HMO (NI) Act 2016 which contains the definition of a House in Multiple Occupation for Northern Ireland. This also contains the minimum space standard for rooms in a HMO that are occupied as sleeping accommodation</p>
<b>Notification to Department (if relevant)</b>	
<p><b>Representations from Elected members:</b></p> <p>Request for application to be brought before Planning Committee made by Cllr Claire Canavan.</p>	

ANNEX	
<b>Valid</b>	20.08.2020
<b>Date First Advertised</b>	25.09.2020
<b>Date Last Advertised</b>	N/A
<b>Details of Neighbour Notification</b> (all addresses)  22.09.2020  56 Springfield Road, BT12 7AH 58 Springfield Road, BT12 7AH 62 Springfield Road, BT12 7AH 63 Springfield Road, BT12 7AD 64 Springfield Road, BT12 7AH 57 Hawthorn Street, BT12 7AQ 59 Hawthorn Street, BT12 7AQ 63 Hawthorn Street, BT12 7AQ 65 Hawthorn Street, BT12 7AQ	
<b>Date of Last Neighbour Notification</b>	22.09.2020
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b> 01 Location Plan 02 Existing and Proposed Floor Plans 03 Proposed Site Plan	
<b>Notification to Department (if relevant) – N/A</b> Date of Notification to Department: n/a Response of Department: n/a	
<b>Elected Representatives:</b> Councillor Claire Canavan- Sinn Fein	



## Committee Application

Development Management Report	
<b>Application ID:</b> LA04/2020/0409/F	<b>Date of Committee:</b> Tuesday 15 December 2020
<b>Proposal:</b> Retrospective amendments to previously approved application LA04/2018/2960/F, two storey extension to rear and side with elevation changes, including raised patio, change of levels to rear and boundary/screening walls and fences. (Amended Plans/Description)	<b>Location:</b> 210 Malone Road Belfast BT9 5LQ.
<b>Referral Route:</b> Request for referral to the Planning Committee under Section 3.8.1 of the Scheme of Delegation. Requested by Cllr Sarah Bunting by reason of visual amenity, visual impact and separation distance.	
<b>Recommendation: Approval</b>	
<b>Applicant Name and Address:</b> Mr Sloan 210 Malone Road Belfast BT9 5LQ	<b>Agent Name and Address:</b> Michelle McCarthy 62 Lagmore Glen Belfast BT17 0UZ
<p><b>Executive Summary</b></p> <p>The application seeks full planning permission for retrospective amendments to previously approved application LA04/2018/2960/F, two storey extension to rear and side with elevation changes, including raised patio, change of levels to rear and boundary/screening walls and fences. (Amended Plans/Description)</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> <li>• The design of the proposal.</li> <li>• Impact on the character and appearance of the existing dwelling and surrounding area.</li> <li>• Impact on the amenity.</li> </ul> <p>Two third party representations have been received from the same objector. Cllr Sarah Bunting subsequently requested the application be brought to Committee by reason of visual amenity, visual impact and separation distance.</p> <p>The changes to the extension are considered minor, they include a marginal change in footprint with the side element projecting further to the front, approx. 250mm and alterations to window and door openings with the inclusion of additional roof lights, which are considered acceptable.</p> <p>It is acknowledged that the change of levels are significant, however, this is typical along this stretch of the Malone Road where neighbours have tiered the gardens. The incorporation of soft landscaping will help visually integrate the levels changes. The boundaries were reduced to step down gradually to the rear in line with the neighbouring levels/boundaries to ensure they are not visually dominant. The fencing proposed is double sided, helping to reduce the potential for inter visibility, there is unlikely to be a significant impact on neighbouring amenity and on balance the scheme is considered acceptable.</p> <p>Consultees DFI Roads - Content</p>	

Having regard to the policy context and other material considerations above, the proposal is considered acceptable as it will not detract from the character or appearance of the surrounding area or host dwelling and its curtilage. It is considered that it will not have a significant impact in terms of neighbouring residential amenity.

**Recommendation:**

It is recommended that planning permission is granted with delegated authority 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 consultees and third parties.

## Case Officer Report

### Site Location Plan:



### Characteristics of the Site and Area

#### 1.0 Description of Proposed Development

- 1.1 The application is seeking full planning permission for retrospective amendments to previously approved application LA04/2018/2960/F, two storey extension to rear and side with elevation changes, including raised patio, change of levels to rear and boundary/screening walls and fences. (Amended Plans/Description)

#### 2.0 Description of Site and Area

- 2.1 The application site is located at 210 Malone Road in South Belfast and consists of a two storey dwelling, finished in rough render with a hipped roof profile.
- 2.2 The surrounding area is predominately residential along a busy protected route, with semidetached dwellings with in curtilage parking. The site does not fall within any designations.

<b>Planning Assessment of Policy and Other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b>
3.1	LA04/2018/2960/F - 210 Malone Road, Belfast, BT9 5LQ., - Proposed 2 storey extension to rear and side of property, raised patio area and boundary wall (Amended - PERMISSION GRANTED)
<b>4.0</b>	<b>Surrounding Area</b>
4.1	<p>LA04/2019/0916/F - 206 Malone Road Upper Malone Belfast BT9 5LQ. - Retrospective retention of alterations to previously approved two storey side and rear extension. – PERMISSION GRANTED</p> <p>LA04/2015/1562/F - 204 Malone Road Belfast BT9 5LQ - First floor extension to the rear of the dwelling with new window and replacement balcony – PERMISSION GRANTED</p> <p>Z/2005/0540/F - 208 Malone Road, Malone Upper, Belfast, Northern Ireland, BT09 5LQ - Two storey rear extension - PERMISSION GRANTED</p>
<b>5.0</b>	<b>Policy Framework</b>
5.1	<ul style="list-style-type: none"> <li>• Regional Development Strategy (RDS)</li> <li>• Belfast Urban Area Plan 2001</li> <li>• Draft Belfast Metropolitan Area Plan (dBMAP) 2015 – White Land</li> </ul> <p>The extant development plan is the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.</p> <ul style="list-style-type: none"> <li>• Strategic Planning Policy Statement for Northern Ireland</li> <li>• Addendum to PPS7 – Residential Extensions and Alterations</li> </ul>
<b>6.0</b>	<b>Statutory Consultees</b>
6.1	DFI Roads - Content
<b>7.0</b>	<b>Non Statutory Consultees</b>
7.1	None
<b>8.0</b>	<b>Representations</b>
8.1	<p>The application has been neighbour notified three times and advertised in the local press. Two representations were received from the immediate neighbour which included a Survey Report, from the attached semi. The objector's concerns are as follows:</p> <ul style="list-style-type: none"> <li>• Loss of light/ overshadowing</li> <li>• Overlooking</li> <li>• Out of character with the existing property</li> <li>• Overdevelopment of the site and encroachment of land/ ownership concerns.</li> <li>• Impact on wildlife e.g. pets</li> <li>• Loss of private view/ value of property</li> <li>• Loss/ restricted access</li> <li>• The objection sets out rules for rear extensions.</li> <li>• Removal of party hedge and fencing</li> <li>• Access issues to conservatory/ inaccessible void created</li> </ul>
8.2	Other points were raised by the objector which are not considered to be planning matters and as such cannot form part of the assessment.



8.3	<p>Case Officer Response:</p> <ul style="list-style-type: none"> <li>• The extension will have no more of an impact to the neighbouring properties compared to that approved under LA04/2018/2960/F in terms of overshadowing, loss of light, dominance and overlooking there will be no significant impact. The levels and boundaries to the rear have been changed. The above will be considered in the assessment of this report – part 9.</li> <li>• The proposal will not be out of character with the existing dwelling. The height, width and general size of an extension is smaller than the existing house and considered subordinate. The proposal will not result in over development of the site. The site is sufficiently sized to absorb the development. It is considered to be modest in scale compared to some of the development undertaken in the area.</li> <li>• The objector raised ownership concerns. The applicant remains the same as the original application, LA04/2018/2960/F and the red line remains the same. The agent confirmed in a phone call (28/10/20) that the applicant is in ownership of the land. A rates bill was submitted by the agent showing that the applicant is registered to pay rates on this property. Ultimately this is a civil matter between the relevant parties and it is the applicant's responsibility to ensure he controls all land necessary to carry out the development. Should planning permission be granted, an informative of this nature will be placed on the decision notice.</li> <li>• The proposal will not have an impact on wildlife including the neighbouring pets or nature conservation.</li> <li>• Private view / value of property is not a planning matter.</li> <li>• The rules set out are in relation to permitted development – what can be done without a planning application. A full application has been submitted and as such the proposal will be assessed against relevant planning policy.</li> <li>• The removal of the hedging to the front does not constitute development. The new fencing to the front side measures 1.8m and can be done under PD also.</li> <li>• There is nothing to preclude the applicant from building to the extent of the boundary similar to that of neighbouring properties. The addendum to PPS7 states <i>"Where an extension abuts or runs close to a property boundary, permission to enter neighbouring land will also be required to enable approved works to be carried out or for future maintenance purposes. Consequently, it is advisable to discuss proposals with any neighbours before submitting a planning application. It should be noted that infringement of property rights is primarily a legal matter between the relevant parties."</i></li> </ul>
9.0	<p><b>Assessment</b></p>
9.1	<p>The key issues in the assessment of this application are:</p> <ul style="list-style-type: none"> <li>• Design of the proposal</li> <li>• Impact on the character and appearance of the existing dwelling and the surrounding area</li> <li>• Impact on the amenity of the area.</li> </ul>
9.2	<p><u>Design, Character and Appearance</u></p> <p>The changes to the extension are considered minor, they include a marginal change in footprint with the side element projecting further to the front, approx. 250mm and alterations to window and door openings and the inclusion of additional roof lights. The proposal is considered to comply with Policy EXT 1 of the addendum to PPS7 as the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing dwelling and the surrounding area. The extension will have no more of an impact compared to that approved under LA04/2018/2960/F, given the minor changes.</p>

9.3	<p>The topography of the site as well as the neighbouring sites has a steady decline to the rear, the first level drop will be approx. 1600mm compared to 1200mm approved under LA04/2018/2960/F. The second and third drop in level will be approx. 1200mm. The difference in ground levels between the neighbouring dwellings will vary given the sloping nature of the sites. At the edge of the drops, the difference in levels is approx. 1200mm – 870mm. The proposal has created flat usable spaces with adjacent boundaries. Whilst Council acknowledge the change of levels are significant, the incorporation of soft landscaping will help visually integrate the changes. The boundaries were reduced to step down gradually to the rear in line with the neighbouring levels/boundaries to ensure they are not visually dominant. The fencing will be double sided, helping to reduce the potential for inter visibility.</p> <p>There is precedent for raised patios/ levels in the area, some do not benefit from planning permission, including the neighbouring properties which include raised decking. The levels of the neighbouring properties (along this section of Malone Road) have significantly changed over time with tiered levels characteristic of the area.</p> <p><u>Impact on Amenity</u></p> <p>The proposal is considered to be in accordance to Policy EXT1 of the addendum to PPS7 in that the proposal will not unduly affect the privacy or amenity of neighbouring residents.</p> <p>The extension will not result in any significant impact to neighbouring properties in terms of overshadowing and/or dominance compared to that previously approved. The proposal includes new boundary walls and fencing. These will not result in a significant level of overshadowing. The objections raise concerns regarding the wall causing overshadowing. However, 212 is located south of the application site. This means that given the path of sun, overshadowing will only occur early morning which would not be sufficient grounds for a refusal. The wall be located below the eaves of the neighbouring rear return and there is hedging and outbuildings providing screening.</p> <p>In terms of overlooking, should planning permission be granted those windows conditioned to be obscured in the previous application will remain. The extension will not result in a significant impact compared to that already approved.</p> <p>Should planning permission be granted, hedging will be conditioned at the locations with low level boundaries. Council acknowledge there may be a degree of overlooking. However, given the topography of the site on balance it is considered acceptable.</p> <p>The proposal will also not cause unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality.</p> <p>There is sufficient space remaining within the curtilage of the property for recreational and domestic purposes including bin storage.</p>
<b>10.0</b> 10.1	<p><b>Summary of Recommendation – Approval</b></p> <p>It is recommended that planning permission is granted with delegated authority 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 consultees and third parties.</p>
<b>11.0</b> 11.1	<p><b>Conditions</b></p> <p>1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.</p> <p>Reason: This is a retrospective application.</p>

11.2	<p>2. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed within the site in accordance with the approved plan. This area shall not be used at any time for any purpose other than for parking and movement of vehicles in connection with the approved development.</p> <p>Reason: To ensure that adequate provision has been made for parking and traffic circulation within the site.</p>
11.3	<p>3. The boundary fencing to the rear shall be constructed with double sided fencing and shall be no higher than 2.25m above the neighbouring ground levels.</p> <p>Reason: In the interests of residential amenity.</p>
11.4	<p>4. All soft landscaping works shall be carried out in accordance with the approved details within 6 months of the date of this permission.</p> <p>Reason: In the interests of amenity.</p>
11.5	<p>5. Screening hedges shall be planted in those areas with low level fencing shown with red dotting in drawing No 07A date published XX</p> <p>Reason: In the interests of residential amenity.</p>
11.6	<p>6. The proposed side elevation window circled in red shall be finished in obscure glazing as shown on Drawing No. 05, date published XX. These windows shall be permanently retained as such and in the event of breakage shall be replaced with obscure glass to the satisfaction of the Planning Authority.</p> <p>Reason: To safeguard the residential amenity of neighbouring properties.</p> <p>Informative:</p>
11.7	<p>1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.</p>

ANNEX	
<b>Valid</b>	13.02.2020
<b>Date First Advertised</b>	13.03.2020
<b>Date Last Advertised</b>	N/A
<b>Details of Neighbour Notification</b> (all addresses)  11/03/20 19/09/20 17/11/20  208 Malone Road, Belfast, Antrim, BT9 5LQ 212 Malone Road, Belfast, Antrim, BT9 5LQ 2 Malone Hill Park, Belfast, Antrim, BT9 6RD 47 Malone Meadows, Belfast, Antrim, BT9 5BG	
<b>Date of Last Neighbour Notification</b>	17/11/20
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b> 01A Site Location Plan and Site Plans 02A Side Elevations with Levels 03 Existing Plans and Elevations 05 Proposed Sketch Plans and Elevations 06A Site Plan, Levels and Images of Site 07A Site Plan, Side Elevation and Landscaping	
<b>Notification to Department (if relevant) – N/A</b> Date of Notification to Department: n/a Response of Department: n/a	
<b>Elected Representatives:</b> Councillor Sarah Bunting – DUP	

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 15 December 2020	
<b>Application ID:</b> LA04/2019/2989/F	
<b>Proposal:</b> Erection of a care home with associated car parking, servicing, landscape and access off Balmoral Avenue.	<b>Location:</b> The King's Hall and RUAS site south of Upper Lisburn Road/Balmoral Avenue west of Harberton Park and north east of Balmoral Golf Club Belfast BT9 6GW.
<b>Referral Route:</b> Major Application	
<b>Recommendation:</b>	<b>Approval subject to conditions and a Section 76 Agreement</b>
<b>Applicant Name and Address:</b> Benmore Octopus Healthcare Developments (KH) Ltd Rushmere House, 46 Cadogan Park, Belfast, BT9 6HH	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<p><b>Executive Summary:</b></p> <p>This application seeks planning permission for the erection of a care home with associated car parking, servicing and landscaping on the King's Hall site. It is proposed to access the site off Balmoral Avenue.</p> <p>In the BUAP the site is located within the development limit of Belfast and is not zoned for any use. In draft BMAP 2004 and 2015 the site is located within the Belfast Metropolitan/Settlement development limit and is not zoned for any specific use.</p> <p>The main issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Impact on the Conservation Area</li> <li>• Height, Scale and Massing of the proposed development</li> <li>• Design, Layout and Materials</li> <li>• Impact on surrounding amenity</li> <li>• Impact on the setting of the listed King's Hall</li> <li>• Landscaping</li> <li>• Access, Movement and Parking</li> <li>• Environmental (Contamination, Noise, Air Quality)</li> <li>• Drainage/Flood Risk</li> </ul> <p>Six objections have been received regarding the proposed development raising concerns relating to the access arrangements from Balmoral Avenue, the impact of the proposal on surrounding development and scale of development out of keeping with the surrounding area. The Balmoral Avenue access arrangements were approved as part of Phase 1 of the King's Hall redevelopment (restoration and extension to the listed King's Hall) and are under construction.</p>	

DFI Roads is content with the proposed access arrangements from Balmoral Avenue to serve the site. The siting of the proposed development has sought to maximise separation distances between it and adjacent properties which are considered to be sufficient to ensure that no adverse impact will result to neighbouring amenity.

This application is a standalone application in its own right and is not dependent on other development on the wider site.

### **Recommendation**

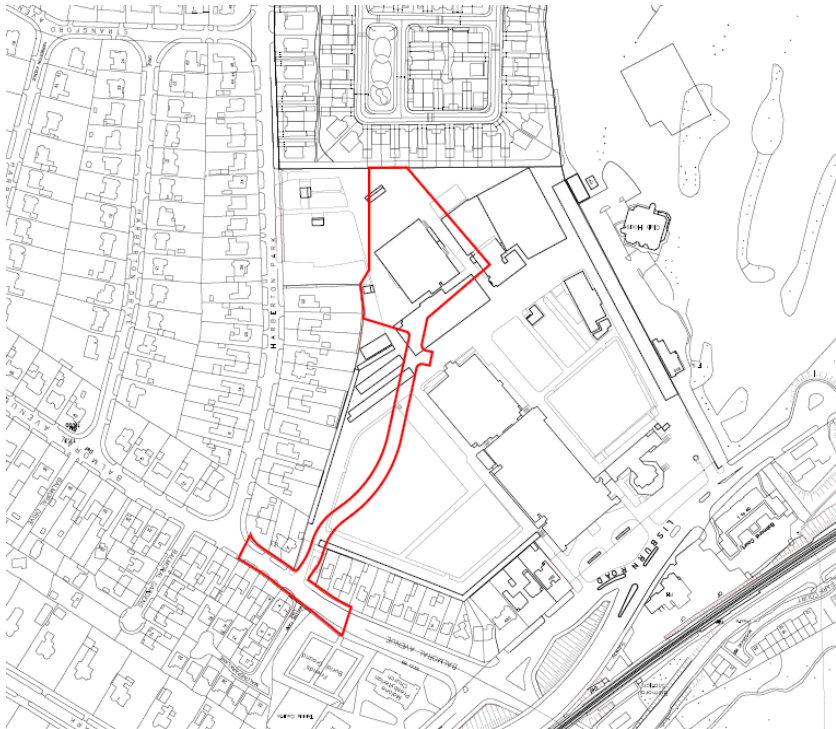
Having regard to the development plan, relevant policy context and other material considerations including third party representation, the proposal is considered acceptable and approval is recommended subject to conditions and a Section 76 planning agreement.

Discussions are ongoing with the applicant as to the appropriate mechanism by which to secure the restoration of the Listed King's Hall from wider development within the King's Hall complex and the potential requirement to include conditions linking the restoration of the King's Hall to this specific development. These conditions have already been applied to the Phase 1 Kings Hall proposals which are under construction. As such, delegated authority to the Director of Planning and Building Control is sought to finalise the proposed conditions and the Section 76 planning agreement subject to no new substantive planning issues being raised by third parties.

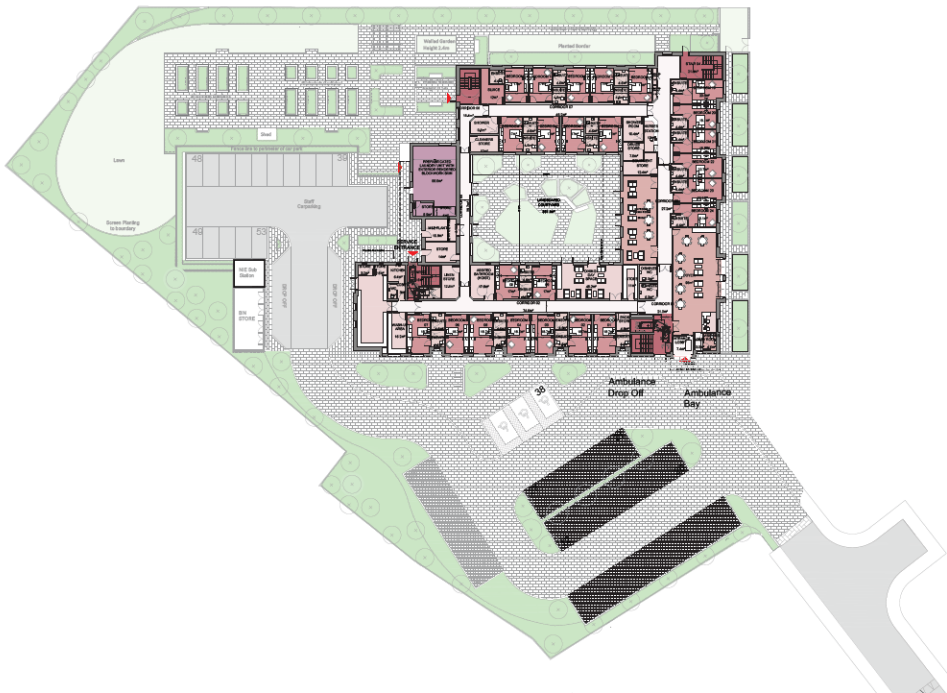
Case Officer Report

1.0 Associated Drawings

Site Location Plan



Proposed Site Layout







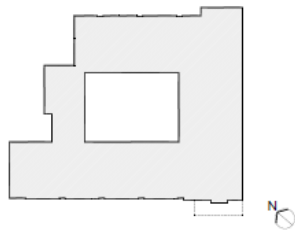
Proposed South West Elevation



Proposed North West Elevation



Proposed North East Elevation



Elevation Key



CGI View from Access Road





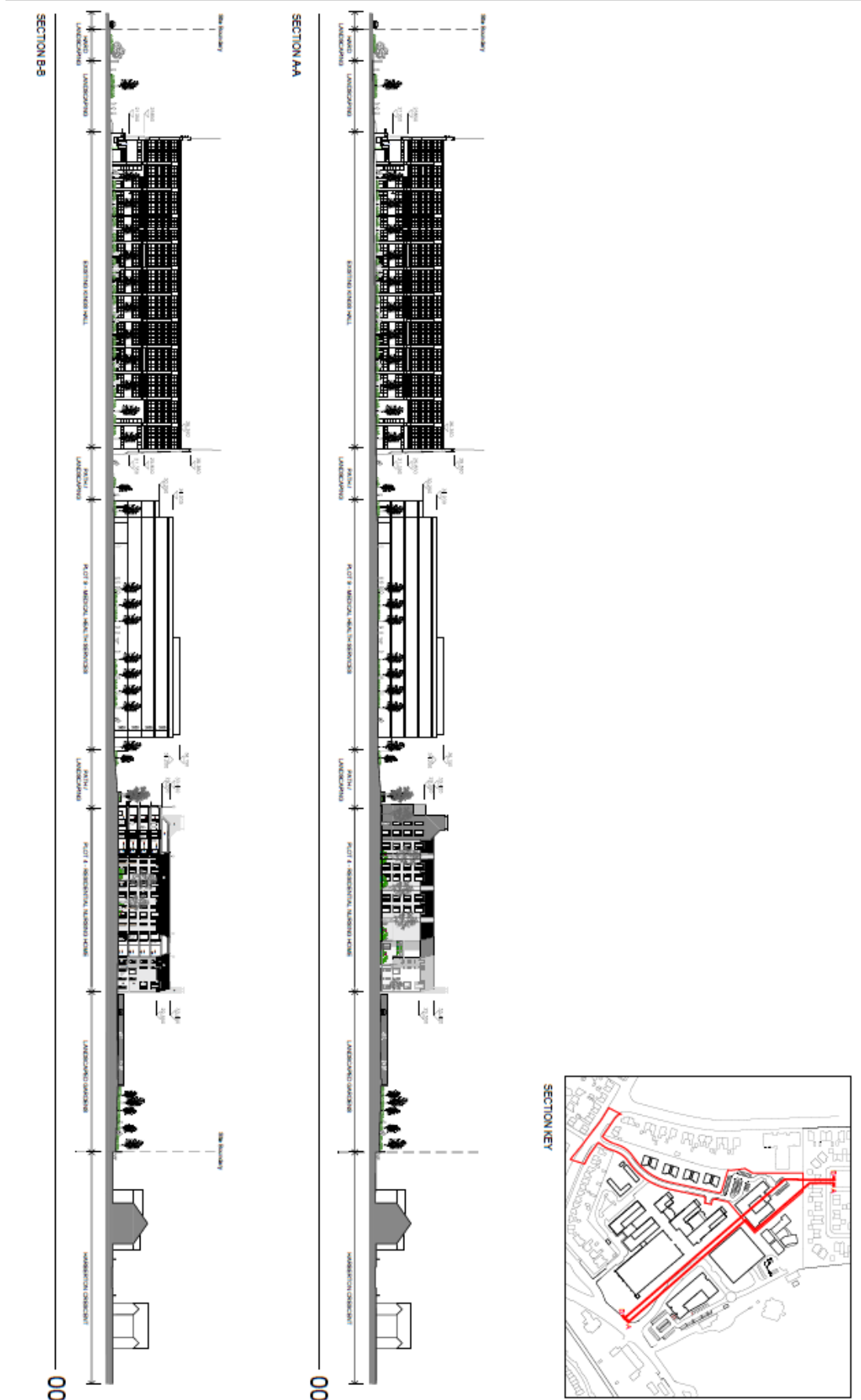
CGI View from Central Plaza



CGI View from Lisburn Road



## Contextual Sections



<b>2.0</b>	<b>Characteristics of the Site and Area</b>
2.1	The site is part of the Kings Hall complex and sits in the southern corner of the lands. Works are ongoing on the site in relation to a number of recent approvals (see planning history below) and some buildings on the site have been demolished as part of the Phase 1 planning approval (LA04/2018/0040/F). Part of the site abuts the Malone Conservation Area and the access arrangements at the junction of Balmoral Avenue fall within the Malone Conservation Area.
2.2	The eastern boundary adjacent to residential development at Harberton Gardens is defined by an existing wall. Part of the northern boundary is defined by a wall along the curtilage of Nos. 23 and 25 Harberton Park. The site is adjacent to an approved development for accommodation for older people which is currently under construction (Ref: 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)) at land east of Harberton Park and to the south of no 25 Harberton Park.
2.3	The northern boundary between the site and the adjoining Abbeyfield supported accommodation for older people is currently undefined. A boundary hedge with close boarded timber fencing is approved as part of the development proposals for the supported accommodation.
<b>3.0</b>	<b>Description of Proposal</b>
3.1	The application proposes the erection of a care home with associated car parking, servicing, landscape and access off Balmoral Avenue.
<b>4.0</b>	<b>Planning Assessment of Policy and Other Material Considerations</b>
4.1	<p><b>Policy Context</b></p> <p><b>Regional Planning Policy</b></p> <ul style="list-style-type: none"> <li>• Regional Development Strategy 2035 (RDS)</li> <li>• Strategic Planning Policy Statement for Northern Ireland (SPPS)</li> <li>• Planning Policy Statement 3 (PPS 3) - Access, Parking and Movement</li> <li>• Planning Policy Statement 6 (PPS 6) - Planning, Archaeology and the Built Heritage</li> <li>• Planning Policy Statement 13 (PPS 13) - Transportation and Land Use</li> <li>• Planning Policy Statement 15 (PPS 15) - Flood Risk</li> </ul> <p><b>Local Planning Policy Context</b></p> <ul style="list-style-type: none"> <li>• Belfast Urban Area Plan (2001) BUAP</li> <li>• Draft Belfast Metropolitan Area Plan (2015)</li> <li>• Draft Belfast Metropolitan Area Plan (2004)</li> </ul>
4.2	<p><b>Other Material Considerations</b></p> <ul style="list-style-type: none"> <li>• Development Control Advice Note 9 (DCAN 9) Residential and Nursing Homes</li> <li>• Belfast Agenda Community Plan</li> <li>• Developer Contributions Framework (2020)</li> </ul>

