

# Planning Committee

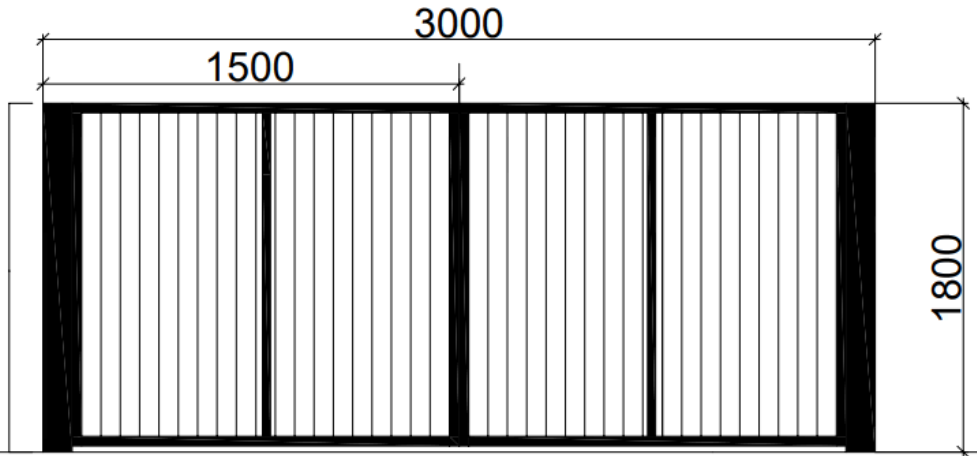
## Development Management Report

<b>Summary</b>	
<b>Application ID:</b> Full: LA04/2023/3795/F & LBC: LA04/2023/3656/LBC	<b>Committee Date:</b> 21 <sup>st</sup> April 2026
<b>Proposal:</b> Proposed 360 rotating car parking bay with new access onto Wellington Park Lane and levels changes. Removal of boundary vegetation and wall to accommodate sliding gate (Amended)	<b>Location:</b> 1 Wellington Park Terrace, Belfast, BT9 6DR
<b>Applicant Name and Address:</b> Mrs Shauna Killen 1 Wellington Park Terrace, Belfast, BT9 6DR	<b>Agent Name and Address:</b> Rory Graham 23 Design 33 Shore Road, Belfast, BT18 9HX
<b>Referral Route:</b> The recommendation goes against HED advice, a statutory consultee.	
<b>Recommendation:</b> Approval subject to conditions.	
<b>Date Valid:</b> 13 <sup>th</sup> July 2023	
<b>Target Date:</b> 26 <sup>th</sup> October 2023	
<b>Contact Officer:</b> Ciara Reville, Principal Planning Officer (Development Management)	
<p><b>Summary of Issues:</b></p> <p>These applications seek planning permission and Listed Building Consent for a 360' rotating car parking bay with new access onto Wellington Park Lane and levels changes. It includes the removal of boundary vegetation and wall to accommodate a proposed sliding gate.</p> <p>The site is located at 1 Wellington Park Terrace, Belfast, BT9 6DR. It is a Grade B1 listed building, which is situated in Malone Conservation Area.</p> <p>The key issues relevant to consideration of the application are:</p> <ul style="list-style-type: none"> <li>- Impact on Listed Building</li> <li>- Impact on conservation area</li> <li>- Roads/access</li> <li>- Impact on trees</li> <li>- Impact on amenity</li> <li>- Other considerations</li> <li>- Matters raised in representation</li> </ul> <p>There has been one objection from consultee (HED) and 5no. third party objections. The concerns noted in each are fully considered within the main report.</p>	



**Proposed Gate Elevations:**

New entrance gates as shown  
150 sq black steel posts to suitable footings with automated hinged steel framed bifolding gates.  
Treated timber facings both sides.  
Automated opening including access panel linked to house with intercom.  
Manual override to be included.



