

# Planning Committee

## Development Management Report

Summary	
<b>Application ID:</b> LA04/2021/2839/F and LA04/2022/0071/LBC	<b>Committee Date:</b> 21 <sup>st</sup> April 2026
<b>Proposal:</b> Proposed change of use from offices to 17no. 1 bedroom and 2no. 2 bedroom apartments with alterations to rear facade and dormers.	<b>Location:</b> 29-32 College Gardens Belfast BT9 6BT
<b>Referral Route:</b> 3.8.2 (a) (i) a representation has been received which conflicts with the Planning Officer's recommendation.	
<b>Recommendation:</b> Approval subject to conditions and Section 76 Planning Agreement.	
<b>Applicant Name and Address:</b> PK Murphy Developments Ltd 1 Sluggan Road Pomeroy Dungannon BT70 2UP	<b>Agent Name and Address:</b> APS Architects Unit 4 Mid Ulster Business Park Cookstown BT80 9LU
<b>Date Valid:</b> 13 <sup>th</sup> December 2021	
<b>Target Date:</b> 28 <sup>th</sup> March 2022	
<b>Contact Officer:</b> Ciara Reville, Principal Planning Officer (Development Management)	
<p><b>Executive Summary:</b></p> <ul style="list-style-type: none"> <li>• Principle of Development</li> <li>• Affordable housing</li> <li>• Housing Density</li> <li>• Housing Mix</li> <li>• Adaptable and Accessible Accommodation</li> <li>• Design and Placemaking</li> <li>• Impact on Listed Building</li> <li>• Climate change</li> <li>• Residential Quality and Impact on Amenity</li> <li>• Access and transport</li> <li>• Environmental Protection</li> <li>• Flood risk and Drainage</li> <li>• Waste-water infrastructure</li> <li>• Waste management</li> <li>• Natural heritage</li> <li>• Section 76 Planning Agreement</li> </ul> <p>The site is located within the Fitzwilliam HMA as designated within the Belfast HMO Subject Plan (2015).</p> <p>The application site is located at No. 29-32 College Gardens. The site is comprised of a large office building formed through the merging of four terrace buildings each comprised of three stories with two bays finished in red brick. Each of the buildings contains a three storey rear return. To the front</p>	

and rear of the building are large areas of hardstanding providing parking. Nos. 29-32 are all listed under the reference HB26/28/022 (C to F).

The application seeks full planning permission for a change of use from offices to 17no. 1 bedroom apartments and 2no. 2 bedroom apartments with alterations to the rear façade and dormers. The alterations to the rear are to create communal spaces while dormers are provided to the front and rear.

A Listed Building Consent has been submitted under the reference LA04/2022/0071/LBC for the alterations required to the building to facilitate the change of use.

The principle of housing in this location is considered acceptable. The proposed design is considered to enhance the Conservation Area and the re-use of the Listed Building is welcomed.

One representation has been received and is addressed within the report.

There are no objections from consultees.

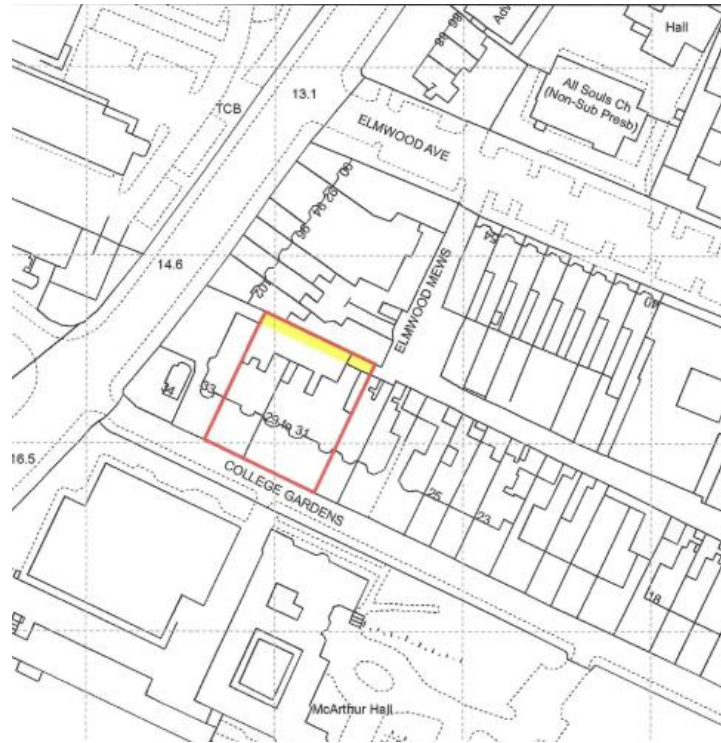
### **Recommendation**

Having regard to the Development Plan and material considerations, it is recommended that planning permission is granted, subject to conditions.