4.3	<p><b>Planning History</b></p> <p><i>On the site:-</i>  <b>LA04/2018/0040/F</b> - 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 centre (including ancillary retailing and cafe). 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, The Kings Hall And RUAS Site, South Of Upper Lisburn Road/Balmoral Avenue, West of Harberton Park And North-east Of Balmoral Golf Club, Belfast BT9 6GW. Permission granted 16.04.2019</p> <p><i>Relevant planning history adjacent to the site:-</i>  <b>LA04/2017/1394/F</b> - 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) at Land East of Harberton Park to the South of no 25 Harberton Park, Belfast. Permission granted 13.03.2018.</p> <p><b>LA04/2018/0047/DCA</b> - Demolition of 29 Balmoral Avenue, 29 Balmoral Avenue, Belfast. Consent granted 16.04.2019.</p> <p><b>LA04/2018/0048/LBC</b> - 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, The King's Hall And RUAS Site, South Of Upper Lisburn Road/Balmoral Avenue, West of Harberton Park And North East Of Balmoral Golf Club, Belfast, BT9 6GW. Consent granted 16.04.2019.</p> <p><b>LA04/2019/1254/F</b> - Erection of independent living complex 16No. units with associated landscaping, parking and access off Balmoral Avenue, 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. Permission granted 18.09.20</p> <p><b>LA04/2019/2848/F</b> – 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, Lands at Kings Hall Complex, Lisburn Road, Balmoral Belfast, BT9 6GW. Permission granted 29.06.20.</p> <p><b>LA04/2020/0747/F</b> - 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, The Kings Hall and RUAS site, south of Upper Lisburn Road/Balmoral Avenue, west of Harberton Park and north-east of Balmoral Golf Club, Belfast, BT9 6GW. Permission granted 29.06.20.</p> <p><b>LA04/2020/0845/O</b> - 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</p>
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	<p>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), Land at Kings Hall and RUAS site south of Upper Lisburn Road/Balmoral Avenue West of Harberton Park and North East of Balmoral Golf Club Belfast BT9 6GW. Under consideration.</p>
<b>4.4</b>	<p><b>Statutory Consultation Responses</b></p> <p>Responses from statutory consultees are summarised below. Further detail concerning their feedback is provided in the main assessment section of the report, where appropriate.</p> <p><b>DFI Roads</b> – No objections subject to conditions. Further response awaited re objection.</p> <p><b>DFC HED</b> – No objections subject to conditions.</p> <p><b>NI Water</b> – No objection. NI Water response confirms that the receiving Waste Water Treatment facility has sufficient capacity to serve this proposal.</p> <p><b>DFI Rivers Agency</b> – No objection subject to condition.</p> <p><b>DAERA (NIEA)</b> – <i>Water Management Unit</i> raised concern regarding the sewage loading associated with the above proposal and the potential to cause an environmental impact if transferred to Belfast Waste Water Treatment Works (WWTW). DAERA recommended consultation with Northern Ireland Water Limited (NIW) to determine if the WWTW will be able to cope with the additional load or whether the existing WWTW would need to be upgraded. WMU advised that if NIW indicate that the WWTW is able to accept the additional load, with no adverse effect on the operation of the WWTW or its ability to comply with its consent to discharge, then Water Management Unit would have no objection to this aspect of the proposal. As stated above NI Water has confirmed that the WWTW has sufficient capacity to serve this proposal. <i>Regulation Unit Land and Groundwater Team</i> – No objection subject to conditions. <i>Natural Environment Division</i> – No objection.</p> <p><b>Shared Environmental Services</b> – No objection.</p>
<b>4.5</b>	<p><b>Non-Statutory Consultation Responses</b></p> <p>Responses from non-statutory consultees are summarised below. Further detail concerning their feedback is provided in the main assessment section of the report, where appropriate.</p> <p><b>Environmental Health</b> – No objections subject to conditions.</p> <p><b>BCC Urban Designer</b> – No objections subject to conditions.</p> <p><b>BCC Tree Officer</b> – No objections subject to conditions.</p> <p><b>BCC Waste Management Unit</b> – No objections.</p> <p><b>BCC Economic Development Unit</b> – No objection. Recommend that an employability and skills plan is submitted prior to occupation of the development to detail mitigations and interventions that will be put in place to ensure the viability of the development.</p>
<b>4.6</b>	<p><b>Representations</b></p>
4.6.1	<p>A total of 6 representations have been received to this application. The issues raised in the objections include:</p> <ul style="list-style-type: none"> <li>Increased traffic via Balmoral Avenue</li> </ul>



- Privacy concerns for property adjacent to Balmoral Avenue access
- Concern that the care home car park will be used for general free parking to access the rest of the amenities on the proposed site
- Need for the facility in such close proximity to Abbeyfields
- Concern that the Balmoral Avenue access will be used as a drop-off point for the nursery leading to traffic congestion
- Scale and massing out of keeping with the surrounding residential area
- Proposal will result in loss of privacy to neighbouring properties due to overlooking
- Drawings do not show the context of existing development
- Service areas close to existing housing and the new Abbeyfield development
- Concerns regarding impact of access arrangements from Balmoral Avenue will affect the access arrangements to No. 27 Balmoral Avenue
- Concerns that the visibility splays on Balmoral Avenue contravene DCAN 15 (Vehicular Access Standards). Less than half the recommended 30m is proposed between the junction and the access to No. 27 Balmoral Avenue.
- Concerns that the Care Home will intensify the junction with Balmoral Avenue which is onto a Protected route within the settlement limit and will significantly modify the access
- Concern that the use of pavements on either side of the access to No. 27 Balmoral Avenue as visibility splays is not safe
- Discussions with the applicant regarding provision of a turning circle in front of No. 27
- Safety of road users will be jeopardised with the intensification of traffic moving around the new junction on Balmoral Avenue
- Unreasonable that Balmoral Avenue access will be used as a drop off point for the Nursery – would cause significant congestion.
- No provision for pedestrians crossing safely over the new access
- Fail to see how safety of pedestrians, cyclists and other road users have been taken into consideration
- Junction stagger between between Malone Park and the new access is less than the recommended guidance.
- Turning pockets do not comply with the Design Manual for Roads and Bridges.
- New turning pockets will reduce the available queuing reservoir for traffic queuing from the junction of Lisburn Road/Balmoral Avenue/Stockman's Lane along Balmoral Avenue
- Proposal will make entering and exiting No. 27 more difficult increasing the potential for accidents.
- Roadway entrance considered to be non-compliant and does not comply with the original application.
- Concern that cumulative traffic impact has not been considered.
- Portion of wall at the front of No. 27 removed without notice.
- Intolerable level of disturbance caused by construction works
- Disagree with DFI Roads officer that visibility for traffic existing No. 27 is good to excellent.
- Concern for pedestrian safety when exiting No. 27 Balmoral Avenue.
- Concerns regarding loss of security, privacy and noise reduction to No. 27 Balmoral Avenue, damage to hedge following demolition of No. 29 Balmoral Avenue.











## 4.7 Planning Assessment

### Application Background

- 4.7.1 The application site forms part of the wider King's Hall complex for which an indicative masterplan has been submitted (as set out below) for the comprehensive redevelopment of the overall site. This masterplan has no official status but has been used to aid discussions with the Planning Service about the various proposals on the wider site.
- 4.7.2 As set out above under 'Planning History' planning permission has been previously granted for a number of elements within the complex including the restoration of and extension to the listed King's Hall (LA04/2018/0040/F) with associated listed building (LA04/2018/0048/LBC) and conservation area consents (LA04/2018/0047/DCA). Planning permission has also been granted for a variation of condition (LA04/2020/0747/F) to the car parking layout to facilitate the approved relocation of a day nursery on the site (LA04/2019/2848/F). In addition permission has been granted for 16 independent living units with associated landscaping, parking and access off Balmoral Avenue (LA04/2019/1254/F). This application is considered a standalone application in its own right within the King's Hall complex and is not dependent on other development on the wider site.



	 1 Kings Hall Primary Care Complex Planning Permission Ref: LA04/2018/0040/F; LA04/2018/0048/LBC; LA04/2018/0047/DCA  2 Kings Hall Extension Planning Permission Ref: LA04/2018/0040/F; LA04/2018/0048/LBC; LA04/2018/0047/DCA  3 Residential with ground floor local retail use / restaurant & cafe use / leisure & gym facilities.  4 Residential Nursing Home PAN Ref: LA04/2018/2801/PAN  5 Independent Living Planning Application Ref: LA04/2019/1254/F  6 Retirement Living  8 Multi Storey Car Park, Retail, Leisure, Restaurant & Cafe use.  9 Medical or Health Services
<b>4.8</b>	<b>Key Issues</b>
4.8.1	<p>The key issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Impact on the Conservation Area</li> <li>• Height, Scale and Massing of the proposed development</li> <li>• Design, Layout and Materials</li> <li>• Impact on surrounding amenity</li> <li>• Impact on the setting of the listed King's Hall</li> <li>• Landscaping</li> <li>• Access, Movement and Parking</li> <li>• Environmental (Contamination, Noise, Air Quality)</li> <li>• Drainage/Flood Risk</li> </ul> <p>An assessment of the above issues is set out below.</p>
<b>4.9</b>	<b>Development Plan Context</b>
4.9.1	Section 6(4) of the Planning Act (Northern Ireland) 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4.9.2	The adoption of the Belfast Metropolitan Area Plan (BMAP) in 2014 was declared unlawful as a result of a judgement in the court of appeal delivered on 18 May 2017. This means that the Belfast Urban Area Plan 2001 (BUAP) provides the statutory plan context for the area.
4.9.3	Draft BMAP 2015 (dBMAP 2015), in its most recent, post-examination form remains a significant material consideration when making planning decisions. It was at the most advanced stage possible prior to adoption. However, in assessing this application

4.9.4	<p>regard is also had to the provisions of draft BMAP which was published in 2004 (dBMAP 2004).</p> <p>In dBMAP 2004 the site is unzoned land within the Belfast Metropolitan/Settlement Development Limit. In dBMAP 2015 the site is also unzoned land within the Belfast Metropolitan/Settlement Development Limit. Within the BUAP the site is unzoned land within the development limit of Belfast.</p>
<b>4.10</b>	<b>Principle of Development</b>
4.10.1	The proposed care home use does not conflict with the development plan or planning policy context and its use is considered acceptable in principle. In principle the proposed use is considered to be compatible with the character of the existing area and as such complies with DCAN 9 in respect of its location and siting. Further consideration of these matters is set out below.
<b>4.11</b>	<b>Impact on the Conservation Area</b>
4.11.1	The site boundary abuts the Malone Conservation Area adjacent to Nos. 23 and 25 Harberton Park and there is no change proposed to the existing boundary treatment to the rear of Nos. 23 and 25 Harberton Park. Planting along the boundary with Nos. 23 and 25 Harberton Park is proposed as part of the development and the character and appearance of the Conservation Area will be preserved at this location.
4.11.2	The proposed access arrangement at the junction of Balmoral Avenue has been established through planning approval LA04/2018/0040/F. A condition of that permission requiring full engineering details has been submitted to and approved in conjunction with DFI roads and works at this junction are ongoing in accordance with the approved details. Number 29 Balmoral which was within the Conservation Area has been demolished in line with the associated Conservation Consent approval (LA04/2018/0047/DCA). On this basis there is no conflict with Policy BH 14 (Demolition in a Conservation Area) of PPS 6, 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 by the development.
<b>4.12</b>	<b>Development Control Advice Note 9 (DCAN 9) Residential and Nursing Homes</b>
4.12.1	DCAN 9 sets out guidance for which to assess proposals for Residential and Nursing Homes and advises that in urban areas regard should be had to the following matters: siting, locality – compatibility of use in such an area, traffic aspects of the proposed development, amenity, design and layout and landscaping. All of these matters are set out in the assessment below.
<b>4.13</b>	<b>Height, Scale and Massing</b>
4.13.1	The proposed building incorporates a U-shaped planform with two wings extending south east towards Harberton Park enclosing a central landscaped courtyard. The building incorporates a uniform four storey height over much of its footprint. The building height extends to 15.3 m to the roof ridge. The external Chimney stacks are 19.5m high.
4.13.2	The Urban Design officer response states that <i>'From the outset the Council has advocated that care needed to be taken to ensure the proposal took the form of a quality backdrop building and good neighbour that sat comfortably within its context</i>

	<i>with respect to its relationship with the King's Hall and residences along Harberton Crescent and Harberton Park.'</i>
4.13.3	<p>The Urban Design officer further states that <i>'Additional contextual information has been provided which demonstrates the relationship between the proposal and surrounding buildings, including the King's Hall and properties along Harberton Crescent, including a number of revised CGIs. From the submitted information, the shoulder and ridge heights of the four storey care home would sit around 7.0m and 3.0m respectively below the ridge height of the King's Hall. While the projecting chimney stacks would rise marginally above the ridge height of the listed building, their upper height would sit below the upper parapet height of the King's Hall. The contemporary design of the proposed chimney stacks in my view complement the language used within the buildings architecture and will add visual interest to its roofscape. It is noted that the chimney stacks are also limited to three specific locations, are slim in profile and of a height which is considered appropriate to the scale of the building. Any decrease in their height could render these elements being disproportionate to the overall building proportions, resulting in a squat appearance. Furthermore examining the overall masterplan for the site, it is noted that another substantial building (Plot 9 – Medical Heath Services) would be located between the proposed care home and the King's Hall. While it is understood that the merits of Plot 9 will be considered under a larger outline application relating to the wider masterplan, nevertheless at its closest point the care home will be located close to 100m away from the rear elevation of the King's Hall and any visual impact of details such as the proposed chimney stacks would in my view be negligible.'</i></p>
4.13.4	<p>The building will sit adjacent to the approved 2/3 storey building for supported accommodation for older people which is under construction. These buildings will sit at an angle to each other and the minimum separation between the buildings is 25.5 m.</p>
4.13.5	<p>Concerns were raised that the proposed 4 storey height is out of keeping with surrounding area. The surrounding area comprises buildings of varying heights. The supported accommodation for older people is a 2 storey development fronting Harberton Park and 3 storey to the rear, adjacent to the proposed development. Dwellings along Harberton Park are primarily 2 storey with some 3 storey. Dwellings in Harberton Crescent to the south east are 2 and 3 storey. The contextual elevation submitted illustrates that the proposed development will sit below the highest point (upper parapet height) of the King's Hall which is approximately 19.8m high. It is considered that given the adequate separation distances (refer to section below - Impact on Surrounding Area), orientation of the building, juxtaposition with neighbouring properties and proposed landscape buffers the scale, height and massing of the proposed development and the relationship between the proposed development and existing development including the listed King's Hall is acceptable. The Urban Design officer raises no objection to scale, height and massing of the proposed development.</p>
4.13.6	<p>The height, scale and massing of the proposed development are considered acceptable and comply with paragraphs 4.26 and 4.27 of the SPPs.</p>
<b>4.14</b>	<b>Design, Layout and Materials</b>
4.14.1	<p>The design of the proposed building has been amended since its initial submission. During the processing of this application officers had requested that the design revert back to that proposed at the pre-application consultation stage which proposed a much higher quality design incorporating defined feature bays. Whilst the site is set back within the overall King's Hall complex, its location will be prominent as it will terminate</p>

	a key axial view into the site from the Lisburn Road and also a public view from the access road leading off Balmoral Avenue and therefore warrants a high quality design particularly along the principal south east and south west elevations. The applicant has amended the design and refined the architectural treatment significantly improving its quality which is welcomed.
4.14.2	The south west elevation will also have the potential to have a significant prominence when viewed internally from the site from a proposed public plaza which is part of a separate planning application for adjacent lands within the King's Hall complex (LA04/2020/0845/O).
4.12.3	The principal elevations i.e. the south west and south east elevations are defined by a series of bays which incorporate adequate projections equivalent to the depth of four bricks with window and door openings including reveals of one brick depth. The Urban Design officer considers that the bays and reveals ' <i>will bring a level of depth to the façade that will be readily discernible from a distance and contribute to the key role this building will play in terminating a key vista through the site</i> '. Dormer windows at 3 <sup>rd</sup> floor level are proposed to be finished in grey aluminium cladding which will complement the predominant red external wall brick finish and the natural slate roof tiles. Red brick walls extending to and incorporating chimneys provide strong edges to the south west elevation, marking the entrance to the building and on the north east and north west elevations.
4.12.4	Rainwater goods are proposed to be integrated into the facades and located in recesses to minimise their visual prominence.
4.12.5	Brick bonds/soldiers courses are proposed between the ground and first floor windows and the first and second floor windows of the principal elevations. This brick detailing will provide a horizontal emphasis between window levels and will add to the visual interest and design quality of the building. Details such as increasing depth of bays, integrating rainwater goods, inclusion of brick detailing cumulatively have significantly improved the architectural quality of the proposed development which is considered acceptable.
4.12.6	The secondary, north-west and north-east elevations also incorporate dormer windows at 3 <sup>rd</sup> floor level and are proposed to be finished primarily in painted render with red brick edges as set out above. Public views of the north-east and north-west elevations will be limited to internal views and as such the design composition of these secondary elevations is considered acceptable.
4.12.7	The materials palette include red brick, painted render, PPC aluminium mid grey dormers, windows and doors, grey PPC folded aluminium to form the projecting entrance canopy, PPC aluminium black rainwater goods and natural slate roof tiles. It is considered the materials palette reflects materials found in the wider area and will provide an appropriate contrast to the listed King's Hall. A condition is proposed requiring submission of detailed specifications, samples and sample panels to be made available on site to ensure that the selected materials are of a high quality and appropriate to their context.
4.12.8	When viewed from the Lisburn Road access point the building will be read in association with the Listed King's Hall. It is considered that there is sufficient distance (approximately 100m) between the listed King's Hall and the proposed building and in addition a development plot is located between both (see indicative masterplan above) ensuring that the listed King's Hall will retain visual prominence.

4.12.9	The internal atrium incorporates a landscaped courtyard incorporating seating areas at ground floor level which will provide a valuable sheltered area for residents and also provide an attractive outlook for accommodation/bedrooms facing onto it. An additional amenity area is provided to the east of the building and incorporates a number of features including planted beds, walled garden, allotments and a grassed area (lawn) which are enclosed by fencing adjacent to the parking area and by trees along the boundary. The garden amenity areas proposed for prospective residents is consider acceptable and complies with DCAN 9.
4.12.10	HED acknowledge the significant improvement in the design however suggests additional changes seeking further refinement of the design of the roof/dormer windows and a reduction in height of chimneys officers. Officers consider that the proposed roof profile and proportions of dormer windows already provide a high quality design treatment and further refinement is unnecessary. The Urban Design Officer has advised that the <i>'contemporary design of the proposed chimney stacks in my view complement the language used within the buildings architecture and will add visual interest to its roofscape. It is noted that the chimney stacks are also limited to three specific locations, are slim in profile and of a height which is considered appropriate to the scale of the building. Any decrease in their height could render these elements being disproportionate to the overall building proportions, resulting in a squat appearance.'</i> HED recognise that the chimneys are a welcome intervention and officers consider that a reduction in the height of the chimneys would detract from their visual interest resulting in a more squat form. HED acknowledge in their consultation response that they could not sustain an argument against the proposal at appeal on the basis of style.
4.12.11	The Urban Design Officer has recommended conditions requiring material samples to be submitted for agreement provided prior to commencement of development and further detailing on the treatment of dormer windows which are reasonable and are included with the proposed draft conditions set out below.
4.12.12	In conclusion the proposed design, layout and materials are considered acceptable and compliant with paragraphs 4.26 and 4.27 of the SPPS and DCAN 9.
<b>4.15</b>	<b>Impact on surrounding amenity</b>
4.15.1	The site boundary will abut the boundary of two and three storey dwellings at Harberton Park Crescent. The proposed building is a minimum of 41.5m from the boundary between these properties and a minimum of 57m from the rear of the nearest residential dwelling in Harberton Park Crescent. A landscape buffer is proposed along the boundary of the site adjacent to dwellings on Harberton Park Crescent and the existing close boarded fence between the developments will remain in place. It is considered that the substantial separation distance and proposed landscaping will ensure that there is no adverse impact on neighbouring properties in Harberton Park Crescent by way of overlooking or loss of privacy and the proposed relationship is considered acceptable.
4.15.2	Concerns were raised regarding the proximity of the proposed building to No. 25 Harberton Park. The proposed building is a minimum of 31m to the rear boundary of No. 25 Harberton Park and minimum of 61.5m to the rear of the dwelling at 25 Harberton Park. The boundary with dwellings on Harberton Park is defined by a wall approximately 1.8m high. Within the rear garden of Nos. 23 and 25 Harberton Park there exists a cluster of mature trees which will provide a degree of screening of the proposed development. A landscape buffer within the site boundary is also proposed along the boundary with Nos. 23 and 25 Harberton Park. It is considered that the

	separation distance is adequate and along with the existing and proposed boundaries will ensure that there is no adverse impact on neighbouring properties along Harberton Park by way of overlooking or loss of privacy. The parking area is proposed adjacent to the rear of Nos. 23 and 25 Harberton Park. The existing and proposed boundary treatments will provide screening of the parking area and serve as an acoustic barrier.
4.15.3	Concerns were raised regarding the proximity of servicing areas to adjoining properties. It is considered that there is adequate separation distance between the service areas and adjacent properties to ensure no adverse impact in amenity. In addition Environmental Health has recommended a condition to prevent servicing between the hours of 11pm and 7am to safeguard residential amenity.
4.15.4	It is considered that the orientation of the proposed building, its juxtaposition with the adjacent building for supported accommodation for the elderly along, the separation distances and the proposed landscape buffer along the boundary between both will ensure that no adverse impact on the amenity of neighbouring occupants will occur.
4.15.5	The Urban Design Officers acknowledges that <i>'the building has been sited so as to maximise the distance between it and adjacent properties to the rear, utilising external gardens to provide distance and mutual privacy for neighbouring residents which meet the boundary. Gables/edges to neighbours are minimised, particularly relative to existing Harberton Park residences and more recently constructed homes in Harberton Park, with generous offset distances as well as boundary screening to afford privacy.'</i>
4.15.6	The proposed 4 storey building is considered to be a sufficient distance from residential dwellings along Harberton Park and the approved independent living units within the King's Hall complex to ensure no adverse impact on amenity.
4.15.7	The proposal is considered compliant with paragraphs 4.12, 4.26 and 4.27 of the SPPS.
<b>4.16</b>	<b>Impact on the setting of the Listed King's Hall</b>
4.16.1	The proposed site falls within the setting of the listed King's Hall and paragraph 6.12 of the SPPS and policy BH 11 (Development affecting the Setting of a Listed Building) of PPS 6 apply.
4.16.2	Policy BH 11 states that the Council will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met: <ul style="list-style-type: none"> <li>(a) The detailed design respects the listed building in terms of scale, height, massing and alignment</li> <li>(b) The works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and</li> <li>(c) The nature of use proposed respects the character of the setting of the building</li> </ul>
4.16.3	The building is located approximately 100m from the rear of the listed King's Hall. A building plot is proposed between the proposed building and the listed King's Hall (see indicative Masterplan above).
4.16.4	HED is content that as viewed from the Lisburn Road, the proposal is separated by a considerable distance and sufficiently screened by trees that there will be no adverse impact on the character and setting of the King's Hall.



4.16.5	It is considered that the scale and design of the proposed building will allow the listed King's Hall to retain its primacy within the site and the proposed development will not adversely impact on the setting of the listed King's Hall. The proposed development therefore complies with Policy BH 11 and Section 91 of the Planning Act (Northern Ireland).
<b>4.17</b>	<b>Enabling works to Listed Building</b>
4.17.1	The restoration of the Listed Kings Hall is considered to be an essential element of the redevelopment of the wider Kings Hall complex. In this regard, the Phase 1 planning permission (LA04/2018/0040/F) is subject to conditions which require the restoration of the exterior of Kings in accordance with the Listed Building Consent (LA04/2018/0048/LBC). The trigger point for requiring the restoration works is occupation of the Phase 1 extension, which is expected to be May 2020 (the works would then be sequenced after that).
4.17.2	Officers want to ensure that those restoration works will be completed and have advised the applicant that equivalent conditions should be applied to other phases of the wider development – such conditions have already been applied to the independent living planning permission (LA04/2019/1254/F). However, the applicant has advised that these conditions are creating a conveyance issue in that they relate to works outside the application site and potential purchasers cannot commit to buying the land because they have no control over those works. Officers are in discussions with the applicant about alternative options which would still secure the same outcome of restoration of the Listed Building. Delegated authority is therefore sought for the Director of Planning and Building Control to resolve this matter and find the most appropriate solution.
<b>4.18</b>	<b>Landscaping</b>
4.18.1	There are no landscape features on the site at present and therefore no impact on existing trees/hedges within the site. Proposals include hard and soft landscaping for the site which comprise paving around the perimeter of the building and within part of the parking area, buffer, shrub and tree planting along the site boundaries and within the amenity areas as described above. The Urban Design Officer welcomes the permeable paving which will assist with surface water run-off.
4.18.2	The landscaping proposals will serve to soften the impact of the development and provide a framework around and within the amenity areas proposed for residents. The Tree Officer advises that the number of proposed trees, the species and their size standard at the time of planting is deemed to be acceptable and appropriate for this development. A proposed long-term landscape management and maintenance plan has been submitted and is deemed to be acceptable by the Tree Officer. The Tree officer has no objections to the proposed landscaping subject to conditions.
4.18.3	The proposal is considered compliant with the SPPS and DCAN 9.
<b>4.19</b>	<b>Access, Movement and Parking</b>
4.19.1	Vehicular and pedestrian access to the site is proposed from Balmoral Avenue. No access is proposed from Harberton Park. A number of objections have been received raising concerns regarding the impact of additional traffic using this junction and the proximity of this junction to the access to No. 27 Balmoral Avenue. Junction improvements at the Balmoral Avenue access have been assessed as part of planning application LA04/2018/0040/F and were granted approval under this application



	<p>subject to detailed engineering drawings which have been submitted and approved. Fifty three car parking spaces are proposed within the development which include three disabled spaces. In addition two drop-off bays are provided primarily for servicing along with two ambulance drop-off bays close to the main entrance. Provision for cycle parking (6 spaces) has also been incorporated into the development close to the main entrance. DFI Roads are satisfied with the level of parking provided.</p>
4.19.2	<p>In direct correspondence to an objector DFI Roads has advised that the access from Balmoral Avenue will serve the 16 independent living units approved under application LA04/2019/1254/F, the proposed current application for a 103 bed care home (LA04/2019/2989/F) and limited access to the approved medical facility/nursery (LA04/2018/0040/F &amp; LA04/2019/2848/F). DFI Roads advises that evidence provided by the applicant and validated by the Department for Infrastructure shows these developments will only generate limited traffic movements, particularly at peak times. DFI has further advised that during the planning process the design of the staggered junction, right turn facility and access visibility, on Balmoral Avenue were reviewed by the Department for Infrastructure against the design standards as set out in the Design Manual for Roads and Bridge and a number of Departures from Standard were subsequently granted by the Department for the proposed road layout. DFI Roads has also indicated that as part of the planning application (for application LA04/2018/0040/F) an independent Road Safety Audit was undertaken of the proposed road layout and did not flag up any significant road safety concerns.</p>
4.19.3	<p>Officers have met with an objector who has raised concerns that the access road is encroaching onto the boundary of an adjacent property. An enforcement case has been opened and an investigation is currently under way in respect of this matter. It is considered that the outcome will not impact on the determination of this application as access arrangements were approved under Phase 1 of the development (LA04/2018/0040/F) and any breach, if found would be subject to enforcement action under the Phase 1 decision.</p>
4.19.4	<p>Concerns were also raised that the Balmoral Avenue access would become a drop-off point for the approved Nursery on the site. The relocation of the nursery was approved on 29.06.20 and was accompanied by a School Travel and Transport Plan. This Travel Plan states that access to the Nursery will be from the Lisburn Road and that a vehicular barrier will be in place to prevent vehicular access from Balmoral Avenue access. A planning condition of Phase 1 (LA04/2018/0040/F) restricts any through route between the Balmoral Avenue and Lisburn Road with the access point to be controlled through the use of a permanent barrier.</p>
4.19.5	<p>Access to the Nursery has been approved from the Lisburn Road (adjacent to No. 486 Lisburn Road) and the approved layout provides adequate provision for drop-off to the nursery. A Travel Co-ordinator will be provided for the Nursery which should promote the use of the Lisburn Road access for drop-off.</p>
4.19.6	<p>DFI Roads has indicated that they have no objections to the proposed development subject to conditions. On the basis of this advice it is considered that the proposed junction arrangements are acceptable and that the proposed development does not raise any issues in terms of road safety. As such the proposed development is considered compliant with PPS 3.</p>

