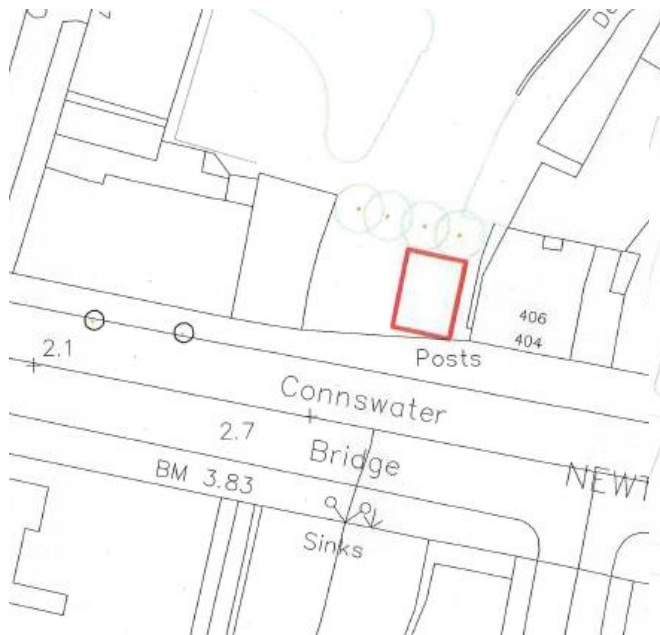


Development Management Officer Report Committee Application

Summary	
Application ID:	Committee Meeting Date: 16 th April 2024
Proposal: Renewal of planning permission LA04/2021/0791/F for temporary single storey timber structure	Location: 402 Newtownards Road, Belfast, BT4 1HH
Referral Route: Belfast City Council is the landowner	
Recommendation: Approval subject to conditions	
Applicant Name and Address: East Side Property Avalon House 278-280 Newtownards Road Belfast BT4 1HE	Agent Name and Address: Donald McCrory DOUG Works McBride House London
<p>Executive Summary: This application was submitted on 06/03/2023 and seeks permission for the renewal of planning approval LA04/2021/0791/F for the construction of a timber structure at CS Lewis Square prior to its expiry on 21/03/2023.</p> <p>The key issues for consideration of the application are set out below.</p> <ul style="list-style-type: none"> • Design and placemaking • Access and transport • Flood risk and drainage • Open Space • Trees <p>The site is within the Development limit of Belfast and within an un-zoned area of “white land” within the BUAP and within the draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014) as commercial node/ area of parking restraint.</p> <p>The pavilion has been constructed on the existing square leaving the paving intact and exposed. The development offers shelter to users of C.S Lewis Square and passing through via the Connswater Greenway. The retention of this structure would not detract from the public space and surrounding area including the Connswater Greenway.</p> <p>Rivers Agency were consulted in relation to the proposal and have no objections to its renewal.</p> <p>The application has been neighbour notified and advertised in the local press. No representations have been submitted.</p> <p>Having regard to the development plan, relevant planning policies, and other material considerations, it is recommended that the proposal should be approved.</p> <p>Recommendation Having regard to the development plan and other material considerations, the proposal is considered acceptable on balance. It is recommended that planning permission is granted subject to conditions.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions.</p>	

1.0 DRAWINGS AND IMAGERY

1.1 Site Location Plan:



1.2 Site layout



<p>2.0 2.1</p>	<p>Characteristics of the Site and Area The site is approximately 74 sq.m in size. The application site is a paved area of open space located between the visitor's centre and the neighbouring Boots chemist, in view of the Newtownards Road. The surrounding area is predominantly commercial with the Connswater Greenway to the north of the site.</p>
<p>3.0</p>	<p>Planning Policy and Other Material Considerations</p>
<p>3.1</p>	<p>Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035</p>
<p>3.2</p>	<p>Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p>
<p>3.3</p>	<p>Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p>
<p>3.4</p>	<p>Relevant Planning History</p> <ul style="list-style-type: none"> LA04/2018/0593/F - Temporary single storey open timber structure. Permission granted 27.04.2018. Conditioned for a limited period of 18 months, to expire on 15th November 2019 and be removed in its entirety. LA04/2018/1390/NMC - Non material change ref LA04/2018/0593/F. NMC Granted.

	<ul style="list-style-type: none"> LA04/2019/2412/F - Renewal of planning approval LA04/2018/0593/F for single storey timber structure. Permission Granted 31.01.2020 for 18 months and expire on 31/07/2021 LA04/2021/0791/F - Renewal of planning approval LA04/2019/2412/F for single storey timber structure. Permission Granted 22/09/2021 for 18 months, expires on 21/03/2023.
4.0	Consultations and Representations
4.1	<p><u>Statutory Consultees</u></p> <ul style="list-style-type: none"> DFI Rivers – Content subject to conditions <p>Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the equivalent policies in the Plan Strategy are either the same or sufficiently similar to not require the consultees to re-evaluate the proposal in the context of the Plan Strategy.</p>
4.2	<p><u>Representations</u></p> <p>The application has been advertised in the newspaper and neighbours notified. No third party representations have been received.</p>
5.0	PLANNING ASSESSMENT
5.1	Development Plan Context
5.2	Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
5.3	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
5.4	The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.
5.5	Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
5.6	Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.
5.7	<p>Relevant Planning Policies</p> <p>The following policies in the Plan Strategy are relevant to consideration of the application.</p>

	<p><u>Belfast Local Development Plan, Plan Strategy 2035</u> Policy DES1 – Principles of urban design Policy TRAN 2 – Creating an accessible environment Policy ENV4 – Flood Risk Policy OS1 – Protection of open space Policy TRE1 – Trees</p> <p><u>Supplementary Planning Guidance</u> Placemaking and Urban Design Planning and Floodrisk</p>
5.8	<p>Key Issues The key issues relevant to consideration of the application are set out below.</p> <ul style="list-style-type: none"> • Design and placemaking • Access and transport • Flood risk and drainage • Open Space • Trees
5.9	<p><u>Principle of development in this location</u> The site is located within the development limit in the Belfast Urban Area Plan 2001 and both versions of the draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014). The site is also designated as white land within the BUAP 2011, the site is zoned as a commercial node/ parking restraint in draft Belfast Metropolitan Plan 2015 (v2004 and v2014). The presumption is therefore in favour of development subject to planning considerations detailed below.</p>
5.10	<p><u>Design and placemaking</u> The proposal has been assessed against the SPPS, and Policy DES1 of the Plan Strategy. Policy DES1 promotes good placemaking, high quality design and the importance of proposals responding positively to local context addressing matters such as scale height, massing, proportions, rhythm, and materials avoiding any negative impact at street level.</p> <p>Policy DES1 states that planning permission will be granted for new development that is of a high quality, sustainable design that makes a positive contribution to placemaking and goes onto list 11 criteria, a. to k. The scale and massing of the structure sits comfortably with the overall character of this area. The proposal is in compliance with policy DES1.</p>
5.11	<p><u>Access and transport</u> Policy TRAN2 states that planning permission will be granted for development that is open to the public where it is designed to provide suitable access for all. The proposal will maintain pedestrian/cyclist connectivity to and from the Newtownards Road through C.S Lewis Square from the Connswater Greenway. The proposal is in compliance with Policy TRAN2.</p>
5.12	<p><u>Flood risk and drainage</u> The application site is located within the flood plain. Policy ENV4 states that planning applications in flood risk areas must be accompanied by an assessment of the flood risk in the form of a Flood Risk Assessment (FRA). The proposal represents a planning</p>

<p>5.13</p> <p>5.14</p>	<p>exception as it is a minor development within an area protected by flood defences. The proposal is an open structure which would not impede the flow of water. DfI Rivers Agency was consulted on the submitted flood risk assessment and offer no objection to the retention of the existing structure. The proposal is in compliance with Policy ENV4.</p> <p><u>Protection of Open Space</u> Policy OS1 states that the council will support the retention and improvement of existing open space. The structure retains the area of open space and serves a practical function providing shelter to users of the open space. The retention of the structure would not result in the loss of the open space. The proposal is in compliance with Policy OS1.</p> <p><u>Trees</u> Policy TRE1 promotes the protection of existing trees from new development and there will be a presumption in favour of retaining and safeguarding trees that make a valuable contribution to the environment and amenity. A line of four oak trees lies directly behind the structure. The structure has been positioned to avoid the canopy of these trees and it is considered that it will not have a detrimental impact on them. The proposal satisfies Policy TRE1.</p>
<p>6.0</p> <p>6.1</p> <p>6.2</p> <p>6.3</p> <p>6.4</p>	<p>Recommendation</p> <p>Having regard to the policy context and other material considerations including the previous history on site, the proposal is considered acceptable and planning permission is recommended subject to conditions.</p> <p>The three previous approvals on site for the existing wooden structure have demonstrated that the development would not cause harm to the surrounding character and appearance of the area, open space, trees or flood risk if it were to remain a permanent structure.</p> <p>It is recommended that planning permission is granted.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions.</p>
<p>7.0</p>	<p>DRAFT CONDITIONS</p> <p>Retrospective planning permission This planning permission has effect from the date which the development hereby approved was carried out.</p> <p>Reason: As required by Section 55 of the Planning Act (Northern Ireland) 2011.</p> <p>Existing trees to be retained All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any existing or new trees or planting indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.</p> <p>Reason: In the interests of visual amenity.</p>