**1.0 Characteristics of the site and area**

- 1.1 The site is a half of a pair of Mid Victorian two storey double dwellings. It is a Grade B1 Listed Building which is of special architectural or historic interest and is protected by Section 80 of the Planning Act (NI) 2011. It is also located in Malone Conservation Area.
- 1.2 The building is rendered and unpainted, with a slate roof covering and Georgian period sliding sash windows. The front entrance has a stucco surround with a painted architrave capped by console brackets which support a moulded projecting cornice. An undecorated frieze links the brackets under the cornice and forms the entrance lintol. The front door is of a two vertical panel painted timber design with bolection mouldings. Above the door is a simple rectangular fanlight. The windows have no external mouldings.
- 1.3 The dwelling is accessed via Wellington Park Terrace, and the application site and neighbouring property share a gated access and footpath.
- 1.4 The immediate, surrounding area is residential in nature with similar house types and designs.
- 1.5 The site lies with the Malone Conservation Area, Sub Area B. The dBMAP zonings are currently still material until such time when the Local Polices Plan is formally adopted by Belfast City Council which will complement the now adopted Belfast Local Development Plan – Plan Strategy 2035 which was formally adopted on 2<sup>nd</sup> May 2023.

<p><b>2.0</b></p> <p>2.1</p>	<p><b>PLANNING HISTORY</b></p> <p><u>Planning</u></p> <p><b>LA04/2018/2841/F:</b> 1 Wellington Park Terrace - Provision of shower room and utility and re-roofing over garage, utility, shower room and conservatory including minor internal alterations. (Amended Description) – Approved 15<sup>th</sup> April 2019</p> <p><b>LA04/2019/0132/LBC:</b> 1 Wellington Park Terrace - Provision of shower room and utility and re-roofing over garage, utility, shower room and conservatory including minor internal alterations. (Amended Description) – Approved 15<sup>th</sup> April 2019</p>
<p><b>3.0</b></p> <p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p>	<p><b>PLANNING POLICY</b></p> <p><b>Development Plan – Belfast Local Development Plan, Plan Strategy 2035</b></p> <p><i>Strategic Policies:</i></p> <ul style="list-style-type: none"> <li>• Policy SP2 – Sustainable development</li> <li>• Policy SP3 – Improving health and wellbeing</li> <li>• Policy SP5 – Positive placemaking</li> </ul> <p><i>Operational Policies:</i></p> <ul style="list-style-type: none"> <li>• Policy BH1 – Listed buildings</li> <li>• Policy BH2 – Conservation areas</li> <li>• Policy DES1 – Principles of urban design</li> <li>• Policy RD2 – New residential developments</li> <li>• Policy TRAN6 – Access to public roads</li> <li>• Policy TRE1 – Trees</li> </ul> <p><b>Supplementary Planning Guidance</b></p> <ul style="list-style-type: none"> <li>• Residential Design</li> <li>• Placemaking and Urban Design</li> <li>• Transportation</li> <li>• Malone Conservation Area Design Guide</li> </ul> <p><b>Development Plan – zoning, designations and proposals maps</b></p> <ul style="list-style-type: none"> <li>• Belfast Urban Area Plan (2001) BUAP</li> <li>• Draft Belfast Metropolitan Area Plan 2015 (v2004)</li> <li>• Draft Belfast Metropolitan Area Plan 2015 (v2014)</li> </ul> <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> </ul>
<p><b>4.0</b></p> <p>4.1</p>	<p><b>CONSULTATIONS AND REPRESENTATIONS</b></p> <ul style="list-style-type: none"> <li>• <b>HED</b> – Objection: proposal as presented, shall have an adverse impact (harm) on the listed building</li> <li>• <b>DFI Roads</b> – No objection</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>BCC Trees</b> – No objection, subject to conditions</li> <li>• <b>BCC Conservation advice</b> – No objection</li> </ul> <p><b><u>Representations</u></b></p>
4.2	The application was advertised in the local press on 01/09/23 and 07/03/25 and neighbour notified on 23/08/23 and 03/03/25.
4.3	5no. letters of representation have been received. The key issues have been summarised below. <ul style="list-style-type: none"> <li>• <i>Impact on setting of listed building,</i></li> <li>• <i>Contrary to Policy BH1,</i></li> <li>• <i>Contrary to conservation area guidance,</i></li> <li>• <i>Misdescribes as ‘rear’ car park,</i></li> <li>• <i>Security risks,</i></li> <li>• <i>Unauthorised hedge/tree removal,</i></li> <li>• <i>Road status unclear,</i></li> <li>• <i>Boundary wall encroachment; and</i></li> <li>• <i>Alternative parking available</i></li> </ul>
4.4	All the concerns noted above are fully considered within the main report.
4.5	Several comments referred to an extension to the property, however drawing 07e indicates that the application is solely for a parking bay and that the alterations to the dwelling have been omitted. They are therefore not considered as part of this assessment.
<b>5.0</b>	<b>PLANNING ASSESSMENT</b>
	<b><u>Main issues</u></b>
5.1	The main issues relevant to consideration of the application are set out below: <ul style="list-style-type: none"> <li>- Impact on listed building</li> <li>- Impact on conservation area</li> <li>- Roads/access</li> <li>- Impact on trees</li> <li>- Impact on amenity</li> <li>- Other considerations</li> <li>- Matters raised in representation</li> </ul> <p><b><u>Development Plan Context</u></b></p>
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	<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> <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 are 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 (BUAP), both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (dBMAP) 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 dBMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.</p>
5.7	<p>The application site is un-zoned white land under BUAP and both versions of dBMAP; within the metropolitan development limit BT (001), and located within the Malone Conservation Area</p>
<b>6.0</b>	<p><b><u>Assessment</u></b></p> <p><u>Description</u></p>
6.1	<p>The application is for a 360' degree rotating car parking bay with new access onto Wellington Park Lane and level changes. It includes the removal of boundary vegetation and a wall to accommodate a proposed sliding gate.</p>
6.2	<p>The parking bay would measure 4.4m in width and 5.9m in depth, whilst the sliding gate would measure 3m in width and 1.8m height. The applicant has indicated that the proposed gates would be locked at all times to reduce the any threat of security risk from the laneway.</p>
6.3	<p>The proposed materials consist of:</p> <ul style="list-style-type: none"> <li>• <i>Salvaged imperial brick (to match existing wall)</i></li> <li>• <i>300x200x40 mm railway sleepers (used to form steps)</i></li> <li>• <i>100mm riven setts (used as edging)</i></li> <li>• <i>Tobermore Mayfair 450x450 mm permeable paving slabs (pathway)</i></li> <li>• <i>3.8m diameter steel rotating car platform (UKT 360 system)</i></li> <li>• <i>Concrete (for parking bay and platform installation)</i></li> </ul>