<b>4.20</b>	<b>Environmental Matters (Contamination, Noise, Air Quality)</b>
4.20.1	<p><b>Contamination</b></p> <p>A Contaminated Land Risk Assessment was submitted with the application. The report is based on site investigations (bore hole sampling) within or in close proximity to the application site. Potential pollutant linkages were identified and the following mitigation measures proposed:-</p> <ul style="list-style-type: none"> <li>• Covering of degraded soils across the majority of the site with buildings and hardstanding;</li> <li>• Placement of soils to a minimum depth of 0.5m in all soft landscaping areas that are demonstrably suitable for use;</li> <li>• Where vegetable production is to occur this will take place in raised beds that are filled with 'certified' topsoil;</li> <li>• Gas protection measures commensurate with the CS2 classification of the site, to provide a score of 2.5 in line with BS 8485:2015+A1:2019, and consist of;</li> <li>• Either a cast in-situ ground bearing floor slab or a suspended floor slab.</li> <li>• Where a suspended floor slab is used, the sub-floor void should be designed to provide a 'very good' ventilation performance rating to all areas of the ground floor area.</li> <li>• Installation of a proprietary gas proof membrane and its verification in accordance with CIRIA C735.</li> </ul>
4.20.2	<p>Environmental Health note that the site investigation density presented in the Contaminated Land Risk Assessment is low and are content with the remedial measures proposed subject to a condition requiring the submission of a Verification Report prior to occupation, to demonstrate that the remedial measures have been implemented.</p> <p><b>Noise</b></p>
4.20.3	<p>A Noise Impact Assessment (NIA) was submitted with the application. Concerns were raised that the proposed development would expose existing residents to excessive levels of noise and pollution. Environmental Health has considered the NIA and concluded that the predicted noise levels are indicative that plant and equipment on site associated with the development would be unlikely to have an adverse impact and recommend conditions to control plant and equipment noise levels. A further condition is recommended preventing service collections or deliveries between 23.00 and 7.00 hrs given the close proximity of existing residential properties. In addition a condition seeking the submission of a Construction Environmental Management Plan (CEMP) is considered necessary to control noise, dust and vibration which will require to be discharged prior to commencement of construction.</p>
4.20.4	<p><b>Air Quality</b></p> <p>Air Quality Impact Assessments were submitted in support of the application. Environmental Health have stated that they have no concerns regarding the air quality impacts of the development proposal and have recommended conditions regarding the proposed heating systems to protect against any adverse impact on air quality.</p>
4.20.5	<p><b>Contaminated Land</b></p> <p>A Contaminated Land Risk Assessment (CLRS) was submitted in support of the application. Environmental Health has considered the report and advise that it is content with the assessment provided subject to conditions.</p>

<b>4.21</b>	<b>Drainage/Flood Risk</b>
4.21.1	A drainage Assessment submitted included a Flood Risk Assessment. The site does not lie within the 1 in 100year fluvial or 1 in 200 year coastal flood plain and there are no designated watercourses within the site and is therefore considered to be at low risk from flooding.
4.21.2	NI Water response states that there is public water supply, foul sewer and a surface water sewer within 20m of the proposal all of which have the capacity to serve the proposal. Connections to this infrastructure will require consent from NI Water. The NI Water response also confirms that the receiving Waste Water Treatment Works has available capacity to serve the development.
4.21.3	Rivers Agency recommend a condition seeking the submission of a final drainage assessment containing a detailed drainage network design prior to commencement of development which is considered acceptable.
4.21.4	NI Water or Rivers Agency do not raise objections to the proposed development which is considered to be in compliance with PPS 15.
<b>4.22</b>	<b>Developer Contributions</b>
4.22.1	The applicant has agreed to provide employability and skills opportunities and will be required to submit and implement an Employability and Skills Plan prior to occupation of the development. Such a plan will be required to include details of mitigations and interventions that will be put in place to ensure the viability of the development. This planning obligation will be included as part of the planning permission by means of a Section 76 planning agreement.
<b>4.23</b>	<b>Other Matters</b>
4.23.1	Concerns were raised regarding the need for the proposed development in such close proximity to the adjacent Abbeyfield development. (Supported accommodation for older people). Both developments provide different care requirements. Notwithstanding there is no policy requirement to prove need for the development which is considered acceptable. Competition is not a material planning consideration.
<b>4.24</b>	<b>Pre-Application Community Consultation</b>
4.24.1	In accordance with the requirements of Section 27 of the Planning Act (NI) 2011, the applicant served a Proposal of Application Notice (PAN) on Belfast City Council on 26 November 2018 (LA04/2018/2801/PAN). Belfast City Council responded confirming that the PAN and associated approach met the requirements of Section 27 of the Planning Act and was acceptable. The Council recommended that the South Belfast Partnership should be notified of the development. The Pre-Application Community Consultation (PACC) public engagement event for this proposal took place on 10 <sup>th</sup> January 2019.
4.24.2	A Pre-Application Community Consultation Report has been produced to comply with the statutory requirement laid out in Section 28 of the Planning Act (Northern Ireland) 2011. The purpose of a PACC report is to confirm that pre-application community consultation has taken place in line with statutory minimum requirements and has taken account of the Council's comments during the PAN process. The report has confirmed advertising for the public event and that the public event took place in

	<p>accordance with section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015. The report also confirmed that c. 450 properties in the surrounding area and the South Belfast Partnership were provided with an information leaflet and free-post feedback form.</p>
4.24.3	<p>The report confirms that the development team informed local elected representatives in the Balmoral DEA, and the South Belfast MLAs and Member of Parliament of the proposal.</p>
4.24.4	<p>The report advises that 11 comments were received at the consultation event and that feedback was generally positive. The feedback forms provided 4 questions which included the following:-</p> <p>Q1 – I support the proposals for the development of be care home by Macklin Results – 9% Strongly agreed, 36% Agreed, 9% Strongly Disagreed and 46% were Undecided.</p> <p>Q2 – I agree that there is a need for a car home accommodation in South Belfast Results – 9% Strongly Agreed, 45% Agreed, 9% Disagreed, 9% Strongly Disagree and 27% were Undecided.</p> <p>Q3 – I support this investment in the area and jobs that it will bring. Results – 18% Strongly Agreed, 36% Agreed, 9% Strongly Disagreed and 37% were Undecided</p> <p>Q4 – Do you have any further comments? Results – A number of issues were raised including concerns about traffic and access around Balmoral Avenue and Harberton Park, concerns that the massing of the proposal will negatively impact the privacy of nearby residents. Concerns were also raised that the proposed construction time would impact on the area and regarding management of the watercourse on site. Issues were raised in relation to height of the proposed development and assurances were sought that when the demolition of the existing building takes place that noise and dust would be kept to a minimum.</p>
4.24.5	<p>The applicants response to the concerns raised regarding parking and the impact on neighbouring properties is set out below:-</p> <p><i>The potential impact on existing properties was a key consideration throughout the design development of this proposal. The proposed design seeks to minimise any potential negative impacts through consciously siting the building to maximise distance between it and adjacent properties. Key design features include:</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <i>Building is set back from adjoining residential developments.</i></li> <li><input type="checkbox"/> <i>Facilitate access to private and semi-private amenity space.</i></li> <li><input type="checkbox"/> <i>Amenity space to the rear of the development to provide privacy and screening for adjoining sites.</i></li> </ul> <p><i>An existing planning approval (Ref LA04/2018/0040/F) proposes to upgrade the site access from Balmoral Avenue. The access improvement works at Balmoral Avenue have been designed to take account of the masterplan for the entire site and therefore minimise the need for additional road works in the future. This will help ensure that traffic disruption is kept to a minimum during construction and allow the benefits of the improvement works for the public from an early stage.</i></p> <p><i>As a care home, the proposed land use would result in a low traffic generation – unlike retail or residential development, it avoids traffic flows occurring during traditional peak hours. Most residents no longer work, and this avoids traffic during the traditional</i></p>

	<p><i>commuter periods. A Transport Assessment Form has been provided as part of the planning application and it considers the traffic generation from the site will be acceptable. During the application consideration the Council will consult with DfI Roads to confirm this position. 50 no. surface level spaces, 3 no. surface level disabled spaces are provided within the curtilage of the site to accommodate staff and visitor parking. This level of parking has been considered within the traffic modelling for the site.</i></p>
4.24.6	<p>In response to the issue raised regarding the massing of the proposal, the PACC Report states <i>'We have consciously sited the building to maximise distance between it and adjacent properties, as illustrated in the design studies and site sections and set out in the Design and Access Statement (see accompanying application materials). The scheme utilises the extensive proposed external gardens and green spaces to provide distance and mutual privacy for the various residents which meet the boundary.</i></p> <p><i>The siting of the building has carefully been developed so that the gables/edges to the neighbours are minimised, particularly relative to the existing Harberton Park residences and the more recently constructed homes in the Harberton Park / Blue Horizon Development. Generous offset distances to the adjacent buildings as well as boundary screening are proposed to afford privacy.'</i></p>
4.24.7	<p>In response to the issue regarding the construction timescale the report states that <i>'It is intended to bring forward this project as soon as practicable, subject to planning approval. The redevelopment of the wider site is an ongoing, but separate process.'</i></p>
4.24.8	<p>In response to the issues raised regarding the watercourse the report states that the <i>'Drainage Assessment has been prepared by Albert Fry and the management of the site watercourse will be fully considered as the application makes its way through the planning process with statutory consultees directing if further analysis is required on this specific topic.'</i></p>
4.24.9	<p>Officers are satisfied that the Pre-Community Consultation Report submitted satisfactorily demonstrates that the applicant has complied with the requirements of Sections 27 and 28 of the Planning Act (NI) 2011 and Section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015 and has adhered to Council recommendations during the PAN process. The PACC report is considered acceptable.</p>
<p><b>Neighbour Notification Checked</b> <b>Yes</b></p>	
<p><b>Summary of Recommendation:</b></p> <p>Having regard to the development plan, relevant policy context and other material considerations including third party representation, the proposal is considered acceptable and approval is recommended subject to conditions and a Section 76 agreement. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the Section 76 planning agreement and wording of conditions subject to no new substantive planning issues being raised by third parties.</p>	
<p><b>Draft Conditions:</b></p> <p>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.

2. Prior to commencement of development a detailed specification shall be submitted and samples and sample panels of all external finishes for the walls, windows, doors, canopies, roofs, including dormers, chimney caps, rainwater goods and fences shall be made available on site for inspection by the Council and shall be approved in writing. The samples shall be retained on site until completion of the development. The development shall be carried out in accordance with the agreed details.

Reason: To ensure a high quality development and To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building (Kings Hall, Belfast) and its setting under Section 80 of The Planning Act (NI) 2011.

3. Notwithstanding the submitted details, prior to commencement of development, details of the dormer treatment including the detailing of corner junctions shall be submitted and agreed in writing by the Council. The development shall be carried out in accordance with the approved details.

Reason: To ensure a high quality development.

4. No works shall commence on site unless a Tree Protection Plan ("TPP") to BS5837:2012 (or any standard that reproduces or replaces this standard) has been submitted to and approved in writing by the Planning Authority. The TPP shall detail the methods of tree/hedge protection along the boundary with Nos. 23 and 25 Harberton Park and clearly detail the position and specifications for the erection of tree protective fencing and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details and the measures specified by the TPP shall remain in place until the completion of the construction.
5. Reason: To safeguard existing tree(s) in the interests of visual amenity. Approval is required upfront to ensure that important trees are not permanently damaged or lost.
6. Any excavation and or construction within the Root Protection Area of any existing tree shall be carried out in accordance with recommendations outlined in BS587:2012 'Trees in relation to design, demolition and construction – Recommendations'. If any proposed boundary wall / fence encroaches within the root protection area of any tree it shall be constructed using a mini-pile / post foundations or equivalent.

Reason: To avoid root severance.

7. All soft landscaping works shall be carried out in accordance with the approved details on Drawing Number 19c, published on 02/11/20. The works shall be carried out prior to the occupation of the development hereby approved or within the first available planting season after occupation, whatever is the sooner or unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

Reason: In the interest of visual amenity, to ensure the provision, establishment and maintenance of a high standard of landscape and to ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building (Kings Hall, Belfast) and its setting under Section 80 of The Planning Act (NI) 2011.

8. Once completed, all soft landscaping shall be maintained in accordance with the Park Hood 'Landscape Management and Maintenance Plan' dated May 2019 / Project No. 6355 and bearing the Council's date published on 29/07/20.

Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

9. Notwithstanding the submitted details, the development hereby permitted shall not 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 in accordance with details that shall have first been submitted to and approved in writing by the Council. 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.

10. The Development hereby permitted shall not be occupied until hard surfaced area have been constructed generally in accordance with the approved layout Drawing No. 21b 'Proposed Road Layout', published by Belfast City Council Planning Office date stamp 02 November 2020 to provide adequate facilities for parking, servicing and circulating within the site. This shall include 3 No. dedicated disabled parking spaces and 53 No. car parking spaces for general use by staff and visitors to the development. 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.

11. Prior to occupation, six no. cycle parking spaces shall be provided and then permanently retained close to the main accesses of 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.

12. The development hereby permitted shall operate in accordance with the Travel Plan published by the Belfast City Council Planning Office on 28 February 2020. The Site Operator will provide their employees with access to the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by DfI Roads.

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

13. The development hereby permitted shall operate in accordance with the Amended Service Management Plan published by the Belfast City Council Planning Office on 02 November 2020.

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

14. All plant and equipment associated with the development hereby permitted, shall be selected, designed and installed so as to achieve a combined rating level (dBLAr) no greater than the representative (daytime and night time background sound level (dBLA90) when measured or determined at the façade of nearby noise sensitive residential premises in accordance with BS4142:2014+A1:2019.

Reason: Protection of residential amenity.

15. No service collections from or deliveries to the hereby permitted development shall take place between the hours of 23:00-07:00hrs.

Reason: Protection of Residential Amenity.

16. Prior to commencement of construction, a Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing by the 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 upon request. The CEMP shall be carried out in accordance with the agreed details during construction of the development.

Reason: Protection of Residential Amenity.

17. Prior to the occupation of the proposed development, a Verification Report shall be submitted and agreed in writing by the Planning Authority. This report must demonstrate that the remediation measures outlined in the Brownfield Development Services report entitled 'Contaminated Land Risk Assessment, Macklin Group Development at the King's Hall, Belfast, BT9 6GW' (dated February 2019 and referenced 88001-01) have been implemented.

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

- a) All soft landscaped areas have been capped with at least 0.5m of soils that are demonstrably suitable for a residential with plant uptake end use.
- b) All vegetable/fruit production takes place within raised beds that are not in continuity with the underlying soils and are filled with topsoil that has been demonstrated to be suitable for this use.
- c) Gas protection measures commensurate with the Characteristic Situation 2 classification of the site have been installed within the entirety of the proposed development. In accordance with BS 8485:2015+A1:2019, these gas protection measures must provide a score of 2.5 and be verified in accordance with CIRIA C735.

Reason: Protection of human health.

18. 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 and subsequently implemented. 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. The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

19. Prior to the installation of any combustion plant(s) where the single or combined NO<sub>x</sub> emission rate is greater than 5mg/s, an updated air quality impact assessment shall be submitted to and approved in writing by the Planning Authority. The assessment shall include specification details, including emission rates and flue termination heights, of the proposed combustion systems for heating and hot water. The updated assessment must also demonstrate that there will be no significant adverse air quality impacts associated with operation of the proposed combustion. The combustion plant must not be installed unless in accordance with the approved details.

Reason: Protection against adverse air quality impact.

20. Any flue/s serving the heating/hot water boilers associated with the hereby approved development shall terminate above roof level of the development.

Reason: Protection against adverse air quality impact.

21. No development or piling work should commence on this site until a piling risk assessment has been submitted to and agreed in writing by the Council. This Condition only applies if a piling foundation is being used at the site. 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://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environmentagency.gov.uk/scho0501bitt-e-e.pdf>

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

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

22. Prior to the commencement of development, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 shall be submitted to and agreed in writing by the Planning Authority. The development shall be carried out in accordance with the approved details.

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

23. No work shall commence on public realm improvements until samples of all finish materials have been submitted to and agreed in writing with the Council in conjunction with Historic Environment Division. Samples shall be retained on site until completion of the works. The development shall not be carried out unless in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building (Kings Hall, Belfast) and its setting under Section 80 of The Planning Act (NI) 2011.

**Notification to Department (if relevant) Not Required**

<b>ANNEX</b>	
<b>Date Valid</b>	20th February 2020
<b>Date First Advertised</b>	5th March 2020
<b>Date Last Advertised</b>	7th August 2020
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Balmoral Avenue, Belfast, Antrim, BT9 The Owner/Occupier, 1 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 10 Balmoral Avenue, Belfast, Antrim, BT9 6NW The Owner/Occupier, 11 Balmoral Avenue, Belfast, Antrim, BT9 The Owner/Occupier, 11 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 12 Balmoral Avenue, Belfast, Antrim, BT9 6NW The Owner/Occupier, 13 Balmoral Avenue, Belfast, Antrim, BT9 The Owner/Occupier, 13 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 14 Balmoral Avenue, Belfast, Antrim, BT9 6NW The Owner/Occupier, 15 Balmoral Avenue, Belfast, Antrim, BT9 The Owner/Occupier, 15 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 16 Balmoral Avenue, Belfast, Antrim, BT9 6NW The Owner/Occupier, 17 Balmoral Avenue, Belfast, Antrim, BT9 The Owner/Occupier, 17 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 19 Balmoral Avenue, Belfast, Antrim, BT9 The Owner/Occupier, 19 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 2 Malone Park Lane, Belfast, Antrim, BT9 6NQ The Owner/Occupier, 21 Balmoral Avenue, Belfast, Antrim, BT9 6NW The Owner/Occupier, 21 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 23 Balmoral Avenue, Belfast, Antrim, BT9 6NW The Owner/Occupier, 23 Harberton Crescent, Malone Upper, Belfast, Antrim, BT9 6WU The Owner/Occupier, 23 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 25 Balmoral Avenue, Belfast, Antrim, BT9 6NW The Owner/Occupier, 25 Harberton Crescent, Malone Upper, Belfast, Antrim, BT9 6WU The Owner/Occupier, 25a , Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 27 Balmoral Avenue, Belfast, Antrim, BT9 6NW The Owner/Occupier, 27 Harberton Crescent, Malone Upper, Belfast, Antrim, BT9 6WU The Owner/Occupier, 29 Balmoral Avenue, Belfast, Antrim, BT9 The Owner/Occupier, 29 Balmoral Avenue, Belfast, Antrim, BT9 6NW The Owner/Occupier, 29 Harberton Crescent, Malone Upper, Belfast, Antrim, BT9 6WU The Owner/Occupier, 3 Balmoral Avenue, Belfast, Antrim, BT9 The Owner/Occupier, 3 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 31 Balmoral Avenue, Belfast, Antrim, BT9 6NW The Owner/Occupier, 31 Harberton Crescent, Malone Upper, Belfast, Antrim, BT9 6WU The Owner/Occupier, 33 Balmoral Avenue, Belfast, Antrim, BT9 6NW The Owner/Occupier, 33 Harberton Crescent, Malone Upper, Belfast, Antrim, BT9 6WU The Owner/Occupier, 35 Harberton Crescent, Malone Upper, Belfast, Antrim, BT9 6WU The Owner/Occupier, 37 Harberton Crescent, Malone Upper, Belfast, Antrim, BT9 6WU The Owner/Occupier, 39 Harberton Crescent, Malone Upper, Belfast, Antrim, BT9 6WU	

4 Banbridge Enterprise Centre, Unit 30 & 31 Scarva Road, Industrial Estate, Banbridge, Down, BT32 3QD The Owner/Occupier, 4 Malone Park Lane,Belfast,Antrim,BT9 6NQ The Owner/Occupier, 41 Harberton Crescent,Malone Upper,Belfast,Antrim,BT9 6WU The Owner/Occupier, 43 Harberton Crescent,Malone Upper,Belfast,Antrim,BT9 6WU The Owner/Occupier, 45 Harberton Crescent,Malone Upper,Belfast,Antrim,BT9 6WU The Owner/Occupier, 5 Balmoral Avenue,Belfast,Antrim,BT9 The Owner/Occupier, 5 Harberton Park,Malone Upper,Belfast,Antrim,BT9 6TW The Owner/Occupier, 6 Balmoral Avenue,Belfast,Antrim,BT9 6NW The Owner/Occupier, 7 Balmoral Avenue,Belfast,Antrim,BT9 The Owner/Occupier, 7 Harberton Park,Malone Upper,Belfast,Antrim,BT9 6TW The Owner/Occupier, 8 Balmoral Avenue,Belfast,Antrim,BT9 6NW The Owner/Occupier, 9 Balmoral Avenue,Belfast,Antrim,BT9 The Owner/Occupier, 9 Balmoral Avenue,Belfast,Antrim,BT9 The Owner/Occupier, 9 Harberton Park,Malone Upper,Belfast,Antrim,BT9 6TW The Owner/Occupier, Malone Kindergarten, Kings Hall Complex, 500 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GW	
<b>Date of Last Neighbour Notification</b>	02 <sup>nd</sup> November 2020
<b>Date of EIA Determination</b>	3rd March 2020
<b>ES Requested</b>	No

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## Development Management Report Committee Application

Summary	
<b>Committee Meeting Date:</b> Tuesday 15 December 2020	
<b>Application ID:</b> LA04/2020/1563/F	
<b>Proposal:</b> Variation of conditions 2 (method of works statement), 3 (road construction details), 5 (archaeological programme of works) and 7 (hard and soft landscaping details) of planning permission LA04/2015/0405/F to enable the development to be delivered in two phases. Phase 1 will be the construction of the toucan crossing on Ormeau Embankment and associated works, Phase 2 will comprise the remaining works including construction of the main bridge structure.	<b>Location:</b> Lower Ormeau Embankment and River Terrace Belfast.
<b>Referral Route:</b> Variation of Conditions for a Major Application	
<b>Recommendation:</b>	<b>APPROVAL</b>
<b>Applicant Name and Address:</b> DFI Roads Clarence Court 10-18 Adelaide Street Belfast BT2 8GB	<b>Agent Name and Address:</b> Amey Rushmere House 46 Cadogan Park Belfast BT9 6HH
<b>Executive Summary:</b>  <p>The proposal seeks permission under Section 54 of the Planning Act to vary conditions 2 (method of works statement), 3 (road construction details), 5 (archaeological programme of works) and 7 (hard and soft landscaping details) of planning permission LA04/2015/0405/F to enable the development to be delivered in two phases. Phase 1 will be the construction of a pedestrian toucan crossing on Ormeau Embankment and associated works, Phase 2 will comprise the remaining works including construction of the main bridge structure.</p> <p>Planning permission for the bridge was granted in April 2016 with various conditions and is due to expire in April 2021. Funding to construct the bridge, will not be available until the end of 2020 and therefore it is likely that a contractor will not be appointed until after the expiry of the planning permission. The wording of the existing Conditions require the submission and agreement of detailed environmental information prior to the commencement of development. Given the tight timescales, there is a risk that there will be insufficient time for the contractor to compile and submit the detailed environmental surveys prior to April 2021.</p> <p>To implement the planning permission, it is proposed to 'phase' the development and construct the approved toucan crossing on Ormeau Embankment. These works require minimal invasive works to the existing carriageway and can therefore be implemented without risk to the surrounding</p>	

environment. By enacting the planning permission, it will allow the contractor time to undertake the required surveys and submit them before construction commences on the permitted bridge, pedestrian and cycle links (with the exception of a toucan crossing at Ormeau Embankment), car park, storm drainage, lighting and landscaping.

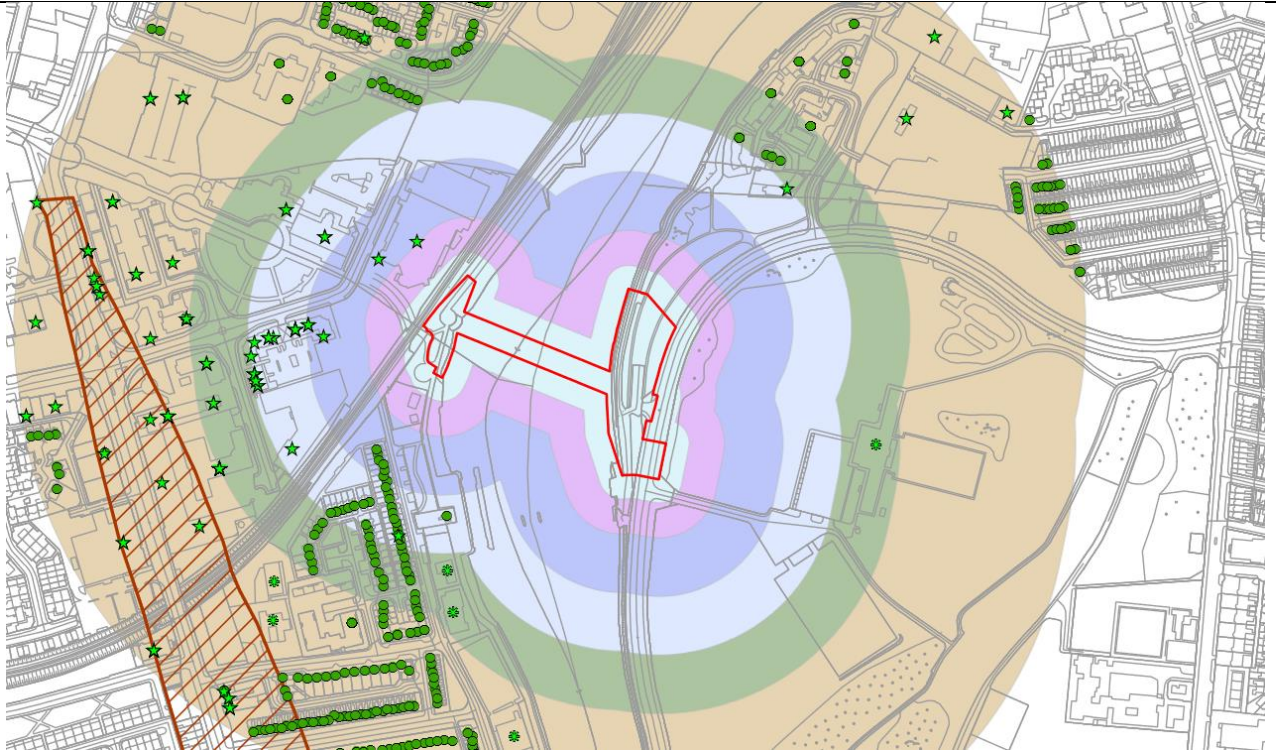
No objections have been received from consultees or the public.