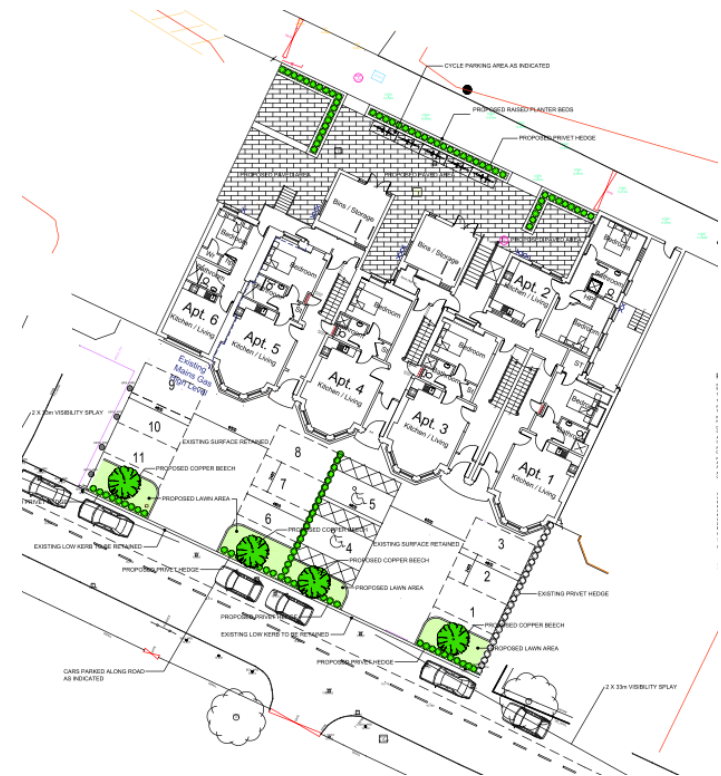
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions, the Section 76 Planning Agreement and any other issues that may arise, provided that they are not substantive.

# DRAWINGS AND IMAGERY

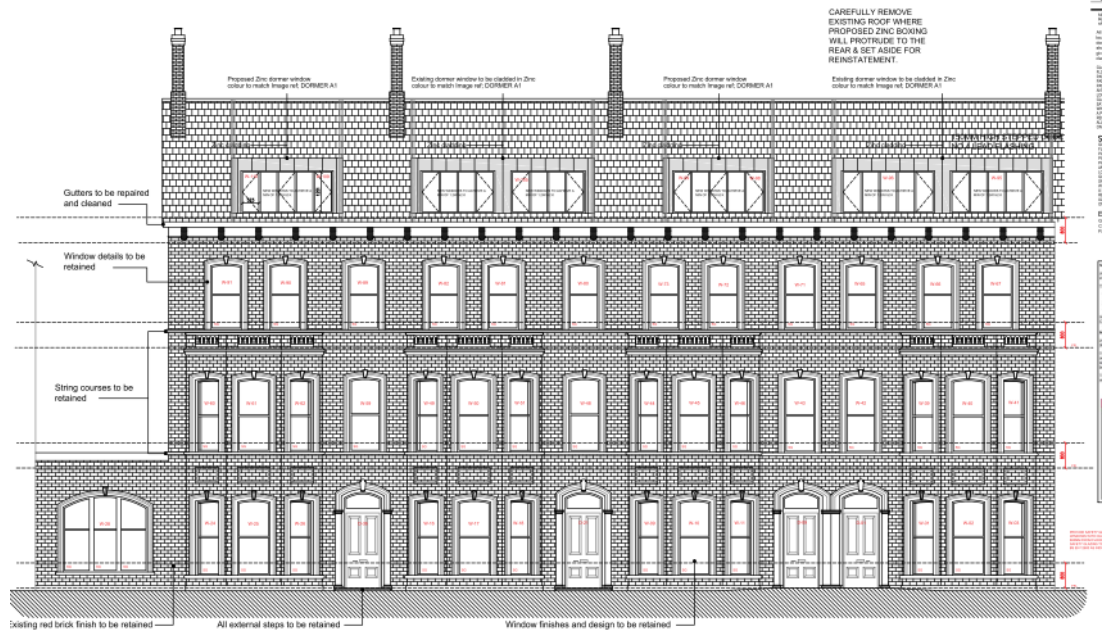
## Site Location Plan:



## Proposed Block Plan



## Proposed Front Elevation:



PROPOSED FRONT ELEVATION

All traditional and sympathetic building materials & techniques to be used.  
All external repairs, render, plaster & mortars are to be in lime.  
Natural Welsh roof slates should be specified to match those on the Listed Building -  
Second hand slates/replacement slates to be from an agreed source and should replicate

A complete sample of a new window is to be provided for NIEA. HBU approval prior to any works proceeding.  
There are to be no trickle ventilators on any of the windows.  
All new windows to be putty fronted.