6.4	The property forms half of a pair of Mid Victorian two storey double dwellings which form the continuation of Wellington Park Terrace on the eastern side of the entrance road.
6.5	The dwelling is a Grade B1 Listed Building. It is also noted that numbers 21 Wellington Park Terrace through to the application site are all Grade B1 Listed Buildings.
6.6	Some houses have access onto the entry at the rear of the north side of Eglantine Avenue, but for all houses the principal pedestrian access is by way of a shared path that runs parallel to the front of the terrace.
6.7	For some houses this is the only access to the front door. The large open nature of the green space, uninterrupted by driveways or paths, gives a unique character to the setting of the terrace.
	<u>Impact on listed buildings (Policy BH1)</u>
6.8	Planning permission will be granted for the alteration and extension of a listed building where all the following criteria are met:
	<ul style="list-style-type: none"> <li data-bbox="293 806 1435 890"><i>f) The works preserve, restore and complement the building's features of special architectural or historical importance to ensure the existing building remains intact and unimpaired,</i></li> <li data-bbox="293 911 1435 953"><i>g) The design respects the essential character of the existing building and/or setting,</i></li> <li data-bbox="293 974 1435 1016"><i>h) The proposal makes use of quality materials and appropriate detailing sympathetic with the existing building and/or setting; and</i></li> <li data-bbox="293 1037 1435 1079"><i>i) In the case of extensions, they shall be subservient to the existing building with regard to height, scale, massing, form and alignment</i></li> </ul>
6.9	Criterion (f) requires the works preserve, restore and complement the dwellings features of special architectural or historical importance to ensure the existing building remains intact and unimpaired.
6.10	The proposal to create a parking bay partly within the front garden and through a section of the boundary wall would not harm the architectural or historic interest of the Grade B2 listed dwelling. The boundary wall affected by the works has very limited heritage value due to its condition and lack of contribution to the building's character, fronting onto a rear alleyway rather than a public roadway.
6.11	The parking bay is designed to remain visually modest and sympathetic, ensuring the listed building continues to read as the dominant feature on the site. The materials to be used have been carefully selected to remain sympathetic to the dwelling itself and to the neighbouring listed buildings, ensuring visual coherence within the streetscape. Therefore, officers are satisfied that the proposal will preserve and compliment the dwellings features of special architecture, in line with criterion (f).
6.12	In relation to criterion (g), as above the works are modest in scale and carefully designed to sit comfortably within the established character of the site. The parking bay and associated gate would not introduce any feature that would dominate, compete with or visually detract from the listed building. Instead, they are positioned and scaled to remain subordinate to the main elevation, ensuring the dwelling continues to read as the primary element within its setting. It is also noted that there are already several

	<p>openings along the shared boundary wall, and the proposal would contribute to this established pattern without altering the overall character of the frontage.</p>
6.13	<p>For the reasons above officers are satisfied that the proposal will not harm the setting of the Grade B2 listed dwelling and therefore does not conflict with criterion (g).</p>
6.14	<p>Regarding criterion (h), the proposed materials have been purposefully selected to ensure they blend well within the historic setting:</p> <ul style="list-style-type: none"> <li>• <i>Salvaged imperial brick would be used to match the existing wall, maintaining the character and supporting the established appearance of the site,</i></li> <li>• <i>Railway sleepers and riven setts would provide a sympathetic finish that integrates well with the surrounding historic fabric,</i></li> <li>• <i>The Tobermore Mayfair permeable paving slabs offer a surface treatment that avoids visual dominance while allowing sustainable drainage,</i></li> <li>• <i>The 3.8m steel rotating car platform and gate will be discreetly incorporated ensuring that they are sympatric to the existing dwelling and other surrounding listed buildings.</i></li> </ul>
6.15	<p>Taken together, these materials and detailing demonstrate a sensitive, high-quality approach conditions will be added to ensure a heritage led design, and officers are thereby satisfied that the proposal complies with criterion (h).</p>
6.16	<p>Criterion (i) does not apply to this application.</p>
6.17	<p>In terms of the proposed demolition, Policy BH1 states that partial demolition of parts of listed buildings (which includes the boundary wall) will be exceptional and only acceptable where an alteration or extension proposal has been agreed and that demolition is required to facilitate it. In this instance, it is noted that the proposed demolition is minimal; the section of wall to be removed has very limited heritage value; and the redevelopment is suitably sensitive and promotes a heritage led approach to design, which can be conditioned. On balance therefore, the proposed demolition is considered acceptable under Policy BH1. A condition will also be attached to ensure that a contract has been let for the redevelopment of the site in accordance with the FULL planning permission, evidence of which shall be submitted to approved in writing by the council prior to the commencement of any demolition.</p>
6.18	<p>Having regard to all the above, officers are satisfied that the proposal accords with Policy BH1 and all relevant provisions of the SPPS.</p>
6.19	<p>Historic Environmental Division (HED) was consulted and consider that the proposal would have an adverse impact (harm) on the listed building and its setting due to the extent of ground removal and the removal of more than half of the brick boundary wall.</p>
6.20	<p>Whilst these concerns are acknowledged, as outlined above officers do not agree that the proposed works would result in harm to the listed building or its setting, and consider that they comply with all relevant criteria in Policy BH1 'Listed Buildings' and the SPPS. If the Committee approves the applications contrary to HED's advice, the application for Listed Building Consent must be notified to the Department for Infrastructure for consideration prior to the issuing of a final decision.</p> <p>In accordance with Section 91(2) of the Planning Act (Northern Ireland) 2011, special regard has been had to the desirability of preserving the setting of Listed Buildings. For</p>