The proposed revisions to the conditions will not adversely impact on amenity or the natural environment, and is therefore compliant with all relevant policy considerations. Additional conditions are also requested by DFI Roads, DEARA and SES and are necessary in order to secure delivery of appropriate roads infrastructure details and ensure adequate mitigation in order to protect natural heritage features and assets.

Approval is therefore recommended subject to delegated authority to the Director of Planning & Place to finalise the wording of the conditions.

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Content
Statutory	DFI Roads - Hydebank	Content
Statutory	NIEA	Content
Non Statutory	Env Health Belfast City Council	Content
Statutory	Rivers Agency	Content
Non Statutory	Shared Environmental Services	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
Representations from Elected Members	None Received

### 1.0 Characteristics of the Site and Area

1.1 The site is located on and adjacent to the River Lagan in east Belfast adjacent to the Gasworks on the city centre side of the river and Ormeau Playing Fields on the opposite side and comprises area of open/public space and the River Lagan itself.

There are mostly non-residential / office uses adjacent to the site on the city centre side with parkland on the southern side.

1.2 The application seeks to vary conditions attached to LA04/2015/0405/F, a full planning permission for a pedestrian and cycle bridge (5.0m between parapets) with combined foot and cycle ramps from close to railway underpass on west bank to quay on east bank; pedestrian and cycle links to existing routes, car park, storm drainage, lighting and landscaping.

#### Planning Assessment of Policy and Other Material Considerations

##### 2.0 Consultation Responses:

- 2.1 Transport NI – no objections;
- 2.2 Environmental Health – no objections;
- 2.3 NIEA – no objections;
- 2.4 Rivers Agency – no objections;

##### 3.0 Site history:

3.1 LA04/2015/0405/F.

##### 4.0 Representations:

4.1 None received.

##### 5.0 Relevant Policies:

- 5.1 Regional Development Strategy (RDS);
- 5.2 Belfast Urban Area Plan 2001 (BUAP), Belfast Metropolitan Area Plan (BMAP);
- 5.3 Strategic Planning Policy Statement (SPPS);
- 5.4 Planning Policy Statement 2: Natural Heritage (PPS2);
- 5.7 Planning Policy Statement 3 : Roads Considerations (PPS3); Development Control Advice Note 15;
- 5.8 Planning Policy 8: Recreation and Open Space (PPS8);
- 5.9 Planning Policy Statement 15: Planning and Flood Risk (PPS15)

##### 6.0 Assessment:

6.1 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.

6.2 Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraphs 4.23-7 stress the importance of good design. Paragraphs 4.18-22 states that sustainable economic growth will be supported. The SPPS states the majority of PPS's remain applicable under 'transitional arrangements', including PPS's 2, 3 and 8.

6.3 The Planning Act 2011 at Section 45 states that the Council must have regard to the development plan. The site is located just inside the boundary designated for the city centre in BMAP. The siting broadly accords with zoning ref CC032/02 which refers to a pedestrian footbridge. CC032/02 states that siting is indicatively indicated and refers to PPS 3 regarding the protection of bridge crossings. There are no design stipulations within the plan. The sub text states bridges will improve connections within this part of the city. The BUAP is silent in relation to the proposal.



6.4 The proposed design consists of two pylons 26m in height above the High Tide Water Level, with cable supports connected to a walkway 5m in width. The overall span across the river extends to 143m. The design is modern in approach, and will not be visually discordant within the streetscape or adversely impact on the character of the area. The current application seeks to vary the wording of conditions attached to the planning permission for the bridge, the design remains as approved in the previous and therefore it is acceptable.

6.5 Planning permission for the bridge was granted in April 2016 with various conditions and is due to expire in April 2021. In order for the proposed scheme to progress before the expiry of the planning permission in April 2021, a phased approach to the development is proposed. DfI have proposed the construction of the toucan crossing as the first phase of the scheme, before the planning permission expires in order to ensure the planning permission remains extant. As planning conditions have not yet been discharged, a Section 54 Application is therefore required under the Planning Act (Northern Ireland) 2011.

6.6 Condition 2 relates to the submission of a Method of Works Statement and states, "A detailed Method of Works Statement shall be submitted by the appointed contractor and agreed with Belfast City Council Planning Service prior to any works hereby permitted commencing. This statement shall include details of all pollution prevention and mitigation measures, including full details of a water quality monitoring programme for the construction phase of the development. All agreed details in the Method of Works statement shall be operational and retained in situ for the duration of the development and until the development hereby permitted becomes operational. The detailed Method of Works statement shall be submitted at least 8 weeks prior to the commencement of any works or phase of works hereby permitted."

Permission is sought for Condition 2 to be varied to,

"Prior to the commencement of development of the permitted bridge, pedestrian and cycle links with the exception of a toucan crossing at Ormeau Embankment, car park, storm drainage, lighting and landscaping, a detailed Method of Works Statement shall be submitted by the appointed contractor and agreed with Belfast City Council Planning Service. This statement shall include details of all pollution prevention and mitigation measures, including full details of a water quality monitoring programme for the construction phase of the development. All agreed details in the Method of Works statement shall be operational and retained in situ for the duration of the development and until the development hereby permitted becomes operational. The detailed Method of Works statement shall be submitted at least 8 weeks prior to the commencement of the relevant works."

6.7 Condition 3 requires the submission of details on the proposed road improvements and states, "No part of the construction hereby approved shall be commenced until details of proposed construction and resurfacing, provision of and alterations to kerbing including tactile paving at crossing points, provision of and alterations to road drainage system including road gullies and manholes, relocation of and alterations to existing services, provision of and alterations to street lighting and other street furniture which are generally in accordance with Drawing No. CO401210-AME-SBR-LAG-DE-S-007 'General Arrangement Plan' dated by the Belfast City Council Planning Office 1 June 2015 have been submitted to and approved by Transport NI. All works shall comply with the requirement of the Design Manual for roads and Bridges and all other relevant standards and technical guidance and completed to the satisfaction of DRD Transport NI."

Permission is sought for Condition 3 to be varied to,

"Prior to the commencement of each phase of the approved development details of the proposed construction and resurfacing, provision of and alterations to kerbing including tactile paving at crossing points, provision of and alterations to road drainage system including road gullies and manholes, relocation of and alterations to existing services, provision of and alterations to street

lighting and other street furniture which are generally in accordance with Drawing No. CO401210-AME-SBR-LAG-DE-S-007 'General Arrangement Plan' dated by the Belfast City Council Planning Office 1 June 2015 have been submitted to and approved by Transport NI. All works shall comply with the requirement of the Design Manual for roads and Bridges and all other relevant standards and technical guidance and completed to the satisfaction of DRD Transport NI."

6.8 Condition 5 relates to the need to submit and implement an archaeological programme of works and states,

"No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme shall provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report."

Permission is sought for Condition 5 to be varied to,

"No site works of any nature or development, with the exception of the development of a toucan crossing at Ormeau Embankment, shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme shall provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report."

6.9 Condition 7 relates to the submission of details of landscape works and states,

"No development including site clearance works, lopping, topping or felling of trees, shall take place until full details of both the hard and soft landscape works have been submitted to and approved in writing by the Belfast City Council Local Planning Authority. The details shall include a detailed layout together with existing and proposed levels, cross sections, hard surface materials and other hard details including street furniture.

The details shall also include detailed planting plans with written planting specification including site preparation and planting methods and detailed plant schedules including the species, the size at time of planting, presentation, location, spacing's and numbers.

A landscape management plan covering a minimum of 20 years including long term design objectives, performance indicators over time, management responsibilities and establishment maintenance and maintenance schedules for all landscaped areas, shall be submitted to and approved by the Council Local Planning Authority. The landscape management plan shall be carried out as approved and reviewed at years 5, 10 and 15 and any further changes agreed with the Council in writing prior to implementation."

Permission is sought for Condition 7 to be varied to,

"No development including site clearance works, lopping, topping or felling of trees, with the exception of the development of a toucan crossing at Ormeau Embankment, shall take place until full details of both the hard and soft landscape works have been submitted to and approved in writing by the Belfast City Council Local Planning Authority. The details shall include a detailed layout together with existing and proposed levels, cross sections, hard surface materials and other hard details including street furniture.

The details shall also include detailed planting plans with written planting specification including site preparation and planting methods and detailed plant schedules including the species, the size at time of planting, presentation, location, spacing's and numbers.

A landscape management plan covering a minimum of 20 years including long term design objectives, performance indicators over time, management responsibilities and establishment maintenance and maintenance schedules for all landscaped areas, shall be submitted to and approved by the Council Local Planning Authority. The landscape management plan shall be

carried out as approved and reviewed at years 5, 10 and 15 and any further changes agreed with the Council in writing prior to implementation.”

As stated above, planning permission for the bridge will expire in April 2021. Funding to construct the bridge, will not be available until the end of 2020 and therefore it is likely that a contractor will not be appointed until after the expiry of the planning permission. The wording of the existing Conditions require the submission and agreement of detailed environmental information prior to the commencement of development. Given the tight timescales, there is a risk that there will be insufficient time for the contractor to compile and submit the detailed environmental surveys prior to April 2021.

To implement the planning permission, it propose to ‘phase’ the development and construct the approved toucan crossing on Ormeau Embankment. These works require minimal invasive works to the existing carriageway and can therefore be implemented without risk to the surrounding environment. By enacting the planning permission, it will allow the contractor time to undertake the required surveys and submit them before construction commences on the permitted bridge, pedestrian and cycle links (with the exception of a toucan crossing at Ormeau Embankment), car park, storm drainage, lighting and landscaping.

No objections have been received from consultees or the public.

The proposed revisions to the conditions will not adversely impact on amenity or the environment, and is therefore compliant with all relevant policy considerations. Additional conditions are also requested by Roads, DEARA and SES and are necessary in order to secure delivery of appropriate roads infrastructure details and ensure adequate mitigation in order to protect natural heritage features and assets.

Approval is therefore recommended subject to delegated authority to the Director of Planning & Place to finalise the wording of the conditions.

Neighbour Notification Checked

Yes

#### Conditions/Reasons for Refusal:

Revised conditions as set out above in addition to repeating the original conditions as set out in the approved decision, and summarised in the original planning report (appended). Consultees have also requested the following additional conditions:

1. The development hereby permitted shall be implemented in general accordance with the drawings uploaded to the Planning Portal 24th August 2020 and 3rd November 2020. Full details of the toucan crossing shall be submitted and agreed in writing by the Council prior to commencement of the toucan crossing works. The development shall be carried out in accordance with the agreed details and retained thereafter.

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

2. All surface water run-off during the construction phase shall be directed away from the River Lagan. There shall be no refuelling of construction machinery or storage of fuel or spoil within 10m of the River Lagan. These measures shall be retained until the development has been completed and verified by the Council.

REASON: To protect natural heritage features including protected European Sites in Belfast Lough.

3. A suitable buffer of at least 10m must be maintained between the location of refuelling, storage of oil/fuel, concrete mixing and washing areas and the River Lagan. These measures shall be retained until the development has been completed and verified by the Council.

REASON: To protect natural heritage features including protected European Sites in Belfast Lough.

4. A suitable buffer of at least 10m must be maintained between the location for storage of excavated spoil and construction materials and the River Lagan. These measures shall be retained until the development has been completed and verified by the Council.

REASON: To protect natural heritage features including protected European Sites in Belfast Lough.

ANNEX	
<b>Date Valid</b>	24th August 2020
<b>Date First Advertised</b>	16th October 2020
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 16 Cromac Place,Belfast,Antrim,BT7 2JB The Owner/Occupier, 22 Cromac Place,Belfast,Antrim,BT7 2JB The Owner/Occupier, 24 Cromac Place,Belfast,Antrim,BT7 2JB The Owner/Occupier, 2nd Floor,14 Cromac Place,Belfast,Antrim,BT7 2JB The Owner/Occupier, 50 River Terrace,Belfast,Antrim,BT7 2EN The Owner/Occupier, 52 River Terrace,Belfast,Antrim,BT7 2EN The Owner/Occupier, 54 River Terrace,Belfast,Antrim,BT7 2EN The Owner/Occupier, 56 River Terrace,Belfast,Antrim,BT7 2EN The Owner/Occupier, 58 River Terrace,Belfast,Antrim,BT7 2EN The Owner/Occupier, 60 River Terrace,Belfast,Antrim,BT7 2EN	
<b>Date of Last Neighbour Notification</b>	19th October 2020
<b>Date of EIA Determination</b>	21st September 2020
<b>ES Requested</b>	Addendum submitted with application
<b>Planning History</b>  Ref ID: Z/1998/0716 Proposal: Riverside public pathway and environmental improvements Address: LOWER ORMEAU,ADJACENT TO RIVER LAGAN,BETWEEN ORMEAU BRIDGE & MOUTH OF RIVER BLACKSTAFF BELFAST BT7 Decision: Decision Date:  Ref ID: Z/2013/0787/F Proposal: New 3G all-weather pitch, with associated perimeter fencing, floodlighting and car parking improvements Address: 50m Southeast of Ormeau Embankment Entrance to Ormeau Park, Ormeau Park, Belfast, Decision: PG Decision Date: 11.11.2014  Ref ID: Z/1994/0352 Proposal: Retention of stone infill to create riverside walkway	

Address: RIVER LAGAN RAVENHILL REACH ORMEAU EMBANKMENT BELFAST BT6

Decision:

Decision Date:

Ref ID: Z/1999/2974/F

Proposal: Public riverside pathway, amenity lighting ,railings, river access ramp and pontoon

Address: Ravenhill Reach, Ormeau Embankment, Belfast BT6 8RD.

Decision:

Decision Date: 14.02.2000

Ref ID: Z/1991/0967

Proposal: Environmental improvements

Address: RAVENHILL REACH, ORMEAU EMBANKMENT BELFAST BT7

Decision:

Decision Date:

Ref ID: Z/1997/2601

Proposal: Construction of public open space incorporating pedestrian access from Ormeau Road/Cromac Street and extension of a distribution road within the site, hard and soft landscaping, railings, piers, street lighting, tree shrub planting and grassing.

Address: FORMER GASWORKS SITE, ORMEAU ROAD, BELFAST BT7

Decision:

Decision Date:

Ref ID: Z/1998/2054

Proposal: Development of 2 business units, 10 own door offices with associated car parking and landscaping and ancillary private parking for 107 cars.

Address: GASWORKS DEVELOPMENT AREA, ORMEAU ROAD, BELFAST BT7

Decision:

Decision Date:

Ref ID: Z/1998/1119

Proposal: Pedestrian access to link the Gasworks Development Site to Riverside Pathway, including environmental improvements and river flood prevention engineering works

Address: FORMER MOUTH OF RIVER BLACKSTAFF MAYSFIELD BELFAST BT1

Decision:

Decision Date:

Ref ID: Z/1990/3011

Proposal: Construction of Riverside Walkway (Phase 2) including part infilling and landscaping of Lagan embankment and provision of a pontoon and inlet for leisure boating

Address: WESTBANK OF RIVER LAGAN BETWEEN THE ALBERTBRIDGE AND THE BLACKSTAFF RIVER.BELFAST BT5

Decision:

Decision Date:

Ref ID: Z/1997/0808

Proposal: Development of slipway for public access to River Lagan, and including parking areas and new vehicular access from Ormeau Embankment

Address: MCCONNELL WEIR ORMEAU EMBANKMENT BELFAST BT7

Decision:

Decision Date:

Ref ID: Z/1990/0718

Proposal: Construction of gauging station

Address: MCCONNELL LOCK AND WEIR, ORMEAU EMBANKMENT BELFAST BT7

Decision:

Decision Date:

Ref ID: LA04/2015/0405/F

Proposal: Pedestrian and cycle bridge (5.0m between parapets) with combined foot and cycle ramps from close to railway underpass on west bank to quay on east bank; pedestrian and cycle links to existing routes, car park, storm drainage, lighting and landscaping

Address: Lower Ormeau Embankment and River Terrace.,

Decision: PG

Decision Date: 09.05.2016

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA04/2015/0405/F	<b>Target Date:</b>
<b>Proposal:</b> Pedestrian and cycle bridge (5.0m between parapets) with combined foot and cycle ramps from close to railway underpass on west bank to quay on east bank; pedestrian and cycle links to existing routes, car park, storm drainage, lighting and landscaping	<b>Location:</b> Lower Ormeau Embankment and River Terrace.
<b>Referral Route:</b> Committee - major application	
<b>Recommendation:</b>	APPROVAL
<b>Applicant Name and Address:</b> Department for Regional development Clarence Court 10-18 Adelaide Street Belfast BT2 8GB	<b>Agent Name and Address:</b> Amey Rushmere House 46 Cadogan Park Belfast BT9 6HH
<b>Executive Summary:</b>  <p>The application seeks full permission for a pedestrian and cycle bridge (5.0m between parapets) with combined foot and cycle ramps from close to railway underpass on west bank to quay on east bank; pedestrian and cycle links to existing routes, car park, storm drainage, lighting and landscaping. The main issues with this case are as follows:</p> <ul style="list-style-type: none"> <li>The principle of the proposed use at this location</li> <li>Design and impact on the character of the area; and</li> <li>Environmental Impacts of the proposal.</li> </ul> <p>The site is located on and adjacent to the River lagan in east Belfast adjacent to the Gasworks on the city side and Ormeau Playing Fields on the opposite site and comprises area of open/public space and the river Lagan itself.</p> <p>The Planning Act 2011 at section 45 states that the Council must have regard to the development plan. The site is located just inside the boundary designated for the city centre in BMAP. The siting broadly accords with zoning ref CC032/02 which refers to a pedestrian footbridge. CC032/02 states that siting is indicatively shown and refers to PPS 3 regarding the protection of bridge crossings. There are no design stipulations within the plan.</p>	



The proposed design consists of two pylons 26m in height above the High Tide Water Level, with cable supports connected to a walkway 5m in width. The overall span across the river extends to 143m. The design is modern in approach, and will not be visually discordant within the streetscape or adversely impact on the character of the area.

NIEA, Rivers Agency, and Inland Fisheries are satisfied that the proposal will not adversely impact on flora and fauna, or other aspect of the aquatic environment. Rivers have also confirmed that the proposal will not result in or be subject to Flood Risk. Shared Environmental Services are satisfied, subject to conditions that the proposal is in compliance with the Habitats Directive.

The proposal has been assessed against the SPPS, BMAP, PPS2, PPS3, PPS8, and PPS15.

No objections or representations have been received.

The scheme is compliant with the zoning in BMAP, all consultees are satisfied that no adverse Environmental Impacts will result and the design is acceptable

Recommendation

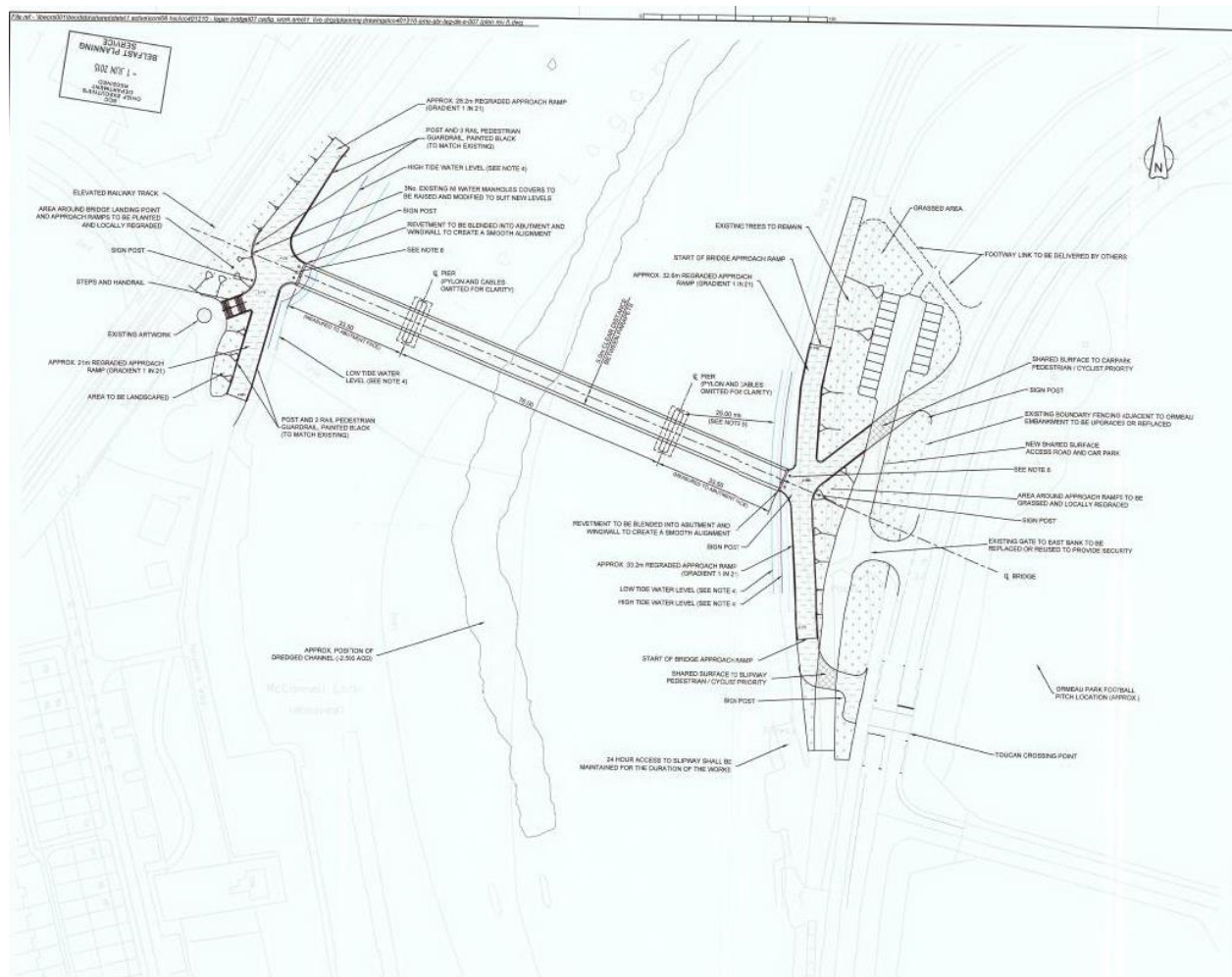
Approval is recommended subject to conditions.

**Signature(s):**

**Date:**

## Case Officer Report

## Site Location Plan





**Photograph 1:** View of proposed crossing point from Riverside Terrace, Ormeau Road.





**Plate 2: View along bridge deck** (artists impression).

**Consultations:**

Consultation Type	Consultee	Response
Statutory	NIEA	No objection
Non Statutory	Env Health Belfast City Council	No objection
Non Statutory	NI Transport - Hydebank	No Objection
Non Statutory	NIEA	Substantive Response Received
Non Statutory	NI Water - Strategic Applications	No objection
Statutory	Rivers Agency	No objection
Non Statutory	DCAL- Inland Fisheries Group	No objection
Non Statutory	Northern Ireland Transport Holding Co	No objection
Non Statutory	Shared Environmental Services	No objection
Statutory	DSD Regeneration Belfast	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

Representations from Elected Representatives	None received
<p>1.0 Characteristics of the Site and Area</p> <p>1.1 The site is located on and adjacent to the River Lagan in east Belfast adjacent to the Gasworks on the city side and Ormeau Playing Fields on the opposite side and comprises area of open/public space and the River Lagan itself.</p> <p>There are mostly non-residential / office uses adjacent to the site on the city centre side with parkland on the southern side.</p> <p>1.2 The application seeks full permission for a pedestrian and cycle bridge (5.0m between parapets) with combined foot and cycle ramps from close to railway underpass on west bank to quay on east bank; pedestrian and cycle links to existing routes, car park, storm drainage, lighting and landscaping.</p>	
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>2.0 Consultation Responses:</p> <p>2.1 Transport NI – no objections;</p> <p>2.2 Environmental Health – no objections;</p> <p>2.3 NIEA – no objections;</p> <p>2.4 DCAL Inland Fisheries – no objections;</p> <p>2.5 NI Water – no objections;</p> <p>2.6 Rivers Agency – no objections;</p> <p>3.0 Site history:</p> <p>3.1 none of relevance.</p> <p>4.0 Representations:</p> <p>4.1 None received.</p> <p>5.0 Relevant Policies:</p> <p>5.1 Regional Development Strategy (RDS);</p> <p>5.2 Belfast Metropolitan Area Plan (BMAP);</p> <p>5.3 Strategic Planning Policy Statement (SPPS);</p> <p>5.4 Planning Policy Statement 2: Natural Heritage (PPS2);</p> <p>5.7 Planning Policy Statement 3 : Roads Considerations (PPS3); Development Control Advice Note 15;</p> <p>5.8 Planning Policy 8: Recreation and Open Space (PPS8);</p> <p>5.9 Planning Policy Statement 15: Planning and Flood Risk (PPS15)</p> <p>6.0 Assessment:</p>	



6.1 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.

6.2 Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraphs 4.23-7 stress the importance of good design. Paragraphs 4.18-22 states that sustainable economic growth will be supported. The SPPS states the majority of PPS's remain applicable under 'transitional arrangements', including PPS's 2, 3 and 8.

6.3 The Planning Act 2011 at section 45 states that the Council must have regard to the development plan. The site is located just inside the boundary designated for the city centre in BMAP. The siting broadly accords with zoning ref CC032/02 which refers to a pedestrian footbridge. CC032/02 states that siting is indicatively indicated and refers to PPS 3 regarding the protection of bridge crossings. There are no design stipulations within the plan. The sub text states bridges will improve connections within this part of the city.

6.4 The proposed design consists of two pylons 26m in height above the High Tide Water Level, with cable supports connected to a walkway 5m in width. The overall span across the river extends to 143m. The design is modern in approach, and will not be visually discordant within the streetscape or adversely impact on the character of the area.

#### Planning Policy Statement 3 : Roads Considerations

6.5 AMP4 states planning permission will not be granted for development that would prejudice the implementation of a transport scheme identified in a development plan. From a review of the site history, there are no applications that would prejudice the proposal.

#### Planning Policy 8: Recreation and Open Space

6.6 Policy OS1 relates to the protection of open space. The proposal will not result in the loss of public open space on either bank and pedestrian walkways/linkages will be preserved. Some revisions to landscaped areas will be required and conditions are necessary to secure landscaping provision, maintenance, and management.

#### Environmental Impacts

6.7 An Environmental Statement was submitted with the application, following the methodology in the Highways Agency Design Manual for Roads and Bridges (DMRB) Volume 11 Environmental Assessment. the following topics are assessed:

- Air Quality
- Cultural Heritage
- Landscape
- Nature Conservation
- Geology and Soils

- Materials
- Noise and Vibration
- Effects on All Travellers
- Community and Private Assets
- Road Drainage and the Water Environment.

6.8 The key mitigation measures identified:

- A dust management plan shall be developed and implemented during the construction phase;
- A water quality monitoring programme will be implemented for the duration of in-river works to monitor sedimentation and potential contaminant release;
- Retained vegetation will be protected in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations;
- Vegetation will be removed outside of the bird nesting season which runs from March to August inclusive. Where this is not possible, an ecologist will perform a site check on any vegetation to be cleared to confirm no nesting birds will be harmed or disturbed;
- The contractor will be required to maintain access along the west bank towpath during construction. However, the towpath may require limited temporary closures for specific construction elements. In these circumstances advance warning of any closures of the towpath along with alternative routes will be provided. The appropriate diversion route will be developed in consultation with relevant stakeholders.
- The contractor will develop a site waste management plan to minimise waste and maximise use of existing resources; and
- Works will be undertaken during normal working hours only.

6.9 During the feasibility stage the Department considered nine options for the bridge, and following feedback from public consultation days, an additional two options were developed. Seven of these eleven options spanned bank to bank, with the remaining four extending over Ormeau Embankment, terminating in Ormeau Park. The Feasibility Report recommended that three of these options be taken forward for further assessment with the aim of choosing a preferred option.

6.10 Following this exercise the preferred option was submitted and is the scheme under consideration.

6.11 The various consultees listed above have confirmed that the proposal will not result in an unacceptable Environmental Impact subject to conditions and /or informatives. NIEA, Rivers Agency, and Inland Fisheries are satisfied that the proposal will not adversely impact on flora and fauna, or other aspect of the aquatic environment. Rivers have also confirmed that the proposal will not result in or be subject to Flood Risk and accordingly the proposal is considered compliant with PPS15. Shared Environmental Services are satisfied, subject to conditions that the proposal is in compliance with the Habitats Directive.

6.12 The scheme is compliant with the zoning in BMAP, all consultees are satisfied that no adverse Environmental Impacts will result and the design is acceptable.

Neighbour Notification Checked	Yes
<p>Conditions – Delegation of final conditions and wording to Director of Planning and Place requested:</p> <p>A detailed Method of Works Statement must be submitted by the appointed contractor(s), to Belfast City Council Planning for agreement at least 8 weeks prior to commencement of the works. This should include pollution prevention measures for the construction phase of the development.</p> <p>Reason: To ensure that the appointed contractor undertaking the work is well informed of all the risks associated with the proposal and is aware of the mitigation measures to be put in place during the construction phase. It will also ensure that the final Method of Works Statement has Council approval prior to any works commencing. Thus preventing any indirect adverse impacts on Belfast Lough SPA/Ramsar and Belfast Lough Open Water SPA/East Coast (NI) Marine pSPA conservation objectives/features.</p> <p>No part of the construction hereby approved shall be commenced until details of proposed construction and resurfacing, provision of and alterations to kerbing including tactile paving at crossing points, provision of and alterations to road drainage system including road gullies and manholes, relocation of and alterations to existing services, provision of and alterations to street lighting and other street furniture which are generally in accordance with Drawing No. CO401210-AME-SBR-LAG-DE-S-007 'General Arrangement Plan' dated by the Belfast City council Planning Office 1 June 2015 have been submitted to and approved by Transport NI. All works shall comply with the requirements of the Design Manual for Roads and Bridges and all other relevant standards and technical guidance and completed to the satisfaction of DRD Transport NI.</p> <p>REASON: In the interests of road safety and the convenience of road users.</p> <p>No part of the development hereby approved shall be commenced until details of proposed Toucan crossing point have been submitted to and approved by Transport NI.</p> <p>REASON: In the interests of road safety and the convenience of road users.</p> <p>No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.</p> <p>Reason: to ensure that archaeological remains within the application site are properly Identified, and protected or appropriately recorded.</p> <p>Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department to observe the operations and to monitor the implementation of archaeological requirements.</p>	



Reason: to monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

No development including site clearance works, lopping, topping or felling of trees, shall take place until full details of both the hard and soft landscape works have been submitted to and approved in writing by the Belfast City Council Local Planning Authority.

The details shall include a detailed layout together with existing and proposed levels, cross sections, hard surface materials and other hard details including street furniture.

The details shall also include detailed planting plans with written planting specification including site preparation and planting methods and detailed plant schedules including the species, the size at time of planting, presentation, location, spacings and numbers.

A landscape management plan covering a minimum of 20 years including long term design objectives, performance indicators over time, management responsibilities and establishment maintenance and maintenance schedules for all landscaped areas, shall be submitted to and approved by the Council Local Planning Authority. The landscape management plan shall be carried out as approved and reviewed at years 5, 10 and 15 and any further changes agreed with the Council in writing prior to implementation.

Reason: To ensure the provision of amenity afforded by an appropriate landscape design.

All hard and soft landscape works shall be completed in accordance with the approved drawing 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 the development hereby approved becoming operational.

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.

Should any tree, shrub or hedge be removed, uprooted or destroyed or dies or becomes, in the opinion of the Belfast City Council 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 Council gives its written consent to any request for variation.

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

Trees and vegetation to be retained within the site and proposed planting as indicated on drawing number 19 date stamped received 20<sup>th</sup> May 2015, shall not be cut down, uprooted or destroyed, or have their roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree, without the prior written approval of the Belfast City Council Local Planning Authority.

Reason: To ensure the continuity of amenity afforded by existing trees and vegetation.

If during the development works, contamination is encountered which has not previously been identified, then this additional contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and a suitable risk assessment completed. In this situation, a remediation strategy shall be agreed with the Council in writing, implemented in accordance with the approved details, and verified to the satisfaction of the Council in writing before any part of the development hereby permitted becomes operational.

Reason: Protection of Human Health, natural environment and amenity.

Signature(s)

Date:

<b>ANNEX</b>	
<b>Date Valid</b>	28th May 2015
<b>Date First Advertised</b>	10th July 2015
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 16 Cromac Place, Malone Lower, Belfast, Antrim, BT7 2JB, The Owner/Occupier, 18 Cromac Place, Malone Lower, Belfast, Antrim, BT7 2JB, The Owner/Occupier, 1A Cromac Place, Malone Lower, Belfast, Antrim, BT7 2JB, The Owner/Occupier, 20 Cromac Place, Malone Lower, Belfast, Antrim, BT7 2JB, The Owner/Occupier, 22 Cromac Place, Malone Lower, Belfast, Antrim, BT7 2JB, The Owner/Occupier, 24 Cromac Place, Town Parks, Belfast, Antrim, BT7 2JB, The Owner/Occupier, 24 Cromac Place, Town Parks, Belfast, Antrim, BT7 2JB, The Owner/Occupier, 54 River Terrace, Malone Lower, Belfast, Antrim, BT7 2EN, The Owner/Occupier, 56 River Terrace, Malone Lower, Belfast, Antrim, BT7 2EN, The Owner/Occupier, 58 River Terrace, Malone Lower, Belfast, Antrim, BT7 2EN, The Owner/Occupier, 60 River Terrace, Malone Lower, Belfast, Antrim, BT7 2EN, The Owner/Occupier, Belfast City Council Legal Services Department, 26 Adelaide Street, Malone Lower, Belfast, Antrim, BT2 8GD, The Owner/Occupier, Belfast City Council Property And Projects, Cecil Ward Building, Linenhall Street, Belfast The Owner/Occupier, Department Of Social Development, 49-55 Oxford House, Chichester Street, Town Parks, Belfast, Antrim, BT1 4HH, The Owner/Occupier, NI Water, Westland House, Westland Road, Belfast. BT14 6TI The Owner/Occupier, Ozone Complex, Ormeau Embankment, Ballynafoy, Belfast, Down, BT6 8LT, The Owner/Occupier, Translink, 3 Milewater Road, Skegoneill, Belfast, Antrim, BT3 9BG,	
<b>Date of Last Neighbour Notification</b>	2nd July 2015

<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes - submitted with application following PREAPP scoping.
<b>Planning History</b>  <p>Ref ID: Z/2014/1060/PREAPP          Proposal: Pedestrian and cycle bridge over the River Lagan          Address: Land between Ormeau Gaswork and Ormeau Embankment,          Decision: ELA          Decision Date: 31.03.2015</p> <p>Ref ID: Z/2013/0787/F          Proposal: New 3G all-weather pitch, with associated perimeter fencing, floodlighting and car parking improvements          Address: 50m Southeast of Ormeau Embankment Entrance to Ormeau Park, Ormeau Park, Belfast,          Decision: PG          Decision Date: 11.11.2014</p> <p>Ref ID: Z/1997/0808          Proposal: Development of slipway for public access to River Lagan, and including parking areas and new vehicular access from Ormeau Embankment          Address: MCCONNELL WEIR ORMEAU EMBANKMENT BELFAST BT7          Decision:          Decision Date:</p> <p>Ref ID: Z/1991/0967          Proposal: Environmental improvements          Address: RAVENHILL REACH, ORMEAU EMBANKMENT BELFAST BT7          Decision:          Decision Date:</p> <p>Ref ID: Z/1998/0716          Proposal: Riverside public pathway and environmental improvements          Address: LOWER ORMEAU, ADJACENT TO RIVER LAGAN, BETWEEN ORMEAU BRIDGE &amp; MOUTH OF RIVER BLACKSTAFF BELFAST BT7          Decision:          Decision Date:</p> <p>Ref ID: Z/1999/2974/F          Proposal: Public riverside pathway, amenity lighting ,railings, river access ramp and pontoon          Address: Ravenhill Reach, Ormeau Embankment, Belfast BT6 8RD.</p>	

Decision:  
Decision Date: 14.02.2000

Ref ID: Z/1990/3011  
Proposal: Construction of Riverside Walkway (Phase 2) including part infilling and landscaping of Lagan embankment and provision of a pontoon and inlet for leisure boating  
Address: WESTBANK OF RIVER LAGAN BETWEEN THE ALBERTBRIDGE AND THE BLACKSTAFF RIVER.BELFAST BT5  
Decision:  
Decision Date:

Ref ID: Z/1998/1119  
Proposal: Pedestrian access to link the Gasworks Development Site to Riverside Pathway, including environmental improvements and river flood prevention engineering works  
Address: FORMER MOUTH OF RIVER BLACKSTAFF MAYSFIELD BELFAST BT1  
Decision:  
Decision Date:

Ref ID: Z/1997/2601  
Proposal: Construction of public open space incorporating pedestrian access from Ormeau Road/Cromac Street and extension of a distribution road within the site, hard and soft landscaping, railings, piers, street lighting, tree shrub planting and grassing.  
Address: FORMER GASWORKS SITE, ORMEAU ROAD, BELFAST BT7  
Decision:  
Decision Date:

Ref ID: Z/1994/0352  
Proposal: Retention of stone infill to create riverside walkway  
Address: RIVER LAGAN RAVENHILL REACH ORMEAU EMBANKMENT BELFAST BT6  
Decision:  
Decision Date:

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:

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## Development Management Report Committee Application

Summary	
<b>Committee Meeting Date:</b> Tuesday 15 <sup>th</sup> December 2020	
<b>Application ID:</b> LA04/2020/0708/F	
<b>Proposal:</b> Works to allow the decommission of Boodle's Dam maintaining the existing water levels; including earthworks to reduce the existing dam embankment; re-profiling of the adjacent land; removal of existing structures (concrete wall, draw off towers, bridge); formalising the inlet and outlet arrangements; landscape improvements to allow for integration into the Ligoniel Park and all associated works.	<b>Location:</b> Lands at Boodle's Dam (including Wolfhill Mill Race and its intersection with the Ligoniel River, located off Mountainhill Road) Belfast
<b>Referral Route:</b> Major Application by Belfast City Council	
<b>Recommendation:</b>	<b>Approval subject to Conditions</b>
<b>Applicant Name and Address:</b> Belfast City Council 9 Adelaide Street Belfast	<b>Agent Name and Address:</b> Jonathan Morris AECOM 2 Clarence Street West Belfast
<b>Executive Summary:</b>  <p>This application seeks full permission for the works to allow the decommission of Boodle's Dam maintaining the existing water levels; including earthworks to reduce the existing dam embankment; re-profiling of the adjacent land; removal of existing structures (concrete wall, draw off towers, bridge); formalising the inlet and outlet arrangements; landscape improvements to allow for integration into the Ligoniel Park and all associated works.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> <li>- principle of use on the site</li> <li>- design and layout</li> <li>- impact on natural heritage</li> <li>- access, movement, parking and transportation, including road safety</li> <li>- impact on built heritage</li> <li>- flood risk</li> <li>- landscaping</li> <li>- other environmental matters</li> </ul> <p>The application site includes lands at Boodle's Dam, following the Wolfhill Mill Race watercourse, extending to the intersection with the Ligoniel River. The site is surrounded by fencing and contains a large number of mature trees, and is mostly overgrown and inaccessible.</p> <p>The site is identified as an Area of Existing Open Space, a local landscape policy area (LLPA), and site of local nature conservation importance (SLNCI), as designated within both (Draft) Belfast Metropolitan Area Plan (BMAP) 2015, and 2004. The site is identified within the Belfast Urban Area Plan 2001 (BUAP) as Lands reserved for Landscape, Amenity or Recreation use.</p>	

The proposal has been assessed against and is considered to comply with the Strategic Planning Policy Statement for Northern Ireland (SPPS), Belfast Urban Area Plan 2001 (BUAP), Draft Belfast Metropolitan Area Plan 2015 (BMAP), Planning Policy Statement 2, Planning Policy Statement 3, Planning Policy Statement 6, Planning Policy Statement 8, and Planning Policy Statement 15.

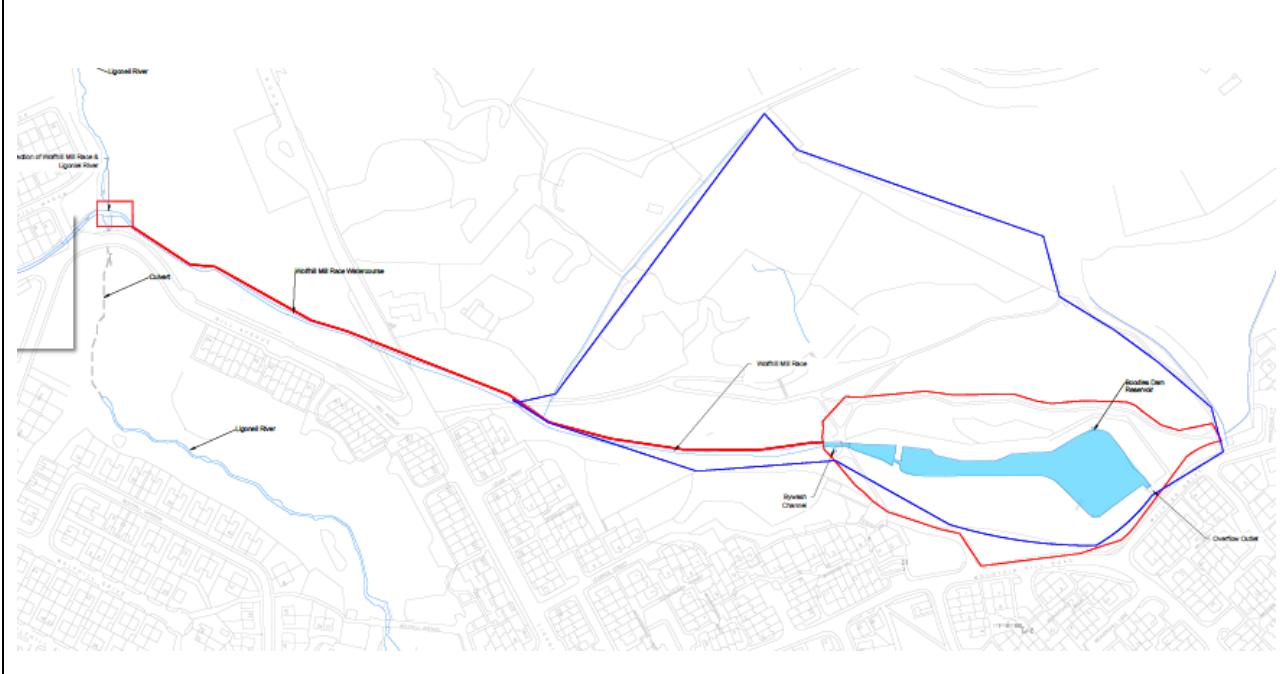
All consultees have raised no issues of concern subject to conditions and the proposal is considered acceptable. No representations or objections received.

It is recommended that the proposal is approved subject to the conditions as set out in the report with delegated authority for the Director of Planning and Building Control to finalise the wording of conditions.



## Case Officer Report

## Site Location Plan



Existing layout



## Proposed layout



## 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

Works to allow the decommissioning of Boodle's Dam maintaining the existing water levels; including earthworks to reduce the existing dam embankment; re-profiling of the adjacent land; removal of existing structures (concrete wall, draw off towers, bridge); formalising the inlet and outlet arrangements; landscape improvements to allow for integration into the Ligoniel Park and all associated works.

### 2.0 Description of Site

The application site is 2.11 ha of land, located off the Mountain Hill Road approximately 6km North West of Belfast City Centre. The application site includes lands at Boodle's Dam, following the Wolfhill Mill Race watercourse, extending to the intersection with the Ligoniel River. The site is surrounded by fencing and contains a large number of mature trees, and is mostly overgrown and inaccessible. The application site is bounded to the south by a residential area, and to the north there is a large-scale active limestone quarry and a landfill site. Boodle's Dam is currently not in use for private or public water supply and the proposed development will allow for decommissioning and integration into the wider Ligoniel Park area. Under the Reservoirs Act, BCC has a requirement to carry out the safety works as recommended in a recent Section 10 safety report (November 2013) carried out on the dam. The safety report identified a series of issues, including the unstable nature of the ground above the dam itself and its risk of slippage. The Section 10 report recommended as a matter in the interest of safety that the dam be decommissioned either by abandonment or discontinuance.

2.1 The site is identified as an Area of Existing Open Space, a local landscape policy area (LLPA), and site of local nature conservation importance (SLNCI), as designated within both (Draft) Belfast Metropolitan Area Plan (BMAP) 2015, and 2004. The site is identified within the Belfast Urban Area Plan 2001 (BUAP) as Lands reserved for Landscape, Amenity or Recreation use.

## **Planning Assessment of Policy and Other Material Considerations**

### **3.0 Site History**

There is no relevant planning history on the site. Since this proposal falls under the category of Major Development however, Pre Application Community Consultation was carried out under the planning reference LA04/2019/2301/PAN. Feedback given was positive from the public with 100% of responses stating they were supportive of the proposal.

### **4.0 Policy Framework**

4.1 (Draft) Belfast Metropolitan Area Plan (BMAP) 2015 and Belfast Urban Area Plan 2001 (BUAP)

4.2 Strategic Planning Policy Statement (SPPS)

4.3 Planning Policy Statement (PPS) 2: Natural Heritage

4.4 Planning Policy Statement (PPS) 3: Access, Movement and Parking

4.5 Planning Policy Statement (PPS) 6: Planning, Archaeology and the Built Heritage

4.6 Planning Policy Statement (PPS) 8: Open Space, Sport and Recreation

4.7 Planning Policy Statement (PPS) 15: Planning and Flood Risk

### **5.0 Statutory Consultees Responses**

5.1 DFI Roads Service – No objection subject to conditions

5.2 NI Water – No objection

5.3 HED Historic Monuments – No objection subject to conditions

5.4 DAERA Environment, Marine & Fisheries Division – No objection

5.5 DAERA Water Management & Inland Fisheries – No objection

5.6 DAERA Drinking Water Inspectorate – No objection

5.7 DAERA Regulation Unit – No objection subject to conditions

5.8 DAERA Natural Environment Division – No objection subject to conditions

5.9 DFI Rivers Agency – No objection

### **6.0 Non Statutory Consultees Responses**

6.1 Belfast City Council (BCC) Environmental Health - No objection subject to conditions

6.2 Belfast City Council (BCC) Tree Officers - No objection subject to conditions

6.3 Belfast City Council (BCC) Landscape and Recreation - No objection

6.4 Shared Environmental Services – No objection

6.5 Defence Infrastructure Organisation – No objection

### **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 Parking Standards

### **9.0 Assessment**

9.1 Following the Court of Appeal decision relating to BMAP, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. Given

the advanced stage at which Draft BMAP had reached it is considered to hold significant weight (save for policies around Sprucefield which remain contentious). The site is identified as an Area of Existing Open Space, a Local Landscape Policy Area (LLPA), and Site of Local Nature Conservation Importance (SLNCI), as designated within both (Draft) Belfast Metropolitan Area Plan (BMAP) 2015, and 2004. The site is identified within the Belfast Urban Area Plan 2001 (BUAP) as lands reserved for Landscape, Amenity or Recreation use. The site is in the vicinity of archaeological monuments (ANT060: 057; ANT056: 039 and ANT056: 023) and also is within Ligoniel Park (AN-170).

9.2 The proposed development is for works to allow the decommission of Boodle's Dam maintaining the existing water levels; including earthworks to reduce the existing dam embankment; re-profiling of the adjacent land; removal of existing structures (concrete wall, draw off towers, bridge); formalising the inlet and outlet arrangements; landscape improvements to allow for integration into the Ligoniel Park and all associated works. The proposal when submitted originally included an intersection weir, but due to concerns raised by DAERA Water Management and Inland Fisheries it was omitted from the scheme.

9.3 The key issues are:

- principle of use on the site
- design and layout
- impact on natural heritage
- access, movement, parking and transportation, including road safety
- impact on built heritage
- flood risk
- landscaping
- other environmental matters

#### 9.4 Principle of use on the site

The site is within the development limits of Belfast in BUAP, Draft BMAP and the version of BMAP purported to be adopted. As stated previously the site is identified as an area of existing open space and OS 1 of PPS 8 states there is a general presumption against the loss of open space to competing land uses. Annex A of PPS 8 defines 'open space' and a range of uses that are of public value and offer important opportunities for sport and outdoor recreation. The existing use of the site falls within A2 (vi) of Annex A as natural and semi natural urban green space, open water. The proposed development does not represent a change of use, especially since the dam is currently not in use. It is considered that the proposal will represent a more productive use of the site, fulfilling a need in the area integrating it into Ligoniel Park, promoting health and well-being in the area subject to the consideration and resolution of planning and environmental matters.

#### 9.5 Design and layout

The proposal includes discontinuing the reservoir and dam structure, and reintegrating the pond and open space back into Ligoniel Park. The pond area itself will be opened up with pathways along the south of the site, allowing safe access to the pond area. The pathway which will include two benches and access to a viewing platform. A comprehensive landscaping scheme is proposed, as well as wetland planting, acting as a water edge deterrent and increasing bank stability. A bird roost (2m by 1m) is proposed of the centre of the pond, which will provide additional habitat for birds and wildlife, complementing the application site's SLNCI designation encouraging biodiversity.

9.6 The capacity of the existing dam will be greatly reduced to 4422 cubic metres, fulfilling the required safety objective. Reduction of the embankment requires the removal of material, which will then be reused during landscaping and re-profiling.

#### **9.7 Impact on natural heritage**

A Preliminary Ecological Appraisal (PEA), Landscape Management and Maintenance Plan, a Tree Potential Roost Feature (PRF) Inspection for bats, and Tree Survey were submitted and assessed. DAERA, Natural Environment Division (NED) were consulted regarding any potential impact the proposal could cause on any natural heritage features on or surrounding the site. NED initially raised a concern regarding a lack of plans showing retention and restoration of habitats ensuring no net loss of biodiversity for the site. The Agent submitted the requested additional information and NED confirmed they were satisfied that the additional information addressed their concerns. NED has no objection subject to conditions should approval be granted.

9.8 DAERA, Environment, Marine and Fisheries Group were also consulted and responded on 6<sup>th</sup> August 2020 confirming they had no objections to the proposal, as did Shared Environmental Services on 25<sup>th</sup> August 2020.

#### **9.9 Access, movement, parking and transportation, including road safety**

The proposal includes two RADAR pedestrian self-closing 'kissing gates' (RADAR stands for the Royal Association for Disability and Rehabilitation) which also allow access for bicycles, and some path maintenance equipment. One is to the East of the site and the other is to the West. The design inhibits access for motorcycles or scramblers however. There are no vehicular accesses proposed for the site, with the exception of a temporary one for the period of construction off Mountain Hill Road. No parking has been proposed and it is considered that there will be no greater number of visitors to the site than that of Ligoniel Park already. A Transport Assessment Form was submitted and assessed by DfI Roads and they have no objections subject to conditions.

#### **9.10 Impact on Built Heritage**

The application site is located within 1km of three recorded archaeological sites, (ANT060: 057 as the closest; ANT056: 039 and ANT056: 023). The site is located within a historic park also, Ligoniel Park (AN-170). HED Historic Monuments were consulted with an Archaeological Impact Assessment. HED have no objections subject to conditions.

#### **9.11 Flood Risk**

Policies FLD 1, FLD 3 and FLD 4 of PPS 15 apply to this proposal. A Flood Risk Assessment and Drainage Assessment were submitted with the application and DfI Rivers Agency was consulted. Rivers Agency responded confirming they had no objections to the proposal in relation to Policies FLD 1 and 3 of PPS 15. Since the proposed development works are designed to reduce the capacity of Boodle's Dam it therefore removes the site from being subject to The Reservoirs Act (NI) 2015, and FLD 5 of PPS15 does not apply.

9.12 The proposed development includes the installation of a short length of culvert to provide a supply of water to the remaining pond in low flow conditions from the Ligoniel River. This culvert will serve as a flow control device. Since FLD 4 states an artificial modification of a watercourse will only be permitted in exceptional circumstances "where it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action." DfI Rivers Agency raised concern regarding this aspect of the proposal. The Agent submitted additional information and whilst DfI Rivers Agency acknowledged that it provided justification for the proposed works and concluded that the culverting meets the exception circumstances, they emphasised the determination of such lay outside their remit.

9.13 Evidence was submitted showing the existing bypass culvert unsecured and overgrown, currently posing a Health and Safety risk. It is considered therefore, the proposed culverting works are necessary to provide a safety provision to resolve existing issues at the bypass channel and to provide suitable access for maintenance and clearing of debris for the new

headwall. To conclude there are no other reasonable or practicable alternatives to provide a means of flow control in this instance, and therefore the exception circumstances have been met. The proposal is therefore considered acceptable and complies with Policy FLD4 of PPS15.

#### **9.14 Landscaping**

There a large number of trees throughout the site of various height, health and species which appear to be unmaintained. A Tree Survey, landscaping plan, as well as Landscape Maintenance and Management Plan were submitted. The mature tree cover sited to the northern and southern boundary of the site is considered the most significant in terms of character and visual amenity, are to be protected and retained as part of the process. There are 17 extra heavy standard hazel tree to be planted to compensate for the removal of a group of willow trees in the middle of the site, adjacent to the reservoir itself. Willow is not considered an ideal species for public parks since it requires regular maintenance. Having consulted with BCC landscape officers and BCC Parks and Recreation Team they have no objections subject to standard conditions. They advise that the new planting will ensure visibility throughout the park is maintained and 'hidden areas' are not created where anti-social behaviour could occur.

#### **9.15 Other Environmental Matters**

As part of the original submission a Construction Environmental Management Plan (CEMP) was submitted. DAERA Water Management Unit and Inland Fisheries expressed concern regarding a number of elements. This included the proposed method of oil/fuel storage on site; proposed works related to the culverting of the river; and reporting of environmental incidents. Inland Fisheries expressed fundamental concern relating to the originally proposed intersection weir, and the effect the Abstraction Impoundment associated with its construction could have on the fish population. These concerns were addressed through the submission of an updated outline Construction Environmental Management Plan (oCEMP) and an accompanying statement from the Agent dated 18<sup>th</sup> September 2020, but also the omission of the proposed intersection weir. Upon reviewing the amended information DAERA Water Management Unit and Inland Fisheries offered no objections to the proposal subject to conditions.

9.16 There are no known historical potential sources of on-site contamination determined by the EIA Screening Document, evidence of localised fires (anti-social behaviour related) were detected during a site walkover which 'may present localised sources of contamination'. Having reviewed this, as well as the oCEMP both BCC Environmental Health and DAERA Regulation Unit had no objections relating to the risk of contaminated land subject to conditions.

9.17 DAERA Drinking Water Inspectorate were content that the relevant scoping exercise, in order to establish if there are any Private Water supplies in the vicinity, was carried out as per the oCEMP, Planning Statement and Agent's response. They were content that the development is unlikely to have a significant impact on private water supplies, and offered no objections.

#### **10.0 Conclusion**

10.1 Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended for approval subject to conditions. The approved development will allow for more diverse recreational uses, promoting health and well-being to the surrounding area and enhancing the amenity of the dam and park. It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions.

**Neighbour Notification Checked:** Yes

**Summary of Recommendation:** Approval subject to conditions

## Conditions

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

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

2. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

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

3. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under Condition 2.

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

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

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

5. The access gradient shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

6. Following completion of the works, the access to the site from the public road shall be permanently closed off and the road reinstated to the satisfaction of the Department for Infrastructure.

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

7. The development hereby permitted shall not commence until effective vehicle wheel washing facilities have been installed and brought into operation to the satisfaction of DfI Roads.



Reason: To prevent the carry-over of mud or debris onto the public road in the interests of road safety and convenience.

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

Reason: Protection of human health.

9. Prior to the demolition/construction phase of the proposed development, a Construction Noise Management Plan and Construction Air Quality Management Plan (included within the Final Construction Environmental Management Plan) shall be submitted and agreed in writing by the Council. The Plans carried out in accordance with the agreed details during construction of the development.

Reason: The protection of residential amenity.

10. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a Remediation Strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction. This strategy should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance.

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 operation of the development, a Verification Report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

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

Reason: To protect breeding birds.

13. All soft landscaping works shall be carried out in accordance with the approved details on Landscaping Plan, Drawing Number xx, received on xx xx xx. The works shall be carried out prior to the completion of the proposal unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the



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

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

14. Prior to any work commencing 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 to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site. Please notify council once fencing is erected for inspection prior to any site works commencing.

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

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

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

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

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

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

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

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## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> Tuesday 15 December 2020	
<b>Application ID:</b> LA04/2020/0880/F	
<b>Proposal:</b> Development of a new equipped playground with a pedestrian entrance off Moyard Parade	<b>Location:</b> Site of Former Vere Foster Primary School Moyard Parade Belfast BT12 7HG
<b>Referral Route:</b> The applicant is Belfast City Council Referral to the Planning Committee under Section 3.8.5 (c) of the Scheme of Delegation	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Catherine Weir Belfast City Council Cecil Ward Building 4-10 Linenhall Street Belfast BT2 8BP	<b>Agent Name and Address:</b>
<p><b>Executive Summary</b></p> <p>The application seeks full permission to introduce a new equipped playground adjacent to Matt Talbot Youth club and MUGA pitch, with a new pedestrian entrance from Moyard Parade. The playground will be bound by a landscaped area and 17no. trees planted. Fencing along the eastern boundary of the playground is to be replaced</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• The potential impact of the upgrade of the playground on residential amenity.</li> </ul> <p>The application site lies within the development limits for Belfast and is located on 'white land' in dBMAP 2015. The proposal complies with the Development Plan and relevant policy.</p> <p>DfI Roads, Environmental Health, NI Water and Rivers Agency have no objections to the application.</p> <p>No third party objections have been made.</p> <p>The scheme is visually acceptable and it is considered that any intensification of noise at the playground can be appropriately dealt with by condition. The playground will not cause unacceptable harm to the residential amenity of neighbouring properties.</p> <p>It is recommended that the application is approved subject to conditions.</p>	
<b>Signature(s)</b>	

[illegible]

<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<p><b>Description of Site</b></p> <p>The site is part of the former Vere Foster Primary School which closed in 2011. A significant area of the former school site has been developed as a 3g floodlit football pitch (MUGA) which was granted planning permission in 2015. The proposed development is located to the east of the football pitch. The proposed playground facility will be adjacent to housing to the north south and east in Moyard Park and New Barnsley Park.</p> <p>Matt Talbot Youth Club is also located close to the proposed facility. Access to the facility is from Moyard Parade.</p> <p>With Black Mountain as a backdrop, land slopes downwards from New Barnsley Gardens/ Moyard Parade to the Springfield Road. The playground will sit at a level 3m lower than Matt Talbot Youth Club/3G pitch; and 3m higher than residential bungalows located no.s 50-76 Moyard Park. The flat site is part clay and partly grassed over and enclosed by a palisade fence.</p>
<b>2.0</b>	<p><b>Description of Proposed Development</b></p> <p>A new equipped playground is proposed to be constructed.</p> <p>The central playground area is constructed with wet-pour safety surfacing surrounded by a boru bitmac path. Beyond the outside of the path, land is to be top soiled to a depth of 150mm and planted with grass. A soak away area is proposed to the north of the site, allowing drainage to be self-contained within the site. The playground will be enclosed with double staggered hedge planting; the playground will be landscaped with no.17 heavy standard trees (2no. species) of height 4-5m, spaced 10m apart.</p> <p>Existing perimeter fencing along the west boundary of the site is to be retained, palisade fencing along the east boundary of the site is to be replaced with paladin fencing at the same height as existing - 2.4m.</p> <p>The existing access in situ from the car park of the existing MUGA to the proposed playground is to be retained, and a further pedestrian access is proposed from Moyard Parade.</p> <p>Within the safety surfaced playground, a range of playground equipment is proposed including swings, roundabouts, rockers and slides.</p> <p>No lighting/ floodlighting is proposed.</p>
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<p><b>Site History</b></p> <p><b>Z/2014/1726/F</b>- Site of Former Vere foster Primary School, Moyard Parade, Belfast, BT12 7HG, Floodlit 3G pitch (7-a-side), amenity area, outdoor social area and car parking – Permission granted - 26.11.2015</p>
<b>4.0</b>	<b>Policy Framework</b>

	<p>Belfast Urban Area Plan  Draft Belfast Metropolitan Area Plan 2015  Strategic Planning Policy Statement (Northern Ireland)  Planning Policy Statement 15 – Planning and Flood Risk  Planning Policy Statements 8 – Open Space, Sport and Outdoor Recreation  Planning Policy Statement 3 – Access, movement and parking.</p>
5.0	<b>Statutory Consultees Responses</b>
	DfI Roads - no objection
	DFI Rivers are satisfied the proposal will not give rise to flooding problems. Furthermore, the area of hardstanding is less than 1000sqm so a drainage assessment is not required.
	NI Water – no objection, connection to the public storm sewerage network is not required.
5.1	<b>Non Statutory Consultees Responses</b>
	<p>BCC Environmental Health (EH)  A condition is recommended with respect to contamination. A noise impact assessment is to be submitted to BCC for agreement prior to operation of the playground and a condition to this effect has also been recommended.</p>
	BCC Landscape Team – no objection subject to conditions
6.0	<b>Representations</b>
	The application has been neighbour notified and advertised in the local press. No representations were made with regard to this proposal.
	<p><b>Other Material Considerations</b>  N/A</p>
7.0	<b>Assessment</b>
7.1	<p><b>Principle of Development</b>  The application site is unzoned in the extant local development plan Belfast Urban Area Plan 2001, it is located white land in draft BMAP. The site was formerly a school with playground. The sui generis use of the land as a playground is in keeping with the designations in the area plan so in principle the proposed development is acceptable.</p>
7.2	<p><b>Visual amenity and character of the area.</b>  The playground sits adjacent to Matt Talbot youth club and a flood lit MUGA, the playground will be used by younger children and compliments facilities for the younger people in the community enhancing the character of the area.</p> <p>Visually, the site currently derelict, its development will rejuvenate the locality, improving both the character and appearance of the area.</p>
7.3	<p><b>Impact on residential amenity</b>  The site has residential dwellings to the north, east and south, approximately 10 no. properties will be impacted by the playground. These properties sit at a level 3m lower than the playground</p> <p>A band of landscaping of width 3- 4m which will be grassed, with trees of heights 4-5m will be planted between the rear boundaries of the properties and the playground. The proposed trees will help mitigate potential informal play noise made by children from the local area. A</p>

	<p>condition will be imposed that a Noise Impact Assessment (NIA) is to be submitted for agreement prior to the playground becoming operational and potential noise will be mitigated for and provided thereafter to ensure that there is no negative impact on residential amenity.</p> <p>There is no flood lighting, or any kind of lighting columns proposed therefore residential amenity will not be impacted in terms of light spill nuisance.</p> <p>It is considered that, with the imposition of appropriate conditions, there will be no detrimental Impact on residential amenity.</p>
8.0	Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions.
9.0	<b>Summary of Recommendation: Approval subject to conditions</b>
<b>10</b>	<b>Conditions:</b>
<b>10.1</b>	<p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>
<b>10.2</b>	<p>All soft landscaping works shall be carried out in accordance with the approved details on Landscaping Plan, Drawing Number 02, received on 27.05.2020. The works shall be carried out prior to the completion of the proposal unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.</p> <p>Reason: In the interests of the character and appearance of the area.</p>
<b>10.3.</b>	<p>Prior to any work commencing 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 to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.</p> <p>Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.</p>
<b>10.4</b>	<p>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.</p>
<b>10.5</b>	<p>No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the RPA of trees within the site and adjacent lands during the construction period.</p> <p>Reason: To avoid compaction within the RPA of existing trees to be retained.</p>
<b>10.6</b>	<p>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</p>

<p>10.7</p> <p>10.8</p>	<p>subsequent Verification Report shall be agreed with the Planning Authority in writing, prior to the development being opened. 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.</p> <p>Prior to the playground hereby approved becoming operational, the developer shall submit a noise impact assessment for approval by Belfast City Council, the measures agreed shall be provided and retained thereafter.</p> <p>Reason: In the interests of residential amenity.</p> <p>Prior to the playground hereby approved becoming operational a Noise Verification Report with details of the completion of any approved noise mitigation measures shall be submitted to Belfast City Council for approval.</p> <p>Reason: In the interests of residential amenity.</p> <p>Informatives:</p> <ol style="list-style-type: none"> <li>1. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc deposited on the road as a result of the development, must be removed immediately by the operator/contractor.</li> <li>2. Notwithstanding the terms and conditions of the Planning Authority's approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Section Engineer whose address is 1A Airport Road, BELFAST, BT3 9DY. A monetary deposit will be required to cover works on the public road.</li> <li>3. All construction plant and materials shall be stored within the curtilage of the site.</li> <li>4. Provision shall be made to the satisfaction of DfI, to ensure that surface water does not flow from the site onto the public road.</li> </ol>
<p><b>Notification to Department (if relevant)</b> N/A</p>	
<p><b>Representations from Elected members:</b> None</p>	



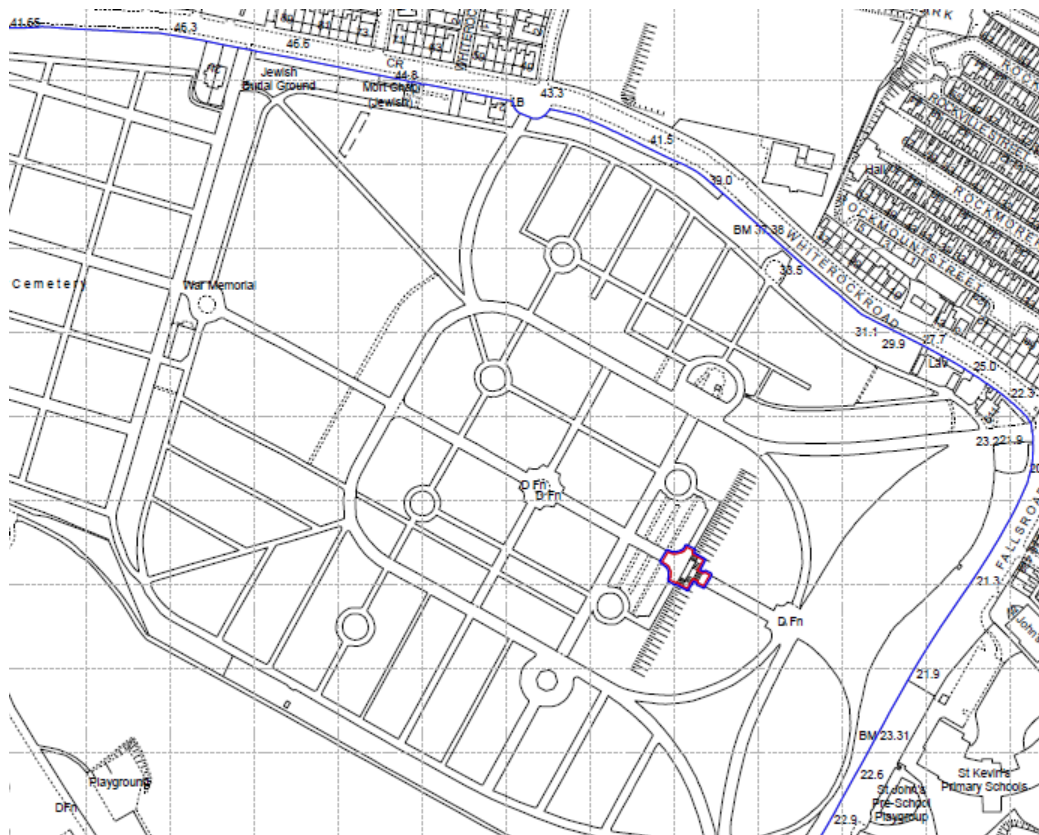
<b>ANNEX</b>	
<b>Date Valid</b>	11th May 2020
<b>Date First Advertised</b>	5th June 2020
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 11 New Barnsley Park,Belfast,Antrim,BT12 7HE The Owner/Occupier, 13 New Barnsley Park,Belfast,Antrim,BT12 7HE The Owner/Occupier, 15 New Barnsley Park,Belfast,Antrim,BT12 7HE The Owner/Occupier, 2 Moyard Parade,Belfast,Antrim,BT12 7HG The Owner/Occupier, 46 Moyard Park,Belfast,Antrim,BT12 7FT The Owner/Occupier, 48 Moyard Park,Belfast,Antrim,BT12 7FT The Owner/Occupier, 5 New Barnsley Park,Belfast,Antrim,BT12 7HE The Owner/Occupier, 50 Moyard Park,Belfast,Antrim,BT12 7FT The Owner/Occupier, 52 Moyard Park,Belfast,Antrim,BT12 7FT The Owner/Occupier, 54 Moyard Park,Belfast,Antrim,BT12 7FT The Owner/Occupier, 56 Moyard Park,Belfast,Antrim,BT12 7FT The Owner/Occupier, 58 Moyard Park,Belfast,Antrim,BT12 7FT The Owner/Occupier, 60 Moyard Park,Belfast,Antrim,BT12 7FT The Owner/Occupier, 62 Moyard Park,Belfast,Antrim,BT12 7FT The Owner/Occupier, 62a ,Moyard Park,Belfast,Antrim,BT12 7FT The Owner/Occupier, 62b ,Moyard Park,Belfast,Antrim,BT12 7FT The Owner/Occupier, 64 Moyard Park,Belfast,Antrim,BT12 7FT The Owner/Occupier, 66 Moyard Park,Belfast,Antrim,BT12 7FT The Owner/Occupier, 7 New Barnsley Park,Belfast,Antrim,BT12 7HE The Owner/Occupier, 9 New Barnsley Park,Belfast,Antrim,BT12 7HE	

The Owner/Occupier, Matt Talbot Youth Centre, Moyard Parade, Belfast, Antrim, BT12 7HA The Owner/Occupier, Vere Foster Primary School, Moyard Parade, Belfast, Antrim, BT12 7HG	
<b>Date of Last Neighbour Notification</b>	9th June 2020
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Drawing Numbers and Title</b>	
Drawing No. 01 Type: Site Location Plan  Drawing No. 02 Type: Site Layout Plan  Drawing No. 03 Type: Playground Equipment Proposed Layout  Drawing No. 04 Type: Cross Section Elevation A-A	
<b>Notification to Department (if relevant)</b>	
Date of Notification to Department: Response of Department:	

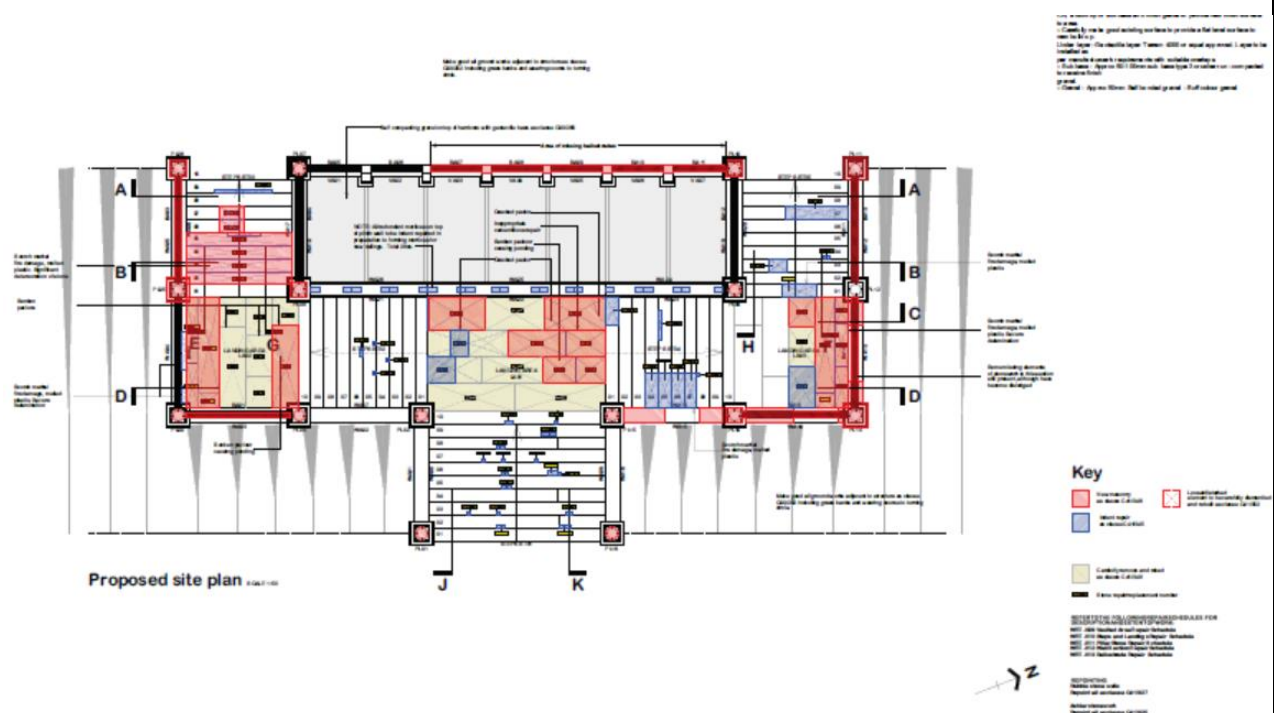
## Committee Report

Development Management Report	
<b>Application ID:</b> LA04/2020/1180/LBC	<b>Date of Committee:</b> Tuesday 15 <sup>th</sup> December 2020
<b>Proposal:</b> Repair, restoration and cleaning of central steps.	<b>Location:</b> Central Steps Belfast City Cemetery Falls Road Belfast
<b>Referral Route:</b> Referral to the Planning Committee under Section 3.8.5 (c) of the Scheme of Delegation	
<b>Recommendation:</b> Approval	
<b>Applicant Name and Address:</b> Belfast City Council	<b>Agent Name and Address:</b> Alastair Coey Architects 96 Sydenham Avenue Belfast BT4 2DT
<p><b>Executive Summary:</b> This application seeks Listed Building Consent to repair, restore and clean the central steps within Belfast City Cemetery.</p> <p>The works involve the repairing and restoring of the existing masonry and to reinstate missing masonry.</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> <li>Impact on the listed steps</li> </ul> <p>The proposal is deemed to comply with the SPPS and PPS 6. The proposed development is considered acceptable with no adverse impacts on the listed building. HED were consulted and had no objections.</p> <p>The application is brought before committee under section 3.8.5 (c) of the scheme of delegation as the application is made by the Council.</p> <p>Having had regard to the development plan, relevant planning policies, and other material considerations, it is determined that the proposal should be approved.</p> <p><b>Recommendation</b></p> <p>The application is recommended for approval.</p>	

## Site Location Plan



## Block Plan



## Elevations



<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b> Repair, restoration and cleaning of central steps.
<b>2.0</b>	<b>Description of Site</b> The site is located within the grounds of the city cemetery. The city cemetery has a number of access points along the Falls Road and Whiterock Road. The central steps are situated close to the centre of the site. The central steps and vaults are Grade B1 listed and designated as a Mausoleum under the reference HB26/25/001D
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b> LA04/2020/0170/LBC, Belfast City Cemetery, Reinstatement of historic railing, PERMISSION GRANTED, 20.05.2020
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan
4.2	Draft Belfast Metropolitan Area Plan 2015 Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
4.3	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	Planning Policy Statement 6: Planning, Archaeology and The Built Heritage
4.4.1	Policy BH 8: Extension or alteration of a Listed Building
<b>5.0</b>	<b>Statutory Consultees Responses</b> HED
<b>6.0</b>	<b>Non Statutory Consultees Responses</b> None
<b>7.0</b>	<b>Representations</b>
	The application has been advertised in the local press on the 9 <sup>th</sup> July 2020. No representations have been received.
<b>8.0</b>	<b>Other Material Considerations</b> None
8.1	<b>Any other supplementary guidance</b> None
<b>9.0</b>	<b>Assessment</b>
9.1	The proposal is considered to be in compliance with the development plan.
9.2	Assessment  The key issues to be considered are: <ul style="list-style-type: none"> <li>Impact on listed steps</li> </ul>

	<p>It is considered that the proposal is in compliance with SPPS in that the proposed development will not cause demonstrable harm to interests of acknowledged importance which are considered below.</p> <p><b>Impact on listed building</b></p> <p>This application seeks Listed Building Consent to repair, restore and clean the central steps. The works involve the repairing and restoring of the existing masonry and to reinstate missing masonry. The proposal is deemed to comply with policy BH 8 of PPS 6. The proposed works are sympathetic to the existing structure and use traditional materials to match the existing masonry. HED were consulted and welcomed the works with conditions.</p>
9.3	Having regard for the policy context and the considerations above, the proposal is deemed acceptable.
<b>10.0</b>	<b>Summary of Recommendation: Approval</b>
<b>11.0</b>	<p><b>Conditions</b></p> <ol style="list-style-type: none"> <li>1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.</li> </ol> <p>Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011.</p> <ol style="list-style-type: none"> <li>2. Prior to commencement of works details shall be submitted and approved in writing by the Council in conjunction with HED of the accredited conservation professional who will oversee the hereby approved works.</li> <li>3. The materials of the works hereby permitted shall be constructed in accordance with the approved plans and elevations.</li> <li>4. No new fencing, lighting, security cameras or mechanical and electrical services of any description shall be fixed on the external or internal faces of the building other than those shown on the drawings hereby approved.</li> <li>5. All works of making good to the existing stone, shall match the adjacent existing work with regard to the methods used, mortar mix, profile and finish. No cementitious mortars shall be used within proposed works.</li> <li>6. Cleaning of masonry shall conform to BS 8221-1:2012 (Code of practice for cleaning and surface repair of buildings. Cleaning of natural stone, brick, terracotta and concrete).</li> </ol> <p>Reason for conditions 2 to 6: To respect the character and setting of the listed building and comply with the policy requirements of SPPS 6.13 and Policy BH8 of PPS6.</p> <p><b>Informatives</b></p> <ol style="list-style-type: none"> <li>1. The drawing refs referred to above correspond with those drawings submitted to the Authority in respect of this application and published to the Planning Portal NI on: 06/07/2020, drawing nos. 01, 06, 07, 08, 09</li> </ol>

<b>Notification to Department (if relevant)</b>
<b>Representations from Elected members:</b>

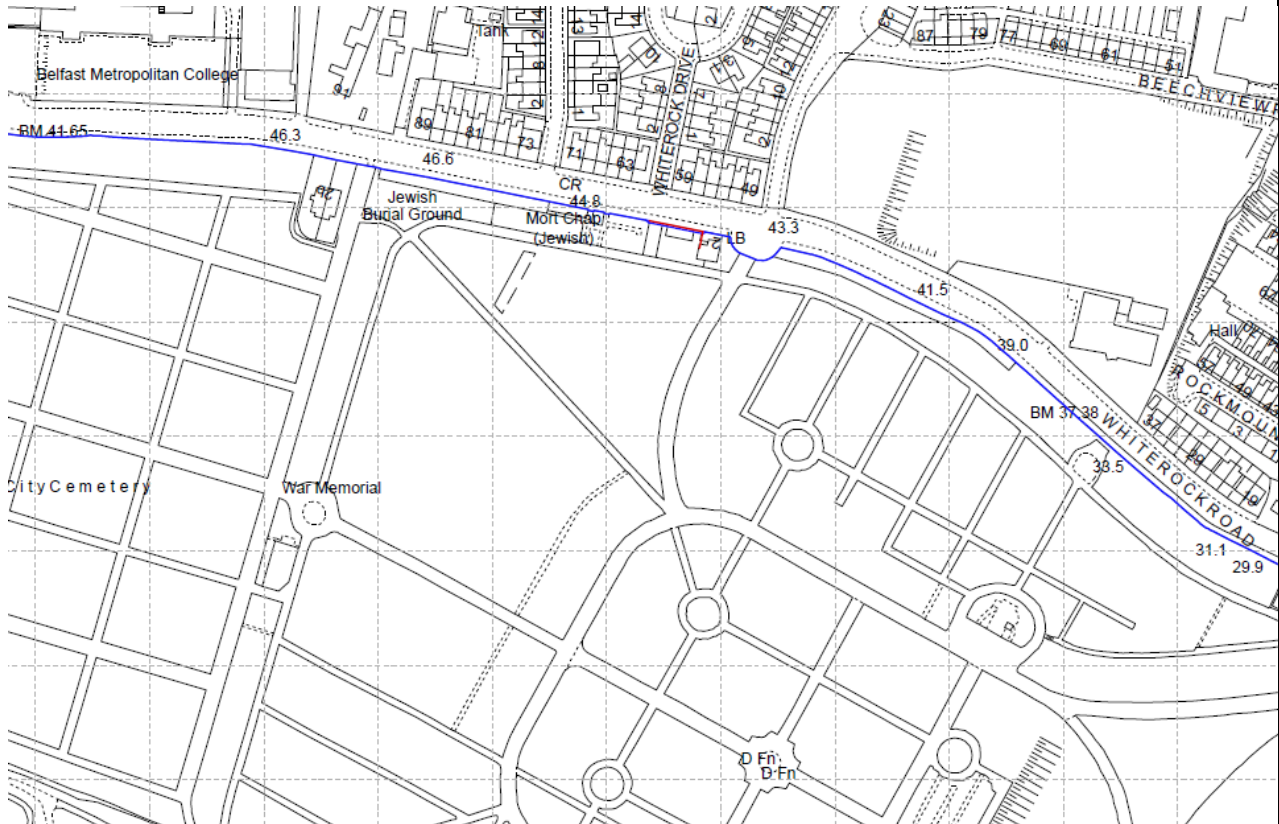


## Committee Report

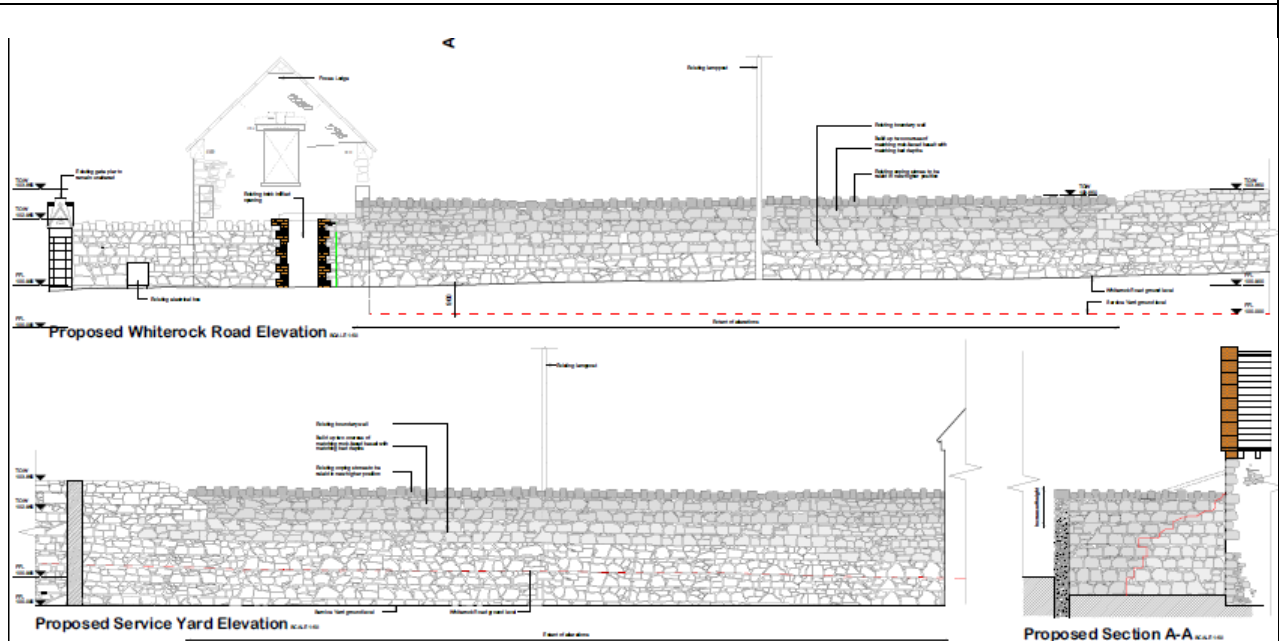
Development Management Report	
<b>Application ID:</b> LA04/2020/2089/F	<b>Date of Committee:</b> Tuesday 15 <sup>th</sup> December 2020
<b>Proposal:</b> Full application for alterations to a section of wall at the boundary between Whiterock Road and City Cemetery Service Yard, involving increasing the height of the masonry wall to improve site security.	<b>Location:</b> Boundary Wall (northern boundary between Service Yard and Whiterock Road) Belfast City Cemetery Falls Road
<b>Referral Route:</b> Referral to the Planning Committee under Section 3.8.5 (c) of the Scheme of Delegation	
<b>Recommendation:</b> Approval	
<b>Applicant Name and Address:</b> Belfast City Council	<b>Agent Name and Address:</b> Alastair Coey Architects 96 Sydenham Avenue Belfast BT4 2DT
<p><b>Executive Summary:</b></p> <p>The proposal is for the alterations to a section of wall at the boundary between Whiterock Road and City Cemetery Service Yard, involving increasing the height of the masonry wall to improve site security. The increase in height varies depending upon the section of wall but is between approximately 0.7m and 1.0m to give a total height of 2.6m</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> <li>• Design</li> <li>• Impact on the listed wall</li> </ul> <p>The proposal is deemed to comply with the SPPS and PPS 6. The proposed development is considered acceptable with no adverse impacts on the listed wall. HED were consulted and had no objections with conditions.</p> <p>The application is brought before committee under section 3.8.5 (c) of the scheme of delegation as the application is made by the Council.</p> <p>Having had regard to the development plan, relevant planning policies, and other material considerations, it is determined that the proposal should be approved.</p> <p><b>Recommendation</b> The application is recommended for approval.</p>	

# Case Officer Report

## Site Location Plan



## Elevations



<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b> Full application for alterations to a section of wall at the boundary between Whiterock Road and City Cemetery Service Yard, involving increasing the height of the masonry wall to improve site security.
<b>2.0</b>	<b>Description of Site</b> The site is on the boundary of the city cemetery adjacent to the Whiterock Road. The boundary wall is located adjacent to the entrance to the city cemetery from the Whiterock Road opposite the junction to Britton Parade.  The surrounding area is predominately residential with terrace buildings opposite the site as well as a children's play park and a GAA sports ground.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b> LA04/2018/1651/F, Belfast City Cemetery, Creation of a new visitor centre for the Belfast City Cemetery, PERMISSION GRANTED, 14.08.2018  LA04/2019/1929/F, Lands adjacent to the Whiterock Road and located at the City Cemetery exit point. Site boundary adjacent to an existing derelict stone building, Temporary re-location of existing Belfast City Council's City Cemetery Service Yard consisting of a new reinforced concrete slab, 5No. new steel storage containers, modular welfare facility, 3m perimeter fence and lighting and CCTV columns. Gates to vehicular and pedestrian access points. PERMISSION GRANTED. 13.03.2020.
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan
4.2	Draft Belfast Metropolitan Area Plan 2015 Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
4.3	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	Planning Policy Statement 6: Planning, Archaeology and The Built Heritage
4.4.1	Policy BH 8: Extension or Alteration of a Listed Building
<b>5.0</b>	<b>Statutory Consultees Responses</b> HED
<b>6.0</b>	<b>Non Statutory Consultees Responses</b> None
<b>7.0</b>	<b>Representations</b>

	The application has been neighbour notified on the 9 <sup>th</sup> November 2020 and advertised in the local press on the 30 <sup>th</sup> October 2020. No representations have been received.
<b>8.0</b>	<b>Other Material Considerations</b> None
<b>8.1</b>	<b>Any other supplementary guidance</b> None
<b>9.0</b>	<b>Assessment</b>
9.1	The proposal is considered to be in compliance with the development plan.
9.2	<p>Assessment</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> <li>• Design/Scale</li> <li>• Impact on listed building</li> </ul> <p>It is considered that the proposal is in compliance with SPPS in that the proposed development will not cause demonstrable harm to interests of acknowledged importance which are considered below.</p> <p><b>Design/Scale</b></p> <p>The design complies with the SPPS. The materials of the proposal are to match the existing wall and the existing coping stones will be re-laid on top. The proposed height of 3.6m is acceptable given existing sections of the wall are already at this height.</p> <p><b>Impact on listed building</b></p> <p>The boundary walls, piers, gates and railings at the entrance from the Whiterock Road are listed (Grade B2). HED have been consulted and had no objections. The materials are traditional and sympathetic to the existing wall and it is deemed the proposal will retain the character of the listed wall and complies with policy BH 8 of PPS 6.</p>
9.3	Having regard for the policy context and the considerations above, the proposal is deemed acceptable.
<b>10.0</b>	<b>Summary of Recommendation: Approval</b>
<b>11.0</b>	<p><b>Conditions</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Prior to commencement of works details shall be submitted and approved in writing by the Council in conjunction with HED of the accredited conservation professional who will oversee and certify the hereby approved works.</li> <li>3. Works shall be carried out fully in accordance with the Methodology described in Section 3.4 of the Design and Access Statement.</li> <li>4. All works, materials and finishes shall be as noted on the information provided.</li> <li>5. Vegetation removal, raking of joints &amp; repointing shall be carried out by hand or by tools held in the hand other than power-driven tools.</li> </ol>

	<p>6. New stone shall match existing rock-faced basalt rubble stone, laid to courses, and shall be bonded in lime, with no cementitious additives.</p> <p>Reason for conditions 2 to 6: to ensure that the materials and details used are of appropriate quality in the interests of maintaining the essential character and appearance of the listed asset and its setting, in compliance with PPS6 BH8 and BH11 &amp; SPPS para 6.12 &amp; 6.13.</p> <p>Informatives</p> <p>1. This application is linked to a Listed Building Consent under the reference LA04/2020/2018/LBC</p>

<p><b>Notification to Department (if relevant)</b></p>   
<p><b>Representations from Elected members:</b></p>     

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## Committee Report

Development Management Report	
<b>Application ID:</b> LA04/2020/2018/LBC	<b>Date of Committee:</b> Tuesday 15 <sup>th</sup> December 2020
<b>Proposal:</b> Alterations to a section of wall at the boundary between Whiterock Road and service yard, involving extending the height of the masonry wall to improve site security.	<b>Location:</b> Boundary Wall (northern boundary between Service Yard and Whiterock Road) Belfast City Cemetery Falls Road
<b>Referral Route:</b> Referral to the Planning Committee under Section 3.8.5 (c) of the Scheme of Delegation	
<b>Recommendation:</b> Approval	
<b>Applicant Name and Address:</b> Belfast City Council	<b>Agent Name and Address:</b> Alastair Coey Architects 96 Sydenham Avenue Belfast BT4 2DT
<p><b>Executive Summary:</b> Alterations to a section of wall at the boundary between Whiterock Road and service yard, involving extending the height of the masonry wall to improve site security.</p> <p><b>Area Plan</b> The proposal is for the alterations to a section of wall at the boundary between Whiterock Road and City Cemetery Service Yard, involving increasing the height of the masonry wall to improve site security. The increase in height varies depending upon the section of wall but is between approximately 0.7m and 1.0m to give a total height of 2.6m.</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> <li>• Impact on the listed wall</li> </ul> <p>The proposal is deemed to comply with the SPPS and PPS 6. The proposed development is considered acceptable with no adverse impacts on the listed wall. HED were consulted and had no objections with conditions.</p> <p>The application is brought before committee under section 3.8.5 (c) of the scheme of delegation as the application is made by the Council.</p> <p>Having had regard to the development plan, relevant planning policies, and other material considerations, it is determined that the proposal should be approved.</p> <p><b>Recommendation</b> The application is recommended for approval.</p>	

## Site Location Plan





<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b> Alterations to a section of wall at the boundary between Whiterock Road and service yard, involving extending the height of the masonry wall to improve site security.
<b>2.0</b>	<b>Description of Site</b> The site is on the boundary of the city cemetery adjacent to the Whiterock Road. The boundary wall is located adjacent to the entrance to the city cemetery from the Whiterock Road opposite the junction to Britton Parade.  The surrounding area is predominately residential with terrace buildings opposite the site as well as a children's play park and a GAA sports ground.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b> LA04/2018/1651/F, Belfast City Cemetery, Creation of a new visitor centre for the Belfast City Cemetery, PERMISSION GRANTED, 14.08.2018  LA04/2019/1929/F, Lands adjacent to the Whiterock Road and located at the City Cemetery exit point. Site boundary adjacent to an existing derelict stone building, Temporary re-location of existing Belfast City Council's City Cemetery Service Yard consisting of a new reinforced concrete slab, 5No. new steel storage containers, modular welfare facility, 3m perimeter fence and lighting and CCTV columns. Gates to vehicular and pedestrian access points. PERMISSION GRANTED. 13.03.2020.
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan
4.2	Draft Belfast Metropolitan Area Plan 2015 Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
4.3	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	Planning Policy Statement 6: Planning, Archaeology and The Built Heritage
4.4.1	Policy BH 8: Extension or Alteration of a Listed Building
<b>5.0</b>	<b>Statutory Consultees Responses</b> HED
<b>6.0</b>	<b>Non Statutory Consultees Responses</b> None
<b>7.0</b>	<b>Representations</b>
	The application has been advertised in the local press on the 23 <sup>rd</sup> October 2020. No representations have been received.
<b>8.0</b>	<b>Other Material Considerations</b> None

8.1	<b>Any other supplementary guidance</b> None
<b>9.0</b>	<b>Assessment</b>
9.1	The proposal is considered to be in compliance with the development plan.
9.2	<p>Assessment</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> <li>Impact on listed building</li> </ul> <p>It is considered that the proposal is in compliance with SPPS in that the proposed development will not cause demonstrable harm to interests of acknowledged importance which are considered below.</p> <p><b>Impact on listed building</b></p> <p>The boundary walls, piers, gates and railings at the entrance from the Whiterock Road are listed (Grade B2). HED have been consulted and had no objections. The materials are traditional and sympathetic to the existing wall and it is deemed the proposal will retain the character of the listed wall and complies with policy BH 8 of PPS 6.</p>
9.3	Having regard for the policy context and the considerations above, the proposal is deemed acceptable.
<b>10.0</b>	<b>Summary of Recommendation: Approval</b>
<b>11.0</b>	<p><b>Conditions</b></p> <ol style="list-style-type: none"> <li>The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.</li> </ol> <p>Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011.</p> <ol style="list-style-type: none"> <li>Prior to commencement of works details shall be submitted and approved in writing by the Council in conjunction with HED of the accredited conservation professional who will oversee and certify the hereby approved works.</li> <li>Works shall be carried out fully in accordance with the Methodology described in Section 3.4 of the Design and Access Statement.</li> <li>All works, materials and finishes shall be as noted on the information provided.</li> <li>Vegetation removal, raking of joints &amp; repointing shall be carried out by hand or by tools held in the hand other than power-driven tools.</li> <li>New stone shall match existing rock-faced basalt rubble stone, laid to courses, and shall be bonded in lime, with no cementitious additives.</li> </ol> <p>Reason for conditions 2 to 6: to ensure that the materials and details used are of appropriate quality in the interests of maintaining the essential character and appearance of the listed asset and its setting, in compliance with PPS6 BH8 and BH11 &amp; SPPS para 6.12 &amp; 6.13.</p> <p>Informatives</p>

	1. This application is linked to a full application under the reference LA04/2020/2089/F

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**Notification to Department (if relevant)**

**Representations from Elected members:**

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<b>Subject:</b>	Draft Information guide for Local Councils: Listed Buildings
<b>Date:</b>	15 <sup>th</sup> December 2020
<b>Reporting Officer:</b>	Keith Sutherland, Ext 3578
<b>Contact Officer:</b>	Dermot O'Kane, Ext 2293

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	Correspondence has been received from the Historic Environment Division (HED) of the Department for Communities (DFC), inviting the council to review and provide feedback on a draft guidance document proposed for councils in relation to the listed building process, entitled ' <i>Information guide for Local Councils: Listed Buildings</i> '.
<b>2.0</b>	<b>Recommendations</b>
2.1	Committee is requested to: <ul style="list-style-type: none"> <li>consider the suggested feedback set out in Appendix 1 and if appropriate support a response to the consultation that welcomes the proposed Guide on the basis of the comments being addressed in the final document; and</li> <li>note the contents of Appendix 2, which sets out the draft consultation document provided by HED</li> </ul>
<b>3.0</b>	<b>Main report</b>
3.1	The document in Appendix 2 is a draft of a guidance note for councils in relation to the listed building process which is welcomed both in terms of the early consultation and the provision of a guide to this aspect of heritage designations. HED have invited feedback or comments on this draft, or if additional information on any aspects contained within the document could be supplemented to provide a better understanding of the listed building and associated process.
3.2	The following points should be noted for clarity in respect of the draft documentation: <ul style="list-style-type: none"> <li>the final imagery has not been included in this early draft document</li> <li>shaded / highlighted text, included for drafting purposes by HED, should be ignored</li> <li>editing notes /instructions such as [<i>Heading</i>] or [<i>1.1</i>] and associated text should be ignored</li> </ul>
3.3	HED have requested that responses are returned by the 21 December 2020 and in addition

	<p>to comments Appendix 1 summarises each section of the draft document under the relevant headings contained in the Guide:</p> <ol style="list-style-type: none"> <li>1. <i>Why are buildings listed?</i></li> <li>2. <i>How are buildings listed?</i></li> <li>3. <i>Understand the criteria for listing</i></li> <li>4. <i>Objecting to a listing / de-listing proposal</i></li> <li>5. <i>Making changes to listed buildings</i></li> <li>6. <i>Further guidance and information</i></li> <li>7. <i>Case Study / Survey report example</i></li> </ol>
3.4	The suggested comments and recommendations that it is proposed would form the basis of a response to HED are also included within the text of Appendix 1. Where appropriate the comments include a reference to the specific area of the draft Guidance to which they relate.
3.5	<u>Financial &amp; Resource Implications</u> None
3.6	<u>Equality or Good Relations Implications</u> None
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<p><b>Appendix 1:</b> Summary and Comments on draft Information guide for Local Councils: Listed Buildings, December 2020</p> <p><b>Appendix 2:</b> <i>Draft Information guide for Local Councils: Listed Buildings</i></p>

## **Appendix 1: Summary and Comments on draft Information guide for Local Councils: Listed Buildings, December 2020**

Brief summary of each section

***Council comments in bold italics***

### 1. Why are buildings listed?

- Department for Communities has a statutory duty to protect buildings through listings;
- Listed buildings are man-made objects and structures designated as being of ‘special architectural or historic interest’ under Article 80(1) of the Planning Act (N.I.);
- Listing a building celebrates a buildings special architectural and historic interest;
- Listing brings it under the consideration of the planning system so that it can be protected for future generations;
- The listing of buildings began in N.I in 1974 known as the ‘First Survey’ and took over 20 years to complete. In 1996 the need for a ‘Second Survey’ was identified and is currently being progressed – buildings in the first survey are reviewed along with the identification of new buildings for listing.

### 2. How are buildings listed?

- Historic Environments Division (HED) within the Department for Communities consider a building through three main routes:
  - the ‘second survey’;
  - in response to a ‘listing query’; or
  - through a ‘thematic survey’
- An additional route is through the use of a ‘Building Preservation Notice (BPN)’ as defined under Article 81 of the Planning Act 2011.
- The power to serve a BPN transferred from the former DoE to District Councils in April 2015 and may be used by the council if it appears that a building is not listed but is of special architectural or historic interest; and is in danger of demolition or of alteration in such a way to affect its character.
- A BPN protects a building as if it were listed for a period of up to *six months*.
- HED may also request that the council serve a BPN if a building is at high risk of loss or alteration.

#### **Comment 1: In relation to Section 2.1, Page 3 of Appendix 2**

***It would be useful for the document to provide clarification in this section for scenarios whereby HED do not find a building to be of special architectural or historic interest under the listed criteria after the council have issued a BPN; in terms of costs incurred to developer / building owner and if the council may be liable for this? Experience has shown this to be a real consequence or occurrence and not only***

***when the council considers a BPN is appropriate, but also in situations where HED have requested the service of a BPN but still conclude that it does not meet the criteria for listing.***

- The steps that are taken in considering a building for listing (or delisting) are explained in detail.
- Under section 80(3) of the Planning Act (NI) 2011 HED are required to consult with local councils before including a building on the list or amending the list.
- Councils have six weeks to reply to the written consultation, and where a council does not reply or seek an extension of time within this period, then their support is assumed.

3. Understand the criteria for listing

- The key criteria for listing are architectural interest or historic interest. A building can be listed for either but in most cases it will have both. The overall test is that this interest must be considered special.

4. Objecting to a listing / de-listing proposal

- Where a council wishes to object to a proposal, HED will only consider the objection providing it is based on the criteria for listing, for example – any other reasons will not be considered.
- Examples are given of common reasons for objections which cannot be considered, including condition, personal circumstances, cost of repairs and future development proposals.

**Comment 2: In relation to Section 4.2, Page 6 of Appendix 2**

***For the purposes of balance, it would be helpful if HED could provide examples of the type and form of objections which may be considered as appropriate based on the criteria for listing.***

5. Making changes to listed buildings

- HED is the statutory consultee to Local Councils when determining Listed Building Consent Applications. It also advises on development within the setting of listed buildings. Links are provided to additional documents on this.
- Reference are included to SPPS and PPS6 policies BH7-11 & 15, which are noted as being relevant ‘until such times as Local Development Plans are adopted’.

**Comment 3: In relation to Section 5, Page 7 of Appendix 2**

***Links are provided to further guidance documents that cover the setting of listed buildings, which includes reference to “pink wash” indicators. It would, however, be more appropriate to include commentary and clarification within this document to guide or advise in respect of both aspects.***

***Previous engagement with the Department (HED) has highlighted the difficulties in defining ‘setting’***



*and thus making it a more subjective process in relation to where consultation with HED may be appropriate or anticipated. The ‘pink wash’ indicators are often incorrectly presumed to define a building’s setting.*

**Comment 4: In relation to Section 5, Pages 7 & 8 of Appendix 2**

*In this section HED should clarify that only the existing Planning Policy Statements would be replaced by the Council Local Development Plans when adopted. It should be clear that the Strategic Planning Policy Statement provisions will continue to be applied across all council areas. The sentence currently could be read as though both SPPS and PPS6 are only applicable until LDPs are adopted.*

6. Further Guidance and information

- Further links to guidance and information are provided in this section.
- Included within this is reference to the power for local councils to serve an Urgent Works Notice (under the Planning Act (N.I) 2011, on unoccupied listed buildings that have deteriorated to the extent that their preservation may be at risk.

**Comment 5: In relation to Section 6, Page 8 of Appendix 2**

*It appears anomalous that the Urgent Works Notice aspects of the legislation are only included as an ‘additional guidance link’, with the result that it may be easily overlooked or missed. Given that the process involves direct intervention by the Department or a Council in relation to a listed building, it would perhaps be more appropriate for this information to be provided in an earlier section in the same way that the Building Preservation Notice aspects have been covered within the document.*

7. Case Study/Survey report example.

- Helpful section showing the survey report and evaluations which councils receive when being consulted on a listing proposal or amendment.

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ALL NUMBERING OR TITLES IN BRACKETS [1] ARE FOR EDITING PURPOSES  
AND SHOULD NOT TO BE INCLUDED IN FINAL DOCUMENT

[DOCUMENT TITLE AND COVER]

# **Information guide for Local Councils: Listed Buildings**

[COVER TEXT 1] The Protection of Buildings of Special Architectural or Historic  
Interest – the Process of Listing

[INSIDE COVER TEXT 2] The Department for Communities (DfC), Historic  
Environment Division (HED) is the government department you should contact if you  
have any queries about listed buildings

This information guide has been created for Local Councils to explain the listing  
process

**IMAGE 01 – FRONT COVER – CAPTION: Rathlin East Light (Grade B+)**

## [SECTION 1 TITLE] 1. Why are buildings listed?

[1.1] In Northern Ireland, the Department for Communities has a statutory duty to protect buildings through listing (currently around 8,900 listed buildings in NI): “Listed Buildings” are those man-made objects and structures designated as being of ‘**special architectural or historic interest**’ under Article 80(1) of the Planning Act (NI) 2011, which gives the overall test for assessing a building for listing.

It states that: ‘The Department –

- (a) shall compile a list of buildings of special architectural or historic interest,
- and (b) may amend any list so compiled.

[1.2] Listing marks and celebrates a building's special architectural and historic interest, allowing us to highlight what is significant about a building. It also brings it under the consideration of the planning system, so that it can be protected for future generations. Buildings<sup>1</sup> are protected through listing throughout the world. The importance of legislative protection is also recognised by Historic England, Historic Environment Scotland, Cadw in Wales, and The Department of Culture, Heritage and the Gaeltacht in Ireland.

[1.3] ‘The List’ is a register recording all types of structures, ranging from grand houses and cathedrals to warehouses and small buildings.

The term ‘listed building’ refers to any building included in ‘the list’ and the following is also treated as part of the building:

- (a) Any object or structure within the curtilage of the building and fixed to the building
- and (b) Any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done since before 1 October 1973.

It is important to note that the listing covers the complete interior and exterior of the building.

Buildings included in this statutory list are divided into different grades: A, B+, B, B1 and B2. However, the statutory controls apply equally to all listed buildings, irrespective of grade.

[1.4] Statutory listing of buildings began in Northern Ireland in 1974. This was called the ‘First Survey’ and it took over 20 years to complete. In 1996, the need for a ‘*Second Survey*’ was identified. This is being progressed on a systematic area basis, where buildings that were listed in the First Survey are reviewed, as well as other buildings being identified for listing.

[1.5] DfC has a statutory duty to consult with the Historic Buildings Council and the Local Council before including a building on a list or amending the list.

**IMAGE 02 – CAPTION: The Ashby Institute, South Belfast (Grade B+)**

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<sup>1</sup> The term ‘Buildings’ also encompasses listed structures such as telephone kiosks, pumps, bridges, railway signals etc.

## [SECTION 2 TITLE] 2. How are buildings listed?

[2.1] The following steps explain what happens at each stage of the listing process (refer to <https://www.communities-ni.gov.uk/publications/listing-process-buildings>):

**Initial decision to determine if a survey is required:** HED will decide to investigate if a building is worthy of listing as a result of three normal routes: the 'Second Survey', in response to a 'Listing Query' or through a 'Thematic Survey'.



**Choice of 'Route':** The 'Second Survey' ([www.communities-ni.gov.uk/publications/information-guide-2nd-survey-historic-buildings-listed-historic-buildings-northern-ireland](http://www.communities-ni.gov.uk/publications/information-guide-2nd-survey-historic-buildings-listed-historic-buildings-northern-ireland)) is the most holistic and efficient method to carry out surveys as it is systematic and area-based.

'Listing Queries' ([www.communities-ni.gov.uk/articles/nominating-building-listing-northern-ireland](http://www.communities-ni.gov.uk/articles/nominating-building-listing-northern-ireland)) are progressed to a full survey only after an initial investigation has been carried out to assess if it is worthy of further research.

'Thematic surveys' are carried out to record a specific building 'type' eg. thatched buildings and water pumps etc.

Another route to potential listing is through the use of a 'Building Preservation Notice' (BPN). This power was transferred from DoE to District Councils in April 2015. A BPN is defined under Article 81 of the Planning Act 2011. It 'may' be issued if: '... it appears to the Council that a building which is not a listed building -

- (a) is of special architectural or historic interest; and
- (b) is in danger of demolition or of alteration in such a way as to affect its character as a building of such interest'.

This protects a building, as if it were listed, for a period of up to six months.

If a building is considered to be at high risk of loss or significant alteration then HED will advise the District Council, providing details on the case and requesting that they consider serving a BPN:

[www.planningni.gov.uk/index/advice/northern\\_ireland\\_environment\\_agency\\_guidance/practice\\_guide\\_-\\_building\\_preservation\\_notice\\_complete-2.pdf](http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/practice_guide_-_building_preservation_notice_complete-2.pdf)



**The Survey:** The survey is carried out by HED surveyors (or their contractor) and consists of a written internal and external description, historical research and photographs. An evaluation of the architectural and/or historic value of the structure is made relative to the Criteria for Listing. Understanding this criteria is vital in appreciating what 'special architectural or historic interest' means – refer to Section 3 for more detail and Section 7 for a typical survey report.



**Evaluation Meeting:** A forum of Conservation Architects and Architectural Historians meets to evaluate the survey against the listing criteria and form a 'proposal' to list the building.



**Consultation:** Under Section 80(3) of the Planning Act (NI) 2011, the Department is required to consult with the Historic Buildings Council (HBC) and the Local Council before including a building on a list or amending The List. Formal consultation papers are normally issued simultaneously to these consultees. As a matter of routine, HED presents listing proposals to the HBC. The owner and the District Council's planning section are also advised of the Department's intention at the same time. While there is no statutory obligation to consult owners, they are kept informed throughout the process and are sent copies of the listing report along with an advisory note to (a) help them to confirm its accuracy and (b) to increase their understanding of the case being made for listing and alleviate any concerns. Representation from these groups is considered by the Department before a final decision is made. The Department can only take into consideration representation against the Criteria for Listing, and for no other reason; refer to Section 4. DfC gives district councils six weeks to reply to the written consultation. If they do not reply or seek an extension of time within the 6-week period, then their support for the proposal is assumed.



**Evaluation of Consultation:** Representations received may involve a detailed reconsideration of the proposal, provided the case is based upon the Criteria for Listing. As a result further research could be commissioned at this stage. The record may then be updated.



**Delays in the listing process:** In rare circumstances, the processing of a record may have been delayed after the consultation period. If the time since consultation exceeds twelve months, the owner/occupier will receive a further reminder notice of the Department's intention to list, and therefore be given the opportunity to present any new information with regard to the listing. The record is then assessed to evaluate whether this information may affect the proposal to list. The scale of any change to the record may require the building to be re-surveyed, re-evaluated against the listing criteria and/or for HBC and the district council to be re-consulted.



**Preparation of Listing Papers:** The legal listing papers are prepared, the extent of listing is checked on site (including the listing map) and the report is checked and finalised.



**Departmental Consideration:** The Director of HED is the delegated officer who acts on behalf of the Department to authorise and to sign off legal papers. The Director is presented with the proposal, consisting of the statutory listing schedule for signature, the recommendation for listing, a summary of the various consultation responses and any other correspondence on the case. In rare occasions the Director may consult further with other senior Departmental colleagues in cases that are high profile or particularly sensitive.

The Director may decide that there is insufficient information or may disagree with the proposal. In this case he may request that further research is carried out and/or the proposal re-evaluated by the Forum of Conservation Architects.

The Director may, in exceptional circumstances, overrule the view of the Architect's Forum and decide that a case for listing has not been made, or that some modification of the recommendation is required.



**Amendment of the List:** The Director's signature means the final decision to list or de-list has been made, and the list is formally amended. The Departmental Seal is affixed to the new list entry and a record is placed on, or modified at, Land Registry. Under Section 245 of the Planning Act, an entry in a list compiled under Section 80 must be registered in the 'Statutory Charges Register' of the Land Registry. As required under Article 80(4) the District Council is issued with a copy of the amendment to the list for its area. The owner receives a formal notification of the decision regarding the designation.

The survey record is also transferred onto the DfC website (NI Buildings Database: [www.communities-ni.gov.uk/services/buildings-database](http://www.communities-ni.gov.uk/services/buildings-database)), for public information purposes. Information on the interior of private buildings is withheld to respect owner's privacy rights and other security considerations.

'The list' is held on public access in the Historic Environment Register of Northern Ireland (HERoNI): ([www.communities-ni.gov.uk/topics/historic-environment/historic-environment-record-northern-ireland-heroni](http://www.communities-ni.gov.uk/topics/historic-environment/historic-environment-record-northern-ireland-heroni)), and deposited in the Public Record Office (PRONI).

IMAGE 03 – CAPTION: Portrush Railway Station (Grade B1). This was the first Listed Building in Northern Ireland, listed in March 1974

### [SECTION 3 TITLE] 3. Understand the Criteria for Listing

[3.1] The general principles that the Department applies when deciding whether a building is of special architectural or historic interest are set out in the '**Criteria for the Scheduling of Historic Monuments and the Listing of Buildings of Special Architectural or Historic Interest, with associated procedures**' published 03 June 2019: <https://www.communities-ni.gov.uk/publications/criteria-scheduling-historic-monuments-and-listing-buildings-special-architectural-or-historic>.

The key criteria for listing are, therefore, architectural interest or historic interest. A building can be listed for either criteria but in most cases it will have both. The *overall* test is that this interest must be considered 'special'.

[3.2] **Architectural Interest** is understood to encompass a broad spectrum which ranges from style, character and ornamentation to internal plan form and functionality. Also important are examples of particular building types and techniques used in their construction. Where buildings have been changed over time (as many

have) it is the consideration of its current architectural interest that is important, rather than what it may have been like in the past.

[3.3] **Historic Interest** is understood to encompass a broad spectrum which ranges from age and rarity, through the amount of historic material left in a building, to its importance as a historic structure, and to the stories, historical events and people associated with the building. It is important that associations are linked in a clear and direct way to the fabric of the building if they are to be regarded as major grounds for listing. Aspects of social, economic and cultural history revealed by the building may also be considered important.

**Architectural Interest Criteria:**

Criterion A	Style
Criterion B	Proportion
Criterion C	Ornamentation
Criterion D	Plan form
Criterion E	Spatial organisation
Criterion F	Structural system
Criteria H+ & H-	Alterations
Criterion I	Quality and survival of interiors
Criterion J	Setting
Criterion K	Group value

**Historic Interest Criteria:**

Criterion R	Age
Criterion Z	Rarity
Criterion S	Authenticity
Criterion T	Historic Importance
Criterion V	Authorship
Criterion Y	Social, cultural or economic importance
Criterion U	Historic Associations

**Architectural and Historic Interest Criteria:**

Criterion W	Northern Ireland/ International interest
Criterion X	Local interest

## [SECTION 4 TITLE] 4. Objecting to a listing / de-listing proposal

[4.1] Should the local council wish to object to a proposal for listing or de-listing, HED will **only** consider an objection if it is based on the Criteria for Listing. **Any other reasons** for objecting will not be considered.

[4.2] Below are some common reasons for objections received by the Department. None of these can be taken into consideration when considering listing / de-listing as they are not based on the Criteria for Listing:

- **Condition:** The condition of a building is not taken into account.
- **Personal circumstances:** Personal circumstances cannot be taken into consideration.
- **Perceived negative effect on property prices:** Whilst no statistical research has yet been completed in Northern Ireland, UK-wide investigation shows that listing has had no impact on the property value of period homes.
- **Cost of repairs:** Regular maintenance should be no more costly than looking after any building, and should save on repairs in the long run. In terms of materials, for example historic timbers used in sliding sash windows are of superior quality compared to modern timber and it is often less costly to repair the windows than replace them.
- **Future development proposals:** The impact of listing on future planning considerations, such as development proposals, cannot be considered.



Please note a building will not normally be considered for listing by the Department once planning permission which will affect its special architectural or historic interest has been granted and is still valid, or while works which have received such planning permission are under way.

- **And any other reason which is not based on the Criteria for Listing will not be considered**

[4.3] Relevant HED guidance (see links in Section 6):

- 'Owning or buying a listed building – myths and queries' which outlines common misconceptions about listing and sets out the facts (*in progress*)
- 'Making a de-listing application' (*in progress*)

## **[SECTION 5 TITLE] 5. Making changes to Listed Buildings**

HED is a statutory consultee to Local Councils when determining Listed Building Consent applications. It also advises on development within the setting of listed buildings, which is specifically protected.

*Relevant guidance* (see links in Section 6):

- Historic Environment Advice and Guidance in the Planning Process: [www.communities-ni.gov.uk/articles/historic-environment-advice-and-guidance-planning-process](http://www.communities-ni.gov.uk/articles/historic-environment-advice-and-guidance-planning-process)
- Guidance on Setting and the Historic Environment: [www.communities-ni.gov.uk/publications/guidance-setting-and-historic-environment](http://www.communities-ni.gov.uk/publications/guidance-setting-and-historic-environment)
- Guidance on making changes to Listed Buildings: Making a better application for listed building consent: [www.communities-ni.gov.uk/publications/guidance-making-changes-listed-buildings-making-better-application-listed-building-consent](http://www.communities-ni.gov.uk/publications/guidance-making-changes-listed-buildings-making-better-application-listed-building-consent)

**IMAGE 04 – CAPTION: Arcadia, Portrush (Grade B2).**

The circumstances in which HED is consulted on applications are set out in the Planning Act (Northern Ireland) 2011 and are further explained in the 'Consultation Guide: A guide to consulting HED on development management applications': [www.communities-ni.gov.uk/publications/consultation-guide-guide-consulting-hed-development-management-applications](http://www.communities-ni.gov.uk/publications/consultation-guide-guide-consulting-hed-development-management-applications).

Listing does not prohibit future proposed work; all listed buildings can be adapted for future use and can be altered in an appropriate manner, where the 'special interest' or 'significance' of the building is retained. Understanding the special interest helps inform and assist in the decision-making process.

Proposals are assessed against the Strategic Planning Policy Statement ([www.planningni.gov.uk/index/policy/spps\\_28\\_september\\_2015-3.pdf](http://www.planningni.gov.uk/index/policy/spps_28_september_2015-3.pdf)) and Planning Policy Statement 6: Planning, Archaeology and the Built Heritage (PPS 6), policies BH7–11 & 15, until such time as Local Development Plans are adopted:

[www.planningni.gov.uk/index/policy/planning\\_statements\\_and\\_supplementary\\_planning\\_guidance/pps06.htm](http://www.planningni.gov.uk/index/policy/planning_statements_and_supplementary_planning_guidance/pps06.htm).

## **[SECTION 6 TITLE] 6. Further guidance & information**

- For all HED guidance visit: [www.communities-ni.gov.uk/topics/historic-environment/listed-buildings](http://www.communities-ni.gov.uk/topics/historic-environment/listed-buildings)
- Development Management Practice Note 05 Historic Environment (Sept 2017) <https://www.planningni.gov.uk/index/advice/practice-notes/dmpn05-historic-environment.pdf>
- The most recent changes to the List of Buildings of Special Architectural or Historic Interest: <https://www.communities-ni.gov.uk/publications/changes-list-buildings-special-architectural-or-historic-interest>
- 'Owning or buying a listed building – myths and queries' (*in progress*)
- 'Making a de-listing application' (*in progress*)
- Under the Planning Act (NI) 2011, Local Councils can serve an Urgent Works Notice on unoccupied listed buildings, or the unused part of occupied listed buildings, that have deteriorated to the extent that their preservation may be at risk. Costs for this work can be reclaimed from the owner.  
Refer to: 'Urgent Works Notices – a good practice guide for District Councils': <https://www.communities-ni.gov.uk/sites/default/files/publications/communities/hed-urgent-works-notices.pdf>

## **[SECTION 7 TITLE] 7. Case study / survey report example**

When reading a survey report, the best way to understand the 'special interest', or the 'significance' of the building, is to read the 'evaluation' (currently located near the end of the survey report - highlighted in red below. Note: The layout of survey reports is currently under review, with plans to relocate the statement to the beginning).


This short, factual statement summarises the building's architectural and/or historic importance, as well as its development over time. It makes an objective and informed assessment of the relative merits or 'significance' of aspects or features of the building or group of buildings. It draws together and supports the reasons for a recommendation to list or not to list, and is based on the Criteria for Listing.

[start this report at top of page like this to avoid the 'front page' running over 2 pages]

Historic Environment Division – Protecting Historic Buildings  
Historic Building Details

HB05/16/022

(Available on request. Web database report does not currently display photographs)

<b>Address</b> South Light Rue Point Rathlin Island Co. Antrim	<b>HB Ref No</b> HB05/16/022
<b>Extent of Listing</b> Lighthouse and 29no. Metal posts on approach	
<b>Date of Construction</b> 1920 - 1939	
<b>Townland</b> Roonivoolin	
<b>Current Building Use</b> Light House/ Navigation Mark	
<b>Principal Former Use</b> Light House/ Navigation Mark	

<b>Conservation Area</b>	No	<b>Current Grade</b>	B1	<b>OS Map No</b>	03/16
<b>Industrial Archaeology</b>	Yes			<b>IG Ref</b>	D1505 4724
<b>Vernacular</b>	No	<b>Date of Listing</b>	25/05/2017	<b>IHR No</b>	03711:000:00
<b>Thatched</b>	No	<b>Date of Delisting</b>			
<b>Monument</b>	No	<b>Delisted/Relisted</b>	Not Required	<b>SMR No</b>	
<b>Area of Townscape Character</b>					
<b>Local Landscape Policy Area</b>				<b>HGI Ref</b>	
<b>Historic Gardens Inventory</b>					
<b>Derelict</b>	No				

**Owner Category**

**Building Information**

**Exterior Description and Setting**

South (or Rue Point) Lighthouse is a four-stage octagonal concrete lighthouse dating from 1921. It is accessed down a grassy/concrete footpath from the end of the public road down the E side of the island. On its final approach to the lighthouse, the path becomes a slightly raised concrete footpath as it crosses the rocks. Along one side of it is a modern plastic/wire handrail supported on regularly-spaced painted original metal posts.

The four-stage 35ft high octagonal concrete tower sits on a low concrete platform cast directly on top of the rocky foreshore. Each stage is delineated by a shallow string course and alternately painted black and white to give a banded effect. The base of the tower is slightly advanced and painted black.

Flat concrete roof with two-bar metal handrail around. A low parapet runs atop a plain cornice around the edge of the roof, on which is mounted a two-bar metal handrail. There are small rectangular openings in the parapet for rainwater run-off. An omni-directional light rises 17ft from the centre of the roof (no protective lantern). It makes two white flashes every five seconds and has a range of 14 nautical miles (16.1 miles). A small radio aerial sits beside it.

The landward (N) cant has a vertical metal ladder up to a cantilevered concrete platform in front of a sheeted timber door (with small louvered ventilator) at stage 2 level (stage 1 being GF). The top of the ladder can be pulled out to facilitate access to the outer end of the platform. The doorway is flanked to each side by a projecting curved metal handrail. Above the doorway is a window opening at stage 4 level. It has slightly advanced jambs and horizontal stucco head; the string course doubles as its cill. There are identical window openings at this stage to the E, S and W cants. All four opes have been blanked off and are painted black.

Just SE of the lighthouse is a low concrete platform on which was originally mounted a fog gun. It was reused between 1917 and 1921 for a temporary light whilst the present one was being constructed.

#### Setting:

The lighthouse is located on the wave-swept rocky shore at the very SE tip of Rue Point, the southern-most extremity of Rathlin Island. The access track down to it passes a modern single-storey standby block housing a back-up electricity generator (grid D1511 4738). This building is aligned NE-SW and has a pitched roof with painted eaves boards and boxed eaves; no rainwater goods. Cement-rendered walls and flat-headed painted t&g door to NE gable and modern one-pane window (with shallow concrete cill) to NW elevation. The SW gable is blank. A galvanised metal ventilation duct and pipe project from its SE elevation.

Concrete floor platforms in the vicinity of this building indicate the positions of the wooden huts, one of which was used by the keepers until the site was demanned in the mid-1900s. The other housed two diesel engines for generating electricity.

On its final approach to the lighthouse, the path becomes a slightly raised concrete footpath as it crosses the rocks. Along one side of it is a modern plastic/wire handrail supported on regularly-spaced painted original metal posts.

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#### Architects

Scott, Charles William

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#### Historical Information

The present lighthouse at Rue Point is one of three on Rathlin Island and the last to have been erected; the East Light was the first in 1856, followed by the West Light in 1919. The present structure dates from 1921 and replaced a previous one of 1915.

The original Rue Point lighthouse was a temporary structure erected by the Board of Trade on behalf of the Admiralty following a petition from the Londonderry Chamber of Commerce in 1914. It was first exhibited on 19 November 1915. It was augmented by an adjoining acetylene-powered fog gun from 12 April 1917.

A storm in November 1917 washed the temporary light away, so a replacement was erected on the fog gun platform.

It was not until 1920 that the Board of Trade began the construction of the present permanent lighthouse. It was probably designed by Charles William Scott, Engineer to Commissioners of Irish Lights from 1900 to 1930. It was completed the following year and had an acetylene lamp and fog gun on its roof. The gas was generated by an internal calcium carbide plant (when water is added to the carbide, inflammable acetylene gas is produced). As there was no room for them in the actual lighthouse, the two men who apparently looked after the lighthouse were accommodated in a wooden hut on less exposed ground to NE.

The lighthouse is first shown on the 1922 OS map, being captioned "Southern Lighthouse (white light flashing)".

The fog gun proved unreliable and was withdrawn on 1 January 1931; it was subsequently transferred to Barr Point, at the entrance to Larne Lough.

On 9 October 1955 the acetylene lamp was replaced with an electric one which was monitored from the East Light. The electricity was supplied by batteries located inside the lighthouse. They were recharged using electricity generated by a diesel engine housed in a building some 160m NE.

On 25 March 2004, a new optic was installed.

Since the inception of the National Grid cable from the mainland in 2008, the batteries powering the light have been recharged using mains electricity rather than a diesel engine. However, an emergency back-up generator is still maintained in a purpose-built standby block in the vicinity of where the previous generating station once stood.

References - Primary Sources:

1. PRONI: OS/6/1/1/4. Fourth edition OS 1:10,560 map, Co Antrim sheet 1 (1922).

References - Secondary Sources:

1. Forsythe W. & McConkey R. 2012. An Archaeological Survey of a Maritime Landscape, pp 305-307 and 444-445 (Belfast: Northern Ireland Environment Agency).

2. Commissioners of Irish Lights website, <<http://www.cil.ie/safety-navigation/our-lighthouses/rue-point.aspx>>.

3. Irish Architectural Archive, Dictionary of Irish Architects, 1720-1940, <[http://www.dia.ie/architects/view/6517/SCOTT-CHARLESWILLIAM#tab\\_biography](http://www.dia.ie/architects/view/6517/SCOTT-CHARLESWILLIAM#tab_biography)>.

4. Mr Noel McCurdy, Irish Lights' Attendant, Rue Point Lighthouse (1 June 2015).

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**Criteria for Listing**

Architectural Interest	Historical Interest
A. Style	X. Local Interest
B. Proportion	Y. Social, Cultural or Economic Importance
C. Ornamentation	R. Age
J. Setting	S. Authenticity
K. Group value	T. Historic Importance
	V. Authorship

**Evaluation**

The small size and shape of this structure makes for an unusual style of lighthouse compared with most others, which are taller, wider, and round. The painted horizontal banding also accentuates its distinctive appearance. Its fabrication in concrete reflects its post World War 1 date (dressed masonry was the norm before this) Its setting, at sea level on exposed wave-swept rocks, underscores its purpose in warning passing ships of the presence of Rue Point.

The fabric of this structure is completely authentic. It is the last of the three lighthouses to have been built on the Island; the others are East Light (HB05/16/010A) and West Light (HB05/16/016). Until the recent inception of GPS navigation, it was also of social and economic importance in safeguarding passenger and cargo ships passing between Rathlin and Fair Head en route to and from Britain. Finally, it is also of local interest, most probably designed by Charles William Scott.

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**General Comments**

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**Monitoring Notes – since Date of Survey**

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Date of Survey	04/03/2015
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[SIDE BY SIDE IMAGES]:

IMAGE 05 – BACK COVER – CAPTION: Edward VII Post Box, Ulsterville Avenue, Belfast (Grade A).

IMAGE 06 – BACK COVER – CAPTION: ‘K6’ Telephone kiosk, Waring Street, Belfast (Grade B2).

*“Supporting people, Building communities, Shaping places”*

Historic Environment Division  
Ground Floor  
9 Lanyon Place | Town Parks | Belfast  
BT1 3LP

Tel: 028 9081 9226 / 028 9081 9212  
Email: [hed.secondsurvey@communities-ni.gov.uk](mailto:hed.secondsurvey@communities-ni.gov.uk)  
Web: [www.communities-ni.gov.uk/topics/historic-environment](http://www.communities-ni.gov.uk/topics/historic-environment)

end



<b>Subject:</b>	Performance and Improvement Update
<b>Date:</b>	15 December 2020
<b>Reporting Officer:</b>	Aidan Thatcher, Director of Planning & Building Control
<b>Contact Officer(s):</b>	Ed Baker, Planning Manager (Development Management) Helen Richmond, Business Support Officer

<b>Restricted Reports</b>	
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"/>

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

<b>1.0</b>	<b>Purpose of Report and Summary of Main Issues</b>
1.1	The purpose of this report is to provide Members with an update on performance and improvement in relation to the Council's Planning Service.
<b>2.0</b>	<b>Recommendation</b>
2.1	The Planning Committee is asked to note the report.

<b>3.0</b>	<b>Main Report</b>
	<u>Background</u>
3.1	The Planning Committee receives periodic updates on performance and improvement. Given the need to prioritise business continuity during the pandemic, this has not happened over recent months. This report therefore provides an update to Members on performance and improvement to date for 2020/21.

3.2

The Planning Service has responded positively to the challenges presented by COVID-19 and is currently fully operational save for the office being closed to the public, which is a corporate decision. This means that the hard copy planning register is currently unavailable to view by customers, however planning applications continue to be accessible online and alternative arrangements are being made for the public to view applications as and when required. The Council is actively encouraging new applications and amended plans to be submitted by email as it is both quicker and more efficient than hard copies. The Duty Planner service is operating remotely.

Performance

3.3

Development Management performance has inevitably been affected by COVID-19, which has presented a range of challenges. The Planning Service has adapted very well and introduced a number of changes including:

- Development of new processes and roll out of IT to support remote working;
- External and internal face-to-face meetings conducted through video conferencing;
- Staff working in the office on a part-time rota basis;
- Promotion of email application and Pre Application Discussion submissions;
- Specific COVID-19 risk assessments for office working and site visits; and
- Temporary virtual Planning Committees.

3.4

The Planning and Building Control followed corporate guidance and a number of planning staff were furloughed in June and July.

3.5

Regular updates have been provided to customers both directly and on the planning pages of the Council’s website on the availability of services.

3.6

Inevitably, there has been an impact on performance since the pandemic began earlier in the year with the total number live planning applications on hand having increased as shown in the table below, reflective of processing delays. Planning applications peaked at 1,217 but have been reduced by 100 to 1,117 live applications. Enforcement complaints had risen to over 550 but these have since lowered to pre-lockdown levels.

	February 2020	Current	% Difference
Planning applications	872	1,117	+28%
Enforcement cases	475	476	+0.2%

3.7

Importantly, the Planning Service has introduced a number of successful changes and performance has been improving over recent months with increased decisions and the total number of live applications and enforcement cases falling.

3.8

Members will be aware that planning performance is subject to three statutory indicators:

- Average time for processing Major applications (target 30 weeks);
- Average time for processing Local applications (target 15 weeks);
- % of enforcement cases concluded within 39 weeks (target 70%).

3.9

2020/21 performance for the year to October is shown in the table overleaf. Performance for the same point last year is also provided so that current performance can be compared with a “normal” year.



	Major decisions (volume)	Major performance (30 weeks)	Local decisions (volume)	Local performance (15 weeks)	Enf Cases Closed	Enf Performance (70%)
<b>2019/20</b>	17	37.2	1,046	13.8	457	93%
<b>2020/21</b>	<b>20</b>	<b>37.6</b>	<b>613</b>	<b>20.6</b>	<b>255</b>	<b>72%</b>

3.10	Major applications account for a very small percentage of overall applications (1%) and due to this, their scale and generally longer processing time, performance for Major applications has been similar when compared to the same point in the previous year. In fact, whilst average processing times are about the same, the number of decisions has actually increased over 2019/20.
3.11	Inevitably, Local applications – which make up 99% of all applications – have been impacted the most. The pandemic has understandably resulted in a decrease in application decisions and increase in average processing times. As previously mentioned, performance has been steadily improving over recent months and this trend is expected to continue following the introduction of new streamlined processes.
3.12	Performance in Enforcement has also been impacted by COVID-19 with the number of cases closed having fallen compared to the same point last year. The percentage of cases closed within 39 weeks has also reduced, although is still within the statutory target.  <u>Improvement</u>
3.13	Officers last provided the Planning Committee with an update on the Planning Improvement Plan in September 2019. A further update was due to be reported to Members in March this year, however, this did not take place due to the pandemic.
3.14	Despite the challenges around COVID-19 and substantial focus on ensuring business continuity during this time, the Planning Service has been able to progress the improvement programme across several key areas, including: <ul style="list-style-type: none"> <li>• Supporting the design, configuration and implementation of the replacement Planning Portal for Northern Ireland;</li> <li>• Participating in the Department for Infrastructure's review of the planning system including improving the role of statutory consultees in the application process and review of the NI planning legislation;</li> <li>• Updates to the Planning Service <i>Application Checklist</i> – improving information requirements for outline applications and telecommunication applications; and additional information to help support the assessment of Employability and Skills;</li> <li>• Publishing new online forms for submitting applications for a Discharge of Condition, Non Material Change and Prior Application Notice (PAN);</li> <li>• Improving processes around the handling of telecommunication applications;</li> <li>• Publication of an internal <i>Consultation Checklist</i> which provides guidance to officers on who should be consulted and when on planning applications and PADs;</li> <li>• Introducing an internal intranet Monitoring Form for capturing key information about planning application outcomes including new residential permissions and commercial floor space (to support Plan-making and policy development);</li> <li>• Publication of an <i>Annual Monitoring Report</i> in relation to financial contributions secured through Section 76 planning agreements; and</li> <li>• Commencement of the redesign of the Planning Enforcement function in line with internal audit recommendations.</li> </ul>

	<b><u>Project to replace the NI Planning Portal</u></b>
3.15	Members will be aware that there is a highly important ongoing project to replace the NI Planning Portal – the public interface that customers use to find out about and comment on planning applications; and back-office IT system that the Planning Service uses to process planning applications, enforcement cases and regional property certificates. Officers last provided a formal update to the Planning Committee on this project on 21 July 2020.
3.16	Members will recall that a contract was awarded in June 2020 to replace the current NI Planning Portal with a Commercial Off The Shelf System (COTS) with some local configuration, shared by 10 councils and the Department for Infrastructure (only Mid Ulster Council withdrew from the project and they will be procuring their own system).
3.17	The new IT system is planned to go live from December 2021 and Belfast City Council will be part of the first wave implementation.
3.18	To date, planning staff have contributed to 32 “Discovery” workshops to further refine the requirements of the new IT system following agreement of the specification earlier this year. Moving forward, staff will support a series of 40 “Sprints” to design and configure different aspects of the new system. This will have a not insignificant impact on staff time but is critical to supporting the project. The Council’s own project team continues to meet regularly to oversee implementation from a Belfast City Council perspective. The Planning Service maintains a strong and close working relationship with the Department, which is leading the regional project, both through the Planning Portal Governance Board and regular 121 meetings between the BCC and Departmental project managers.
3.19	Further updates on the implementation of this critical project will be provided at key junctures over the next 12 months.
<b>4.0</b>	<b><u>Finance and Resource Implications</u></b>
4.1	Given the economic impact of the the pandemic and general uncertainty, there has been a 17% decrease in the number of new applications and PADs submitted to the Council’s Planning Service over the past year, from 1,977 at the same point last year to 1,642 in 2020/21 to date. This has resulted in a loss of projected fee income. In recent months there has been a steady increase in new applications received but this is not expected to recover the income lost at the beginning of the year.
<b>5.0</b>	<b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b>
5.1	There are no equality or good relations implications associated with this report.
<b>6.0</b>	<b>Appendices</b>
	None.



<b>Subject:</b>	Programme of Planning Committee Training Workshops
<b>Date:</b>	15 December 2020
<b>Reporting Officer:</b>	Aidan Thatcher, Director of Planning & Building Control
<b>Contact Officer(s):</b>	Ed Baker, Planning Manager (Development Management) Keith Sutherland, Planning Manager (Plans & Policy)

<b>Restricted Reports</b>	
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"/>

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

<b>1.0</b>	<b>Purpose of Report and Summary of Main Issues</b>
1.1	The purpose of this report is to provide Members with an updated programme of Planning Committee Training Workshops (see <b>Appendix 1</b> ). The Planning Committee is asked to agree the revised programme.
<b>2.0</b>	<b>Recommendation</b>
2.1	The Planning Committee is asked to agree the updated programme of Planning Committee Training Workshops at <b>Appendix 1</b> for the period January 2020 to February 2022.

<b>3.0</b>	<b>Main Report</b>
3.1	In February 2020, the Planning Committee agreed a revised programme of Planning Committee Training Workshops to support Members' continuous development. However, the training programme was postponed due to the pandemic.

3.2	An updated training programme is provided at <b>Appendix 1</b> and is proposed to recommence in January 2021. It is intended that the first workshop will be on transport issues with DFI Roads (originally scheduled for March 2020) subject to their availability.
3.3	The Planning Committee is asked to agree the updated programme of Planning Committee Training Workshops.
3.4	<b><u>Finance and Resource Implications</u></b> The preparation of training workshops, including attendance by officers, will have some impact on resources but is considered value for money. Where appropriate, the Planning Service may choose to appoint outside professionals or agencies to lead or participate in the training, which may result in additional costs.
3.5	<b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b> There are no equality or good relations implications associated with this report.
<b>4.0</b>	<b>Appendices</b>
	<b>Appendix 1</b> – proposed programme of Planning Committee Training Workshops

## DRAFT Planning Committee Continuous Development Training Programme

January 2021 – February 2022

Committee	Workshop Topics
January 2021	<b>Transportation Issues</b> / Access / Transport / Green Travel Measures (including car clubs) <i>(subject to confirmation of attendance by DFI Roads to be confirmed)</i>
February 2021	<b>Development Management</b> / Process / Decision Making / Appeals
March 2021	<b>Reviewing the Planning Committee Protocol</b>
April 2021	<b>Update on Independent Examination</b> and next steps / <b>SPG</b> Practical Example and work through with Committee
June 2021	<b>Performance (2020/2021 Year End) / Improvement</b>
August 2021	<b>Urban Design and Conservation</b> / Policy / Good Design / Conservation Areas and Areas of Townscape Character
September 2021	<b>Developer Contributions</b> / Legislation / Regional Policy / Developer Contribution Framework / Governance
November 2021	<b>Performance (2021/2022 Q1 + Q2) / Improvement</b>
December 2021	<b>No Workshop Meeting</b>
January 2022	<b>No Workshop Meeting</b>
February 2022	<b>Planning Conditions and Planning Agreements</b> / 6 tests for conditions / Model / Conditions / Section 76

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