## Proposed Rear Elevation:



PROPOSED REAR ELEVATION

SG DENOTES SAFETY GLAZING

HBU REVISION A - 07th MAY 2020

**APS**  
ARCHITECTS LLP





<p><b>1.0</b></p> <p>1.1</p> <p>1.2</p> <p>1.3</p>	<p><b>Characteristics of the Site and Area</b></p> <p>The application site is located at No. 29-32 College Gardens. The site is comprised of a large office building formed through the merging of four terrace buildings each comprised of three stories with two bays finished in red brick. Each of the buildings contains a three storey rear return. To the front and rear of the building are large areas of hardstanding providing parking. Nos. 29-32 are all listed under the reference HB26/28/022 (C to F).</p> <p><b>Description of Proposed Development</b></p> <p>The application seeks full planning permission for a change of use from offices to 17no. 1 bedroom apartments and 2no. 2 bedroom apartments with alterations to the rear façade and dormers. The alterations to the rear are to create communal spaces while dormers are provided to the front and rear.</p> <p>A Listed Building Consent has been submitted under the reference LA04/2022/0071/LBC for the alterations required to the building to facilitate the change of use.</p>
<p><b>2.0</b></p> <p>2.1</p>	<p><b>PLANNING HISTORY</b></p> <p>There is no recent planning history relevant to this proposal, the existing office use was approved under the reference Z/1975/0420.</p>
<p><b>3.0</b></p> <p>3.1</p>	<p><b>PLANNING POLICY</b></p> <p><b>Development Plan – Plan Strategy</b></p> <p><u>Belfast Local Development Plan, Plan Strategy 2035</u></p> <p><i>Strategic Policies:</i></p> <p>Policy SP1A – managing growth and supporting infrastructure delivery  Policy SP2 – sustainable development  Policy SP3 – improving health and wellbeing  Policy SP5 – positive placemaking  Policy SP6 – environmental resilience  Policy SP7 – connectivity  Policy SD2 – Settlement Areas</p> <p><i>Operational Policies:</i></p> <p>Policy HOU1 – Accommodating new homes  Policy HOU2 – Windfall housing  Policy HOU4 – Density of residential development  Policy HOU5 – Affordable housing  Policy HOU6 – Housing Mix  Policy HOU7 – Adaptable and accessible accommodation</p> <p>Policy DES1 – Principles of urban design  Policy RD1 – New residential developments  Policy BH1 – Listed Buildings  Policy BH2- Conservation Areas</p>

	<p>Policy TRAN1 – Active travel – walking and cycling  Policy TRAN 2 – Creating an accessible environment  Policy TRAN4 – Travel plan  Policy TRAN6 – Access to public roads  Policy TRAN8 – Car parking and servicing arrangements  Policy ENV1 – Environmental quality  Policy ENV2 – Mitigating environmental change  Policy ENV3 – Adapting to environmental change  Policy ENV4 – Flood Risk  Policy ENV5 – Sustainable drainage systems (SuDS)  Policy OS3 – Ancillary open space  Policy TRE1 – Trees  Policy NH1 – Protection of natural heritage resources</p> <p><u>Supplementary Planning Guidance</u></p> <p>Affordable Housing and Housing Mix  Residential Design  Placemaking and Urban Design  Sustainable Urban Drainage Systems  Transportation  Malone Conservation Guide</p> <p><b>Development Plan – zoning, designations and proposals maps</b>  Belfast Urban Area Plan (2001) BUAP (“Departmental Development Plan”)  Draft Belfast Metropolitan Area Plan 2015 (v2004)  Draft Belfast Metropolitan Area Plan 2015 (v2014)</p> <p><b>Houses in Multiple Occupation (HMO’s) Subject Plan for Belfast City Council Area 2015.</b></p> <p><b>Regional Planning Policy</b>  Regional Development Strategy 2035 (RDS)  Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p><b>Other Material Considerations</b>  Developer Contribution Framework (2020)  <i>Belfast Agenda</i> (Community Plan)</p>
<p><b>4.0</b></p> <p>4.1</p> <p>4.2</p>	<p><b>CONSULTATIONS AND REPRESENTATIONS</b></p> <p><u>Statutory Consultees</u></p> <p><b>Dfi Roads</b> – No objections subject to conditions</p> <p><b>DfC HED</b> – No objections subject to conditions</p> <p><b>NI Water</b> – No objections</p> <p><b>DFI Rivers</b> – No objections</p> <p><u>Non-Statutory Consultees</u></p> <p><b>Conservation Advice-</b> Subject to additional information generally supportive of the change of use proposal.</p>

<p>4.3</p> <p>4.4</p>	<p><b>Environmental Health</b> – No objection subject to conditions.</p> <p>Whilst consultees may have in some cases referred to the no longer extant Planning Policy Statements in their consultation responses, the substance of those policies remains sufficiently similar in the Plan Strategy so as not to require the consultees to re-evaluate the proposal in the context of the Plan Strategy.</p> <p><u>Representations</u></p> <p>The application has been advertised in the newspaper and neighbours notified.</p> <p>Two objections were received and are summarised below:</p> <ul style="list-style-type: none"> <li>• Impact on Traffic and potential parking requirements.</li> <li>• College Gardens is a private street and therefore must not be assumed that parking will be available to residents.</li> </ul>
<p>5.0</p> <p>5.1</p> <p>5.2</p> <p>5.3</p> <p>5.4</p>	<p><b>PLANNING ASSESSMENT</b></p> <p><b>Main Issues</b></p> <p>The main issues relevant to consideration of the application are set out below.</p> <ul style="list-style-type: none"> <li>• Principle of Development</li> <li>• Affordable housing</li> <li>• Housing Density</li> <li>• Housing Mix</li> <li>• Adaptable and Accessible Accommodation</li> <li>• Design and Placemaking</li> <li>• Impact on Listed Building</li> <li>• Climate change</li> <li>• Residential Quality and Impact on Amenity</li> <li>• Access and transport</li> <li>• Environmental Protection</li> <li>• Flood risk and Drainage</li> <li>• Waste-water infrastructure</li> <li>• Waste management</li> <li>• Natural heritage</li> <li>• Section 76 Planning Agreement</li> </ul> <p><b>Development Plan Context</b></p> <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> <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> <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</p>

	<p>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 (“Departmental Development Plan”) remain part of the statutory local development plan until the Local Policies Plan is adopted.</p> <p><u>Operational Polices</u></p>
5.5	<p>The Plan Strategy contains a range of operational policies relevant to consideration of the application. These have been listed at paragraph 3.1.</p>
	<p><u>Proposals Maps</u></p>
5.6	<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> <p><b>Belfast Urban Area Plan 2001</b> – the site is un-zoned “white land”.</p> <p><b>Belfast Metropolitan Area Plan 2015 (2004)</b> – the site is located within the Queens Conservation Area, an Area of Parking Restraint and the Fitzwilliam HMA (HMO 2/10).</p> <p><b>Belfast Metropolitan Area Plan 2015 (v2014)</b> – the site is located within the Queens Conservation Area, an Area of Parking Restraint and the Fitzwilliam HMA (HMO 2/10).</p>
	<p><u>Principle of Development</u></p>
5.7	<p>The application site is within College Gardens, located off the Lisburn Road and opposite Methodist College. The surrounding area is a mix of residential and offices and considered an appropriate location for housing.</p>
	<p><i>Proposed Location</i></p>
5.8	<p>Policy HOU1 of the Plan Strategy sets out the housing requirements for the plan-period. This includes a total of 2,000 windfall homes. The proposal comprises windfall housing and so Policy HOU2 applies. Policy HOU2 requires windfall housing to be delivered on previously developed land, which the application site is. Policy HOU2 goes onto require that such proposals also satisfy three criteria discussed below.</p> <ul style="list-style-type: none"> <li>• <b>The site is suitable for housing</b> – the site is a sustainable location within an area of appropriate uses and considered acceptable.</li> <li>• <b>The location is accessible and convenient to public transport and walking cycle infrastructure</b> – the site is accessible being located within close proximity to the Lisburn Road which is an arterial route and a bus route.</li> <li>• <b>Provision is made for any additional infrastructure required as a result of the development</b> – suitable infrastructure is in place to support the proposed development.</li> </ul>

5.9	<p>The proposal is considered compliant with Policies HOU1 and HOU2 and the principle of housing in location is considered acceptable.</p> <p><i>Proposed Density</i></p>
5.10	<p>Policy HOU4 provides appropriate density bands depending on the location. The site is within 50m of a city corridor (Lisburn Road) and therefore the appropriate density band is between 100 and 175 dwellings per hectare.</p>
5.11	<p>The proposed density is 146dph which complies with the density band provided in Policy HOU4.</p> <p><i>HMA</i></p>
5.12	<p>The site is within the Fitzwilliam HMA and due to the proposal being comprised of apartments Policy HOU 10 applies.</p>
5.13	<p>Policy HOU10 states that within HMAs, planning permission will only be granted for HMOs and/or flats/apartments where the total number of HMOs, flats/apartments combined would not exceed 20% of all dwelling units within an HMA.</p>
5.14	<p>The Fitzwilliam HMA is currently at a total percentage of 97% either HMOs or flats/apartments and therefore the proposed 19 apartments is contrary to Policy HOU10.</p>
5.15	<p>The plan must be read in the round, and as such the assessment of the application must determine if there are other material considerations that would outweigh this policy position in this particular instance. Material Considerations are as follows:</p>
5.16	<p>The justification for policy HOU10 outlines that the policy aim is to manage high concentrations of intensified housing and to prevent the loss of traditional family housing. In this case the change of use is from offices and therefore there is no loss of traditional family housing. The proposal comprises of 1 and 2 bedroom apartments and therefore will be a more traditional form of housing rather than an intensified housing form such as HMOs. The proposal contributes to the housing needs set out in HOU 1 by providing 19 high quality apartments.</p>
5.17	<p>The proposal will bring a listed building back into re-use which is welcomed. Given the building is listed it restricts the number of potential uses and the proposed apartments is considered an appropriate use given the sustainable location. The proposal will enhance not only the listed building but the Conservation Area.</p>
5.18	<p>The proposal includes 4 affordable units (through discount market rent) and this is welcomed considering the viability challenges of converting a listed building and the city wide housing need.</p>
5.19	<p>Regard is had for the longevity of the process. The application was submitted in December 2021 prior to the adoption of the Belfast Plan Strategy in May 2023. Prior to the Belfast Plan Strategy there was no such restriction to the number of apartments within a designated HMA (Previously an HMO Policy Area).</p>
5.20	<p>Although it is acknowledged the proposal is contrary to Policy HOU10 there are a number of material considerations that would outweigh this policy position and in the planning balance the principle of apartments in this location is considered acceptable.</p>

	<b><u>Proposed Design and Impact on Conservation Area</u></b>
5.21	The proposal has been assessed against the SPPS, Creating Places and Policies SP5, DES1 and RD1 of the Plan Strategy. Policies SP5 and DES1 promote 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.
5.22	As the site is located within a conservation area, the proposed development must comply with Section 104 of the Planning (NI) Act 2011. These statutory obligations are reflected within paragraph 6.18 of the SPPS and Policy BH2 within the Plan Strategy, which contains 9 criteria to be met.
5.23	The proposed alterations will create larger openings to the rear which will serve communal areas for residents. The existing dormers on the rear and front roof will be redesigned and clad in zinc while two additional dormer windows will be added to the front. The proposal also includes alterations to the front parking area to provide landscaped grass areas, trees and hedging.
5.24	The proposed alterations are minimal with the building retained in its existing form. The changes to the rear openings are not considered to harm the building or the surrounding area.
5.25	The existing dormers are not considered sympathetic to the building given they are not original and contain flat roofs, this is recognised in the Queens Area Conservation Guide. The proposed re-cladding of existing dormers and introduction of two smaller dormers to the front will provide a modern design to the existing dormers and provide a better contrast to the historic building which is welcomed.
5.26	The Queens Area Conservation Guide acknowledges that parking pressures have resulted in the paving of front gardens and removal of hedge and wall line along road boundaries. The proposal introduces an element of lawn areas to the front of the site as well as a boundary treatment in the form of a hedge. This aids in softening the parking area and enhances the Conservation Area.
5.27	Conservation Advice was sought and is generally supportive of the change of use. Advice requested a Conservation Plan detailing the internal elements, details have been provided for the LBC but are not required for the full application which only considers the impact of the building on the character of the Conservation Area.
5.28	Concerns were raised of the removal of the quarter sashed paned windows to the rear, however these do not face the public realm will not impact views of the Conservation Area. HED did not object to their removal.
5.29	Advice requested a front elevation drawing confirming windows were to be retained and this has been provided.
5.30	The advice noted it would be beneficial if enhancement to be CA could be secured through reinstatement of front boundaries and soft landscaping, this has been provided.
5.31	In accordance with Section 104(11) of the Planning Act (Northern Ireland) 2011, the Council has had special regard to the desirability of (a) preserving the character or appearance of that the Conservation Area in cases where an opportunity for enhancing its character or appearance does not arise; and (b) enhancing the character or appearance of the Conservation Area in cases where an opportunity to do so does arise.

	<p>In this case, the character and appearance of the Conservation Area would be enhanced through the re-use of the listed building, the re-design of the existing dormer windows and the re-introduction of a front boundary treatment and landscaping which softens views of the existing area of hardstanding.</p> <p><b><u>Impact on the Listed Building</u></b></p>
5.32	<p>Within regards to development within the setting of a Listed Building, Section 91 (2) states In considering whether to grant planning permission for development which affects a listed building or its setting, and in considering whether to grant listed building consent for any works, a council or, as the case may be, the Department must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.</p>
5.33	<p>Policy BH1 of the Belfast Plan Strategy provides criteria for both a change of use of a listed building and alterations of a listed building, both a applicable in this case.</p>
5.34	<p>A Listed Building Consent was submitted under the reference LA04/2022/0071/LBC.</p>
5.35	<p>The change of use will secure the upkeep and survival of the listed building and ensure its character and appearance is preserved. The proposal contains minor changes to the rear elevation and to the existing dormer windows, as well as the addition of two new dormer windows. Detailed drawings have been submitted along with a Design and Access Statement and window and door schedules.</p>
5.36	<p>HED were consulted and welcome the retention and re-use of the listed building for residential use, there are no objections subject to conditions.</p>
5.37	<p>In accordance with Section 91(2) of the Planning Act (Northern Ireland) 2011, the Council has had special regard to the desirability of preserving the setting of Listed Buildings and considers the proposal to comply with Policy BH1.</p> <p><b><u>Affordable housing</u></b></p>
5.38	<p>Policy HOU5 of the Plan Strategy requires housing schemes of 5 units or more, or sites of 0.1 hectares or greater, to deliver a minimum 20% affordable housing.</p>
5.39	<p>The proposal delivers 4 units in accordance with policy by way of Discount Market Rent. This has been secured by way of a Section 76 Agreement.</p> <p><b><u>Housing mix</u></b></p>
5.40	<p>The proposal is for 17 x one bedroom apartments and 2 x two bedroom apartments.</p>
5.41	<p>Policy HOU 6 states Planning permission will be granted for new residential developments on sites greater that 0.1ha and/or containing 5 or more dwelling units where the proposed development provides a suitable mix of house types and sizes to promote choice and assist in meeting community needs. Provision should particularly be made for smaller homes across all tenures to meet future household requirements.</p>
5.42	<p>The requirement for a mix of house types will not apply to single apartment developments. In such cases the housing mix will be considered acceptable through greater variety in the size of units.</p>

	<p>Paragraph 4.5.1 of the Housing Mix SPG recognises that there may be occasions where a mix of housing types is not possible because of the nature of development and states that the Council will expect greater variety in terms of the size of units.</p>
5.43	<p>The mix is restricted given the building is listed and there is a need to retain the maximum historic fabric. This therefore restricts the development to be a majority of 1 bedroom apartments. While the proposal is restricted in terms of the mix it does provide a variety of sizes of 1 bedroom apartments and the policy encourages smaller homes. Consideration is also given to the location of the development, within close proximity to Queens University and the City Centre and therefore smaller units would be considered appropriate.</p>
5.44	<p>On balance and with due regard to the listed status of the building, the proposal is considered to comply with Policy HOU 6.</p>
	<p><b><u>Adaptable and Accessible Accommodation</u></b></p>
5.45	<p>Policy HOU7 requires that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life. Policy HOU7 sets six criteria (a. to f.) to be met in order to help deliver adaptable and accessible homes. The policy also requires that at least 10% of units in residential developments of 10 units or more to be wheelchair accessible and provides an additional nine criteria (g. to o.) which these units must meet.</p>
5.46	<p>The proposal complies with policy a to f.</p>
5.47	<p>In addition the proposal is required to provide 10% of units to the wheelchair accessible. The proposal includes 10.5% wheelchair units by providing two wheelchair accessible units. The proposal does not conform to criterion (m) by failing to provide sufficient space to accommodate a future lift, however this is not considered appropriate given the listed status of the building and the two wheelchair units are provided on the ground floor to ensure lift access is not required.</p>
5.48	<p>The proposal is considered to comply with Policy HOU7.</p>
	<p><b><u>Residential Quality and Impact on Amenity</u></b></p>
	<p><b><i>Amenity Space</i></b></p>
5.49	<p>Policy OS3 required proposals make appropriate provision for open space.</p>
5.50	<p>Policy OS3 requires that all new development proposals make appropriate provision for open space, including hard and soft landscaped areas and outdoor amenity areas, to serve the needs of the development. The precise amount, location, type and design of such provision will be negotiated with applicants taking account of the specific characteristics of the development, the site and its context and having regard to a) the normal expectation will be at least 10% of the total site area; and b) complementary and ancillary equipment and facilities, including for active or passive enjoyment of residents or occupiers, should be incorporated into the design of the development.</p>
5.51	<p><i>Creating Places</i> advocates external private amenity space of between 10 and 30 sqm per residential unit for apartments. The guidance states back garden provision should be calculated as an average space standard for the development as a whole and should be around 70sqm or greater, the guidance goes on to stipulate that smaller</p>

	<p>areas are more appropriate for houses with 1 or 2 bedrooms and for any individual house an area less than 40sqm will be unacceptable.</p>
5.52	<p>The apartments contain a number of communal amenity spaces. To the rear is a large paved area with landscaping which provides 171 sqm of amenity space. There are also six communal balconies of 13.5sqm located within the rear returns of which each apartment has access to a minimum of two of the proposed balconies.</p>
5.53	<p>In terms of policy OS3 the open amenity space forms 15.4% of the total site area which complies with policy OS3.</p> <p><b><i>Impact on Amenity:</i></b></p>
5.54	<p>Policies DES1 and RD1 highlight the need to minimise the impact of overshadowing and loss of daylight on both new and existing residents and the promotion of quality residential environments.</p>
5.55	<p>In terms of the amenity of prospective residents apartment 2 is located wholly to the rear of the property which results in the kitchen/living area and bedroom 2 having a direct outlook onto the rear communal amenity space. To combat overlooking into the apartment a landscaping buffer has been introduced in the form of a privet hedge which will reduce the impact to an acceptable degree. Apartments 3 and 5 located on the ground floor all contain a bedroom window which will face onto a communal staircase to access the rear communal space. While there will be a degree of overlooking from occupants passing by it is not considered to be to an unacceptable degree and given the listed status of the building, amendments are restricted and may harm the listed building.</p>
5.56	<p>The proposal is considered to result in quality living environment in accordance with Policy RD1.</p> <p><b><i>Space Standards:</i></b></p>
5.57	<p>The proposed units are in accordance with the minimum space standards as set out in Appendix C of the Plan Strategy.</p> <p><b><u>Climate Change</u></b></p>
5.58	<p>Policy ENV2 states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development.</p>
5.59	<p>The proposal re-uses the existing building with minimal alterations which is welcome and avoids demolition.</p>
5.60	<p>A Climate Change Statement was submitted and provides a number of energy saving measures to be implemented within the building such as the upgrading of insulation, electricity saving measures such as room controlled thermostats, energy efficient lighting and efficient gas burners.</p>
5.61	<p>Policy ENV3 states that planning permission will be granted for development that incorporates measures to adapt to environmental change. The proposal includes soft landscaping to the front replacing an area of hardstanding and landscaping to the rear.</p>

5.62	<p>Policy ENV5 states that all built development shall include, where appropriate, SuDs measures to manage surface water effectively on site, to reduce surface water run-off and to ensure flooding is not increased elsewhere. The submitted Climate Change Statement outlines that SuDS measures are not recommended to the front of the building due to the potential risk of altering the existing rainwater drainage outside the building. The proposal however, does contain some measures to front such as landscaping and grass areas, in line with TRE1, while to the rear paving is proposed and will be conditioned to be permeable.</p>
5.63	<p><b><u>Access and transport</u></b></p> <p>The site is an accessible location within close proximity to the Lisburn Road which is a designated city corridor and provides access to the city centre. It is within cycling distance of the city centre and its shops, services, leisure and employment opportunities. Provision is made for secure cycle parking. The proposal accords with Policy TRAN1.</p>
5.64	<p>The proposal includes 11 in curtilage parking spaces including 2 disabled parking spaces. The application is accompanied by a Travel Plan which includes a number of measures to encourage residents to travel by public transport such as a Travel Co-Ordinator and a Residential Travel Card Scheme including a metro travel card, car club membership and Belfast Bike Scheme membership. The Travel Plan has been secured within the S76.</p>
5.65	<p>The proposal has been accompanied by a Transport Assessment Form including a Parking Survey demonstrating sufficient parking provision on College Gardens and Elmwood Avenue. An objection received stated that College Gardens is a private road and should not be relied on as suitable parking for residents. DFI Roads have considered the Parking Survey discounting any parking availability on College Gardens and confirm there is sufficient parking provision on Elmwood Avenue. DFI Roads had no objections.</p>
5.66	<p>In considering the sustainable location within close proximity to a city corridor, the parking provision is considered acceptable.</p>
5.67	<p>The proposal is considered acceptable having regard to Policies TRAN1, TRAN4, TRAN6, TRAN 8 and TRAN 9.</p>
5.68	<p><b><u>Environmental protection</u></b></p> <p>Policy ENV1 states that planning permission will be granted for development that will maintain and, where possible, enhance environmental quality, and protects communities from materially harmful development. The proposed development has been assessed by Environmental Health in terms of noise, air pollution, general amenity, ambient air quality, contaminated land, and other considerations and no objections were raised.</p>
5.69	<p><b><u>Flood risk and Drainage</u></b></p> <p>A Drainage Assessment has been submitted in accordance with paragraph 6.114 of the SPPS. DFI Rivers were consulted and raised no objections but did request that the applicant provides confirmation of discharge consent to either DFI Rivers or NI Water.</p>

<p>5.70</p> <p>5.71</p> <p>5.72</p> <p>5.73</p>	<p>NI Water were consulted and did not object on the basis of insufficient capacity in the surface water network but did state that an extension to the existing surface network would be required to serve the development. A condition will be attached that no development can commence until details of surface water drainage have been submitted and agreed to.</p> <p><b><u>Waste-water Infrastructure</u></b></p> <p>Policy SP1a requires that necessary infrastructure is in place to support new development. NI Water initially objected to the proposal on the basis of a lack of foul water capacity. A Waste Water Impact Assessment was subsequently submitted and NI Water agreed that the proposal would form a reduction in waste water compared to the previous office use and consented to discharge.</p> <p><b><u>Waste Management</u></b></p> <p>In accordance with Policy RD1, new residential development should be provided with adequate space for daily segregation of recyclable materials and waste before it is moved to the communal waste storage area. Two communal waste storage areas provided access from the rear amenity space. Waste calculations have been provided as well as details on which bin store will be used by which apartment as well as signage directing residents to appropriate use. Details of collections have not been provided and this will be secured by condition of a Waste Management Plan.</p> <p><b><u>Section 76 Planning Agreement</u></b></p> <p>A Section 76 planning agreement has been secured for the provision of 4 no. Subsidised Intermediate Rent apartments and the Green Travel Measures within the Travel Plan.</p>
<p>6.1</p> <p>6.2</p>	<p><b>Recommendation</b></p> <p>Having regard to the Development Plan and material considerations, 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, the S76 Planning Agreement and any other issues that may arise, provided that they are not substantive.</p>
<p>7.0</p>	<p><b>DRAFT CONDITIONS</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted must be begun within five years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</li> <li>2. No external facing panels or materials shall be constructed or applied unless in accordance with a written specification and a physical sample panel, details of which shall have first been submitted to and approved in writing by the Council.</li> </ol> <p>The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works.</p> <p>The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external facing materials.</p>

	<p>Reason: In the interests of the character and appearance of the development.</p> <p>3. The depth and detailing of the window recesses and reveals shall be as shown on the approved drawings.</p> <p>Reason: In the interests of the character and appearance of the development.</p> <p>4. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any Order revoking and/or re-enacting that order), the [TO BE SPECIFIED] windows shall be obscure glazed to at least Privacy Level 3 (or equivalent) and non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the floor that the window serves:</p> <p>Reason: To safeguard the privacy of adjacent properties.</p> <p>5. The development hereby approved shall not be occupied until the communal open space and private gardens have been provided in accordance with the approved plans. The open space shall be retained as such at all times.</p> <p>Reason: To ensure that appropriate provision is made for open space.</p> <p>6. The proposed open space and landscaping shall be managed and maintained in accordance with the approved management plan at all times.</p> <p>Reason: To ensure that the open space and play equipment are properly managed and maintained.</p> <p>7. The development hereby approved shall not be occupied unless the sustainable development measures have been implemented in accordance with the Plan Strategy Statement uploaded to the Planning Portal on 23<sup>rd</sup> June 2023. The climate change measures shall be retained in accordance with the approved details at all times.</p> <p>Reason: To mitigate and/or adapt to climate change.</p> <p>8. No dwelling shall be occupied until weather protected cycle parking has been fully provided in accordance with the approved plans.</p> <p>Reason: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.</p> <p>9. No dwelling shall be occupied until hard surfaced parking areas have been provided and permanently marked in accordance with the approved plan. The parking areas shall be permanently retained.</p> <p>Reason: To ensure acceptable parking facilities on the site.</p> <p>10. 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.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>
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11. The development shall not be occupied unless in accordance with the approved Travel Plan.

Reason: To encourage alternative modes of transport to the private car.

12. No windows shall be installed unless a final window schedule detailing the sound reduction specification has been submitted to and approved in writing by the Council. The windows shall be designed in line with the recommendations in the Noise Impact Assessment uploaded to the Planning Portal on the 13<sup>th</sup> January 2023. The windows shall not be installed unless in accordance with the details so approved.

Reason: In the interests of residential amenity.

13. Prior to occupation of the development hereby permitted, a Verification Report that demonstrates that the windows have been installed as required by condition 12 shall be submitted in writing to the Council. The Verification Report shall include a written declaration from the suppliers and installers of the windows confirming that the alternative means of ventilation have been installed as approved.

Reason: In the interests of residential amenity.

14. Prior to installation of any alternative means of ventilation, the sound reduction specification of the alternative means of ventilation shall be submitted to and approved in writing by the Council. The specification shall demonstrate that internal noise levels in habitable rooms will be achieved in line with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings'. The means of ventilation shall be installed in accordance with the approved details and retained as such at all times.

Reason: In the interests of residential amenity.

15. Prior to occupation of the development hereby permitted, a Verification Report that verifies that demonstrates that the alternative means of ventilation has been installed in line with details approved pursuant to condition 14 shall be submitted in writing to the Council. The Verification Report shall include a written declaration from the suppliers and installers of the alternative means of ventilation confirming that the alternative means of ventilation have been installed as approved.

Reason: In the interests of residential amenity.

16. Prior to occupation of the development hereby permitted, a Verification Report that verifies that an acoustic fence has been constructed in line with the recommendations in the Noise Impact Assessment uploaded to the Planning Portal on the 13<sup>th</sup> January 2023 shall be submitted to and approved in writing by the Council. The acoustic fence shall be permanently retained in accordance with the approved details at all times.

Reason: In the interests of residential amenity.

17. All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants 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 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. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the approved details.

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

18. 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.

Reason: In the interests of visual amenity.

19. The development hereby permitted shall not be occupied until the waste storage areas have been provided in accordance with the approved plans and shall be permanently retained as such at all times.

Reason: To ensure that appropriate provision is made for storage and disposal of waste.

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

Reason: To ensure appropriate foul and surface water drainage of the site. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

## **INFORMATIVES**

### **NOT04 Section 76 planning agreement**

This planning permission is subject to a planning agreement under Section 76 of the Planning Act (Northern Ireland) 2011. This decision should be read in conjunction with the planning agreement, which secures the following planning obligations:

- 4 no. Subsidised Intermediate Rent apartments and
- Green Travel Measures within the agreed travel Plan.

### **NOT02 Compliance with planning permission**

Please make sure that you carry out the development in accordance with the approved plans and any planning conditions listed above. Failure to do so will mean that the proposal is unauthorised and liable for investigation by the Council's Planning Enforcement team. If you would like advice about how to comply with the planning permission, you are advised to contact the Planning Service at Belfast City Council at [planning@belfastcity.gov.uk](mailto:planning@belfastcity.gov.uk).

**NOT03 Discharge of condition(s)**

This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.

**NOT05 Non-planning requirements**

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