	<p>the reasons noted above, the proposal would not result in the significant loss of key views of the listed buildings or have a detrimental impact on the listed building or setting of listed buildings. Furthermore, the nature of the use would respect the character of the setting of the buildings.</p> <p><u>Impact on the conservation area (Policy BH2 &amp; Malone Conservation Area Guidance)</u></p>
6.21	The application site is situated within Malone Conservation Area.
6.22	<p>Planning permission will only be granted for alterations and extensions within conservation areas where the criteria of Policy BH2 are met, and particular regard is given to the following relevant criteria:</p> <p><i>g) The proposal involves retention of and where possible reinstatement of traditional features,</i></p> <p><i>h) The proposal will not result in the detrimental loss of visual gaps between existing buildings and boundaries; and</i></p> <p><i>i) The proposal makes use of traditional and where appropriate reclaimed, recycled/or sympathetic building materials and techniques which match or are in keeping with those found on the building and surrounding area.</i></p>
6.23	<p>BCC Conservation advisor was consulted, and initial guidelines were provided on how to reach a positive recommendation, including:</p> <ul style="list-style-type: none"> <li>• <i>Creation of the absolute minimum width of access necessary,</i></li> <li>• <i>Amending the proposal to maintain the public / private realm definition by use of a traditional, timber boarded gate at the created access,</i></li> <li>• <i>Use of salvage brick for the proposed plinth wall to the bay (not rendered),</i></li> <li>• <i>Omission of the 1.8 boarded fence around the parking bay; and</i></li> <li>• <i>Retention of remaining salvaged brick for potential re-use</i></li> </ul>
6.24	Amended plans were subsequently submitted, and having reviewed these, officers are satisfied that all guidelines have been suitably achieved. The proposal, as now amended, has been designed to respect and preserve the established character and appearance of the Malone Conservation Area, ensuring the form, scale and materials are sympathetic to the surrounding area. It will not detract from the important views, vista or setting of neighbouring listed buildings and will maintain visual integrity of the streetscape.
6.25	The parking bay and associated gates have been appropriately designed to ensure that they are in keeping with the surrounding area and will contribute positively to the conservation area.
6.26	The Malone Conservation Area Guidance places strong emphasis on retaining the established character of historic streetscapes, particularly through the careful treatment of boundaries, walls and garden enclosures. In areas such as Wellington Park and Wellington Park Terrace, boundary treatments form a defining element of the townscape, with traditional brick walls, mature planting, and modest gate openings contributing to the rhythm and enclosure of the street.
6.27	The guidance highlights the importance of preserving these features and discouraging the introduction of overly engineered, visually intrusive, or suburban boundary forms

	<p>that would undermine the established character. As previously noted in paragraph 6.10, the boundary wall located at 1 Wellington Park Terrace has very limited heritage value due to its condition and lack of contribution to the building's character. In this instance, and due to the siting, scale and choice of materials, the introduction of the parking bay and gate would not overly harm the streetscape.</p>
	<p><u>Demolition in a conservation area</u></p>
6.28	<p>Policy BH2 clarifies that there will be a presumption in favour of retaining listed buildings and non-listed buildings in conservation areas. Total or partial demolition of a building will only be permitted where:</p> <p><i>j) It makes either a negative or no material contribution to the character and appearance of the area; and</i></p> <p><i>k) The design quality of the proposed building is considered to enhance the overall character of the conservation area paying due regard to viability of retention or restoration of the existing building.</i></p>
6.29	<p>The works involve limited removal of a section of existing boundary wall. As noted above, officers consider that the wall has very limited heritage value due to its condition and lack of contribution to the building's character. For the same reasons it is not considered to make a positive contribution to the character or appearance of the conservation area. The partial demolition proposed, the extent of which is minimal, is deemed necessary to carry out the proposed development, which has been sensitively designed to ensure the character of the area is visually preserved. The addition of conditions will ensure a heritage led approach to design, and subject to this, the proposed demolition is not considered to conflict with Policy BH2. As above, a further condition will also be attached to ensure that a contract has been let for the redevelopment of the site in accordance with the FULL planning permission, evidence of which shall be submitted to approved in writing by the council prior to the commencement of any demolition.</p>
6.30	<p>Considering all the above, it would be difficult to conclude that the proposal, as now amended and subject to conditions, would result in demonstrable harm to the character and appearance of the conservation area. Officers are therefore satisfied that, subject to conditions, it complies with criteria (g) – (k) of Policy BH2 (Conservation areas), Policy RD2 (Residential extensions and alterations), the Malone Conservation Area Guidance and relevant provisions of the SPPS.</p>
6.31	<p>In accordance with Section 104(11) of the Planning Act (Northern Ireland) 2011 and Para 6.19 of the Strategic Planning Policy Statement, special regard has been had to the desirability of (a) preserving the character or appearance of 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>
6.32	<p>In this case, the proposal does not lend itself to enhancement of the conservation area, however for the reasons above its character and appearance would be preserved.</p>

	<p><u>Roads &amp; access</u></p>
6.33	Drawing 01a annotates that Wellington Park Lane is a designated as a right of way, which will allow the applicant access to the proposed car parking bay.
6.34	Dfl Roads were consulted on the proposals and confirmed there were no objections to the proposal subject to the relevant conditions provided.
6.35	The proposal is considered compliant with Policy TRAN6 and relevant provisions of the SPPS.
	<p><u>Impact on trees</u></p>
6.36	BCC Tree Officer has been consulted and offers no objection subject to conditions. The proposal is considered compliant with Policy TRE1.
	<p><u>Impact on amenity</u></p>
6.37	Policy DES1 (Principles of urban design) criteria (j) and (k) require that new development should ensure no undue effect on the amenity of neighbouring properties and that on-site parking provision and movement should not have a negative impact at street level respectfully.
6.38	The proposed 360' degree rotating car parking bay is not considered to have a negative impact on neighbouring amenity. The parking bay would be located within the site and would only be used by the occupants of the dwelling to allow a vehicle to safely turn and exit onto Wellington Park Lane. The level of activity associated with this would be the same as what would normally be expected from a residential property, and therefore it is not likely to result in any additional noise, disturbance or nuisance for nearby residents, or give rise to security issues. As noted previously, the applicant has indicated that the proposed gates would be locked at all times to reduce the threat of security risk from the laneway; and whilst this cannot be controlled or enforced through these planning applications, the locking of the gates would naturally further reduce any risk of security implications.
6.39	The proposal does not introduce any large or visually intrusive structures and would sit within the existing site boundaries. It does not represent a change of use or an intensification of the site, but rather a practical solution to allow safer vehicle manoeuvring within the property. Vehicles entering, turning and parking within residential curtilages is common and the rotating platform simply assists with this movement.
6.40	On this basis, it is not considered that the proposal would have any unacceptable impact on the amenity of neighbouring properties or street level movement and therefore complies with criteria (j) and (k) of Policy DES1.
	<p><u>Other considerations</u></p>
6.41	Officers note that on the 15 <sup>th</sup> of August 2024 a report was submitted on behalf of the applicant/owner of 1 Wellington Park Terrace and must take into consideration that the

	applicant is recognised as having a medical condition, and that reasonable adjustments may therefore be appropriate to support daily living needs.
6.42	Policy RD2 (Residential Extensions and Adaptions) states support for measures that enable people to stay within their own homes, such as physical adaptations.
6.43	Para 7.3.22 of the Plan Strategy amplifies the policy stating that; “The local housing systems analysis for Belfast also notes that the continued upward trend in the number of older households over the next 15 years and beyond implies that there may be an increased demand for property adaptations or services to allow older homeowners to continue to live independently. The policy therefore seeks to enable adaptations required if they are not already covered under prevailing permitted development rights.£
6.44	In this context, the provision of a parking space within the garden could be viewed as a reasonable measure that enables safer and more convenient access to the home, reducing the physical demands on the applicant. In assessing the applications therefore, the applicant’s accessibility and mobility requirements should inform a balanced assessment for allowing such an arrangement.
6.45	In this instance and considering the above, the applicant’s personal circumstances would add further weight under Policy RD2 to support the grant of planning permission.
	<u>Matters raised in representations</u>
6.46	<p>As noted above, 5 no. letters of representation were received. The relevant concerns noted therein are as follows:</p> <ul style="list-style-type: none"> <li>• <b>Impact on setting of listed building, contrary to Policy BH1</b></li> </ul> <p><i>The impact of the proposed development, including its scale, design, materials and elements to be removed has been fully considered against Policy BH1 above, and is found to be acceptable for the reasons noted. The listed building and its setting would not be demonstrably harmed by the proposals.</i></p> <ul style="list-style-type: none"> <li>• <b>Contrary to conservation area guidance</b></li> </ul> <p><i>The impact on the character and appearance of the conservation area has been considered against Policy BH2 and the Malone Conservation Area Guidance above in paragraphs 6.20 to 6.32. Officers are satisfied for the reasons noted that the character and appearance of the area would be preserved.</i></p> <ul style="list-style-type: none"> <li>• <b>Misdescribes as ‘rear’ car park</b></li> </ul> <p><i>The council is content that the description of the proposal and submitted plans provide an accurate depiction of the development to allow for suitable assessment of the applications.</i></p> <ul style="list-style-type: none"> <li>• <b>Security risks</b></li> </ul> <p><i>Implications relating to security have been considered above, and officers are satisfied that there is no evidence to suggest that the proposal would result in any increased risk to the security of the applicant or neighbouