

Development Management Officer Report	
Application ID: LA04/2023/4616/F	Committee Date: 18 th June 2024
Proposal: Installation of glazed box to enclose existing external seating area	Location: NICOS, 54 Lisburn Road, Malone Lower, Belfast, BT9 6AF
Applicant Name and Address: Nicos Lisburn Road Ltd 54 Lisburn Road Belfast BT9 6AF	Agent Name and Address: Diana Thompson 4 College House Citylink Business Park Belfast BT6 9FP
Referral Route: Section 3.8.5 (f) of the Scheme of Delegation – objection received from a statutory consultee and the recommendation is to approve.	
Recommendation: Approval subject to conditions.	

Executive Summary:

The application seeks full planning permission for the installation of a glazed extension to the front of an existing terrace property, to enclose an external restaurant seating area.

The key issues to be considered are:

- The principle of development
- The impact on the character and appearance of the draft Area of Townscape Character
- The impact on the setting of nearby listed buildings
- Impact on amenity and adjacent uses
- Highway safety

The site is within the draft Lower Lisburn Road Area of Townscape (ATC) in draft BMAP. There are Listed terraces nearby on the same side of the road and on the opposite side of the road both to the south-west.

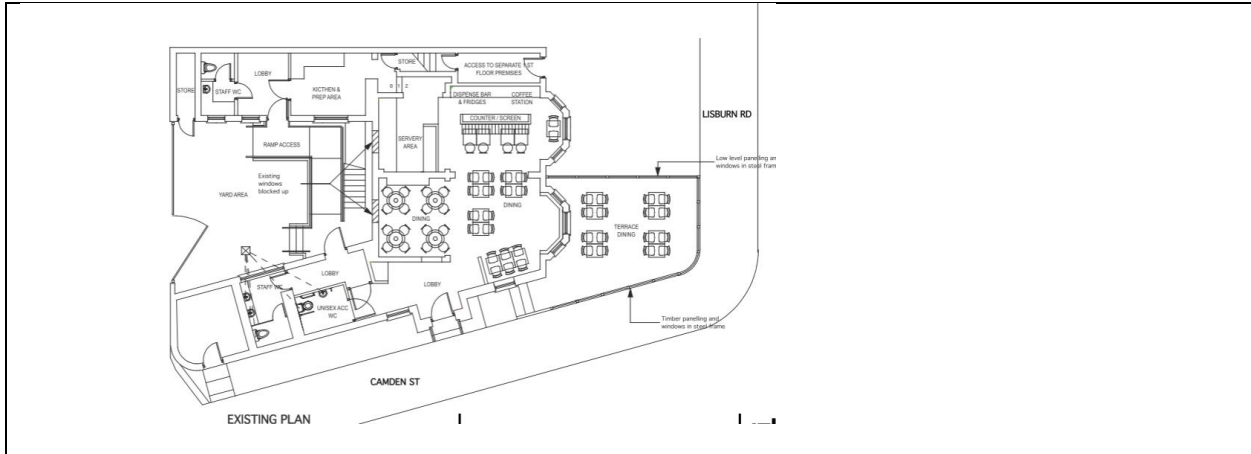
DfC HED raises concerns about the impact of the proposal on both nearby Listed terraces. Internal conservation advice is concerned about the location and design of the extension and that it would be harmful to the draft ATC. DFI Roads raises no objections.

In view of the location of the extension which terminates the end of the terrace next to the junction with Camden Street, the semi-commercial character of the terrace, changing context of this part of Lisburn Road with planning permission having been granted for the iReach healthcare buildings next to the site, together with the importance of the proposal in supporting the existing restaurant business, it is recommended that a temporary 3 year permission is granted. This will allow opportunity for the impact of the proposal to be reviewed.

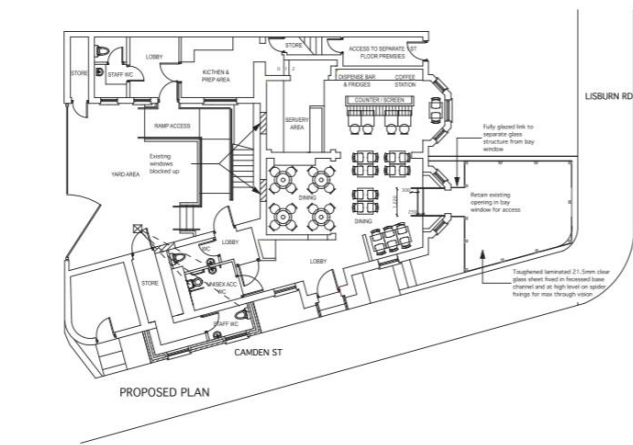
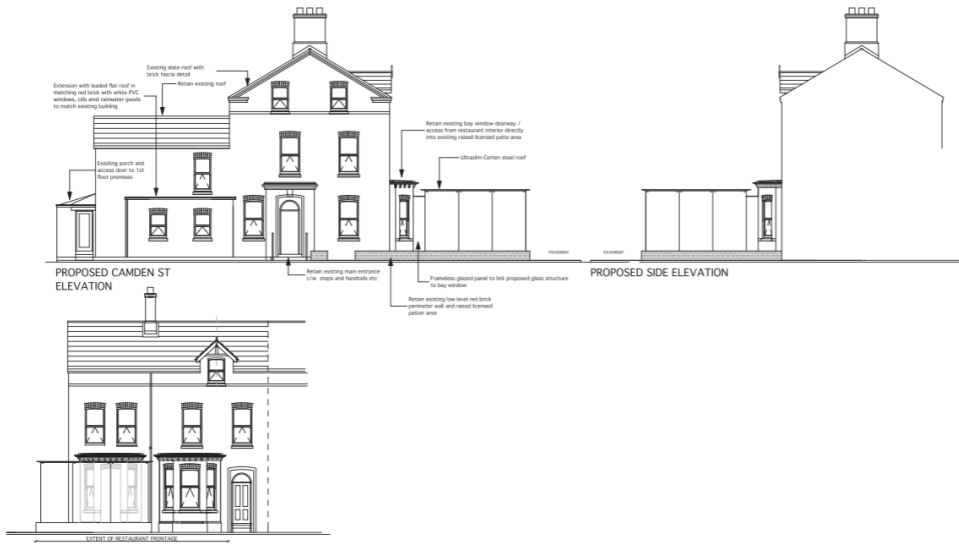
Recommendation

Having regard to the development plan and other material considerations, the proposal is considered acceptable on a temporary 3 year period in order that the impact of the proposal can be fully assessed. It is recommended that planning permission is granted on a temporary basis, subject to conditions.

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



Proposed Elevations & Plans



Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The application seeks full planning permission for the erection of a glazed extension to the front of an existing terrace property, to enclose an external seating area.
2.0	Characteristics of Site and Area
2.1	The application site is located at 54 Lisburn Road, Belfast. The building forms the corner site on an end terrace at the junction of Lisburn Road and Camden Street. It is finished in red brick, with white UPVC windows. The ground floor of the property is currently occupied by Nico's Restaurant. The current frontage onto the Lisburn Road is an enclosed unauthorised roofed seating area made up of glazing panels and windows set atop a low red brick wall. The main access to the restaurant is via a door located on Camden Street which is to the side of the premises. The restaurant façade onto Lisburn Road occupies 2 bay windows of the terrace.
2.2	The site is located outside the bounds of the City Centre boundary, within the designated Queens Office Area and within the Lower Lisburn Road Area of Townscape Character and Area of Parking Restraint, as designated within the draft Belfast Local Development Plan 2015.
2.3	The adjoining buildings are a mix of commercial businesses in the form of beauty salon, dentist and office accommodation with residential properties to the rear (east) of the premises. Belfast City Hospital faces the site to the west and Radius Housing blocks sit opposite on the other side of Camden Street.
2.4	There are a number Listed Buildings in the locality to the south of the proposal site on both sides of the road. One the same side of the road are Nos. 68-72 Lisburn Road. These buildings are currently in use as a doctors surgery and offices. No's 68 & 70 are Grade B1 (HB26/28/042/ A-B) and No. 72 is Gade B (HB26/28/042/ C). There is also a listed terrace across the street from the proposal site, Nos. 77-95 Lisburn Road, formerly known as Wilmont Terrace. These buildings are currently used as offices by Belfast City Hospital. This terrace is in its entirety Grade B1 listed (HB26/28/030 A-J).
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	Application Number: Z/2009/0856/F Proposal: Change of use from offices to coffee shop/bistro at ground floor level Decision: Permission Granted Decision Date: 21 September 2009
3.2	Application Number: Z/2014/0105/F Proposal: Alteration of front bay window to create disabled access. Decision: Permission Granted Decision Date: 15 April 2014

3.3	<p>Application Number: LA04/2015/0414/A Proposal: Shop signs Decision: Consent Granted Decision Date: 16 September 2015</p>
3.4	<p>Application Number: LA04/2018/2836/A Proposal: 2 no. banner advertisements fixed to side elevation and advertisements affixed to front fencing. (Retrospective) Decision: Consent Refused Decision Date: 15 April 2019</p>
3.5	<p>Application Number: LA04/2021/2117/F Proposal: Proposed roofed terrace area to front of building and single storey side extension. A temporary one-year permission was granted until February 2023. Decision: Permission Granted Decision Date: 21 February 2022</p>
4.0	Policy Framework
4.1	<p>Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035</p> <ul style="list-style-type: none"> • Policy DES1 – Principles of Urban Design • Policy BH1 – Listed Buildings • Policy BH3 – Areas of Townscape Character • Policy TRAN6 – Access to Public Roads • Policy ENV1 – Environmental Quality
4.2	Sensitive Uses Supplementary Planning Guidance
4.3	<p>Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p>
4.4	<p>Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p>
4.5	<p>Other Policies Belfast Agenda</p>
5.0	<p>Statutory Consultations</p>
5.1	<p>DfC Historic Environment Division – objection.</p> <p>HED considers that the proposal would have an adverse impact on the setting of the listed terrace across the street from the proposal site. Under the previous temporary approval they were content with a front extension, having regard to the Covid pandemic and the need for social distancing. However, they are now of the opinion that permanent construction would set a harmful precedent to the setting of the listed building. HED agrees with the BCC conservation advice that the proposal contradicts</p>

5.2	<p>the rythmn of the terrace and obstructs views Southwest along the Lisburn Road towards the listed Wilmont Terrace.</p> <p>Dfl Roads – No Objection</p>
<p>6.0 6.1</p>	<p>Non-Statutory Consultations</p> <p>Conservation Advice Belfast City Council – objection.</p> <p>Internal conservation advice states that a glazed enclosure is contextually inappropriate and would create an alien form plot structure. They consider that the proposal would visually obscure one of the key features of the ATC, that being the terraces that front and enclose its street space. They also state that the proposal would be disruptive of serial ground level views and rhythm of the canted bay windows. They state that a permanent structure would be visually disruptive and would disrupt permeability between public space and the building.</p> <p>Conservation advice comments that additional seating could be accommodated through an extension in the rear yard area, or by using removable umbrellas, although acknowledge this would not be viable during periods of inclement weather.</p>
7.0	<p>Representations</p> <p>None received</p>
8.0	<p>Development Plan Context</p>
8.1	<p>Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p>
8.2	<p>Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.</p>
8.3	<p>The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.</p>
8.4	<p>Operational Polices</p> <p>The Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed at paragraph 4.1.</p>

8.5	<p>Proposals Maps</p> <p>Until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations, and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.</p>
9.0	<p>ASSESSMENT</p>
9.1	<p>The key issues to be considered are:</p> <ul style="list-style-type: none"> • Principle of development • Impact on the character and appearance of draft Area of Townscape Character • Impact on the setting of nearby listed buildings • Impact on amenity and adjacent uses • Highway safety <p>Principle of development</p>
9.2	<p>The application is seeking planning permission for the installation of an enclosed/covered seating area to the front of the property. This structure proposed under this application is an amendment to the previous temporary approved development, granted a one-year permission in February 2022 to February 2023. A covered glazed extension was constructed but not in accordance with the temporary approval. It remains in situ pending the outcome of this application.</p>
9.3	<p>The proposal covers a floorspace area of approximately 24sqm, a reduction of 4sqm from the previous structure which covered an approximate ground floor area of 28sqm. The proposal measures approximately 5.7m from the bay window of the existing property towards the road and approximately 5.5m in width at the front of the extension with a finished height of approximately 3m set atop a low set brick wall of approximately 0.4m in height. Toughened glass sheet enclosure of frameless glazed panels with a slimline Corten steel roof is proposed.</p>
9.4	<p>Planning approval granted under Z/2009/0856/F allowed for the change of use from offices to coffee shop/bistro at ground floor level. The use of the premises as a restaurant is therefore established. It is acknowledged that the outdoor seating to the front of the property has been well established as Google maps shows the raised area in existence since April 2010 with seating in place March 2011 and is therefore immune from enforcement.</p>
9.5	<p>Under LA04/2021/217/F, planning permission was granted for a single storey side extension and retrospective permission for the outdoor covered seating area. The single-storey side extension has not yet been implemented on site. The retrospective planning approval for the covered seating area was granted for a temporary period of 1 year, however, the outdoor covered seating area to the front was already in place but was not the same as what was on the approved plans.</p>

	<p>The temporary condition read:</p> <p>‘The roofed enclosure hereby permitted over the outdoor seating area to the front of the building as shown on drawing no’s 04 Rev 1 and 05 Rev 1 shall be removed and the land restored to its former condition on or before the 18th February 2023.</p> <p>Reason: The development has only been granted temporary permission because the proposal further detracts from the character and setting of the area.’</p> <p>9.6 The reasoning given for the temporary permission was that the covered seating area to the front of the building was contrary to policy, however, in light of the COVID-19 pandemic and the need for social distancing, the Council was prepared to grant a temporary approval for this structure.</p> <p>9.7 The temporary structure was required to be removed by February 2023 but remains on site pending consideration of the current application, which seeks permission for an alternatively designed roofed restaurant seating area.</p> <p>The impact on the character and appearance of draft Area of Townscape Character</p> <p>9.8 The site is within the draft Lower Lisburn Road Area of Townscape Character (designation BT 042) in the draft Belfast Metropolitan Area Plan 2015.</p> <p>Policy DES1 – Principles of Urban Design states that:</p> <p><i>‘Planning permission will be granted for new development that is of a high quality, sustainable design that makes a positive contribution to placemaking by:</i></p> <ul style="list-style-type: none"> • <i>Responding positively to local context and character through architecture and urban form that addresses matters such as height, scale, massing, proportion, plot width, building lines, rhythm, roofscape, materials and any impact on built and natural heritage; and</i> • <i>Positively reinforcing a sense of place by demonstrating that locally distinctive features have been identified, incorporated and enhanced where appropriate’</i> <p>9.9 Policy BH3 – Areas of Townscape Character states that planning permission will be granted within an ATC where:</p> <ul style="list-style-type: none"> • ‘The area’s overall character is maintained or enhanced and built form is respected by way of height, scale, form, materials and detailing; • There is no detrimental impact on the setting of the area and there is no significant loss of key views within, into and out of the ATC; • Locally distinctive features are retained or reinstated where possible; and • Sympathetic materials are used that respects surrounding buildings.’
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9.10	<p>The proposed extension would be located in a prominent position at the front of the terrace to the south side of Lisburn Road. Some of the terrace properties in this rank are in commercial use and the proposed front extension would be consistent with the terrace's largely commercial character. Nevertheless, the front extension would be prominent and harmful to a degree to the character and appearance of the terrace and wider area, although it is not considered that there would be significant loss of views within, into and out of the draft ATC.</p>
9.11	<p>The extent of impact would be partly mitigated by the materials and design, which are considered to be more lightweight and permeable in nature compared to the previous temporary permission. The proposed glass structure would be set out from and below the canted bay window roof as opposed to the previous approval and as such the architectural quality of the bay window in relation to the wider terrace would not be negatively affected as it would still be visible. As a result, distinctive features of the terrace have been considered and incorporated.</p>
9.12	<p>Regard is had to the location of the premises at the termination of the end of the terrace and next to the junction of Camden Road. Regard is also had to the recent planning permission for the iReach health care buildings next to the site and either side of Lisburn Road (LA04/2023/3778/F), which would be of significant scale. If built out, this would further change the character and appearance of this part of Lisburn Road to the extent that may accommodate the proposed extensions in a less impactful manner.</p> <p><i>Other material considerations:</i></p>
9.13	<p>The applicant has submitted a Planning Statement in support of the application. Included in this is a supporting statement from the accountants for the business and a letter of support from a local MLA. The statement sets out the basis of the previous approval, the revised proposal under consideration in this application with relevant policy consideration. The statement from the accounts of the business state that the area of floorspace in question in this application, accounts for 40% of the overall business turnover and as such to withhold permission would have an adverse impact on the sustainability of the business.</p>
9.14	<p>A further response from the agent in reply to internal conservation advice has also been received. This statement sets out reasoning why the suggestions from the internal conservation advice to extend the rear yard area for additional seating or to use removable parasols at the front terrace would not be viable options going forward.</p>
9.15	<p>Having regard to these factors, it is considered to grant a temporary three-year permission to ascertain the full extent of the impact of the proposal. This would also allow opportunity for the neighbouring iReach development to be constructed and the proposal viewed in that context.</p>
<p>Impact on the setting of nearby Listed Buildings</p>	
9.16	<p>Policy BH1 – Listed Buildings, states that planning permission will be granted for new development affecting the setting of listed buildings where the following criteria are met:</p>

	<p>'a. The development is sympathetic to the essential characteristic, scale, height, massing and alignment of the listed building by way of its scale, form, materials and detailing;</p> <p>b. The development does not result in the significant loss of key views of the listed building;</p> <p>c. The nature of the use proposed respects the character of the setting of the building;</p> <p>d. The development does not have a detrimental impact on the setting of the listed building;'</p>
9.17	<p>There are two Listed terraces close to the site: one on the same side of the street and one across the road from the site. The proposal would be viewed from the listed buildings across the road and vice versa. These two sites are not linked or attached in any way. The listed buildings on the same side of the road as the proposal site are separated by Fitzwilliam Street and a terrace of seven buildings which adjoin the proposal site. The listed building opposite at No.77 Lisburn Road has an unsympathetic glass block extension to the side, which makes the proposed extension less out of character than it might have been.</p>
9.18	<p>HED considers that the proposal would have an adverse impact on the setting of both Listed terraces. Under the previous temporary approval HED was content with a front extension, having regard to the Covid pandemic and the need for social distancing. However, they are now of the opinion that permanent construction would set a harmful precedent to the setting of the listed buildings. HED agrees with the BCC conservation advice that the proposal contradicts the rhythm of the terrace and obstructs views south-west along the Lisburn Road towards the listed Wilmont Terrace.</p>
9.19	<p>However, officers consider that the glazed and lightweight design of the proposed extension would help mitigate the impact on the setting of the two separate listed terraces. Regard is also had to the changing context of this part of Lisburn Road with the iReach development granted permission adjacent the site, as discussed above.</p>
9.20	<p>Whilst not fully compliant with Policy BH1, for the reasons stated previously, it is considered appropriate to grant a temporary permission to ascertain the full extent of the impact on the setting of the Listed Buildings.</p>
	<p>Impact on amenity and adjacent uses</p>
9.21	<p>The proposal represents a slight decrease in seating numbers to the seating area from what was previously granted temporary approval. Environmental Health was content with the proposal under the previous application (LA04/2021/2117/F). As this proposal would be a reduction in seating numbers, it is deemed that there would be no intensification in the use of the site and as such there are no unforeseen unacceptable impacts on amenity of any adjacent residential properties or indeed adjacent uses.</p>
9.22	<p>The use of this outdoor seating area has been ongoing for a number of years and no representations have been brought forward on the proposal in opposition. The adjacent uses of the other properties on the terrace which include a beauty salon and dentist, are deemed compatible with this proposal.</p>

<p>9.24</p> <p>9.25</p>	<p>Road safety</p> <p>The proposal is located at a corner junction of two streets. The structure extends out from the front of the property facing Lisburn Road and extends out in front of the side elevation of the property facing Camden Street. Although not specifically an access proposal, Policy TRAN6 is relevant in that the proposal could interfere with visibility at an existing road junction.</p> <p>Access to the site is pedestrian only and the proposal abuts the public footpath. DfI Roads was consulted and offers no objection to the proposal from a road safety perspective. Access to the development would be considered safe and the proposal would not prejudice road safety or significantly inconvenience road users at this location.</p>
<p>10.0</p> <p>10.1</p> <p>10.2</p>	<p>Summary of Recommendation</p> <p>Having regard to the development plan and other material considerations, the proposal is considered acceptable on a temporary 3 year period in order that the impact of the proposal can be fully assessed. It is recommended that planning permission is granted on a temporary basis, subject to conditions.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and deal with any other matters which may arise.</p>
<p>11.0</p>	<p>DRAFT CONDITIONS</p> <p>1. The front glazed box extension hereby approved shall be removed and the land and building restored to its previous condition within three years of the date of this planning permission.</p> <p>Reason: A temporary three year permission has been granted in order that the Council can assess the full impact of the extension on the draft Area of Townscape Character and setting of Listed Buildings and having regard to the changing context of this part of Lisburn Road with the largescale iReach healthcare buildings granted permission adjacent the site.</p>

ANNEX	
Date Valid	20/12/2023
Date First Advertised	05/01/2024
Date Last Advertised	N/A
Details of Neighbour Notification (all addresses)	
<p> 1 CAMDEN STREET MALONE LOWER BELFAST ANTRIM BT9 6AT 1A CAMDEN STREET MALONE LOWER BELFAST ANTRIM BT9 6AT 1B CAMDEN STREET MALONE LOWER BELFAST ANTRIM BT9 6AT FLAT 1 3 CAMDEN STREET MALONE LOWER BELFAST ANTRIM BT9 6AT FLAT 2 3 CAMDEN STREET MALONE LOWER BELFAST ANTRIM BT9 6AT FLAT 3 3 CAMDEN STREET MALONE LOWER BELFAST ANTRIM BT9 6AT 56 LISBURN ROAD MALONE LOWER BELFAST ANTRIM BT9 6AF 1 STEWART HOUSE 54 LISBURN ROAD MALONE LOWER BELFAST ANTRIM 1ST & 2ND FLOOR OFFICES STEWART HOUSE 54 LISBURN ROAD MALONE LOWER BELFAST 3 STEWART HOUSE 54 LISBURN ROAD MALONE LOWER BELFAST ANTRIM </p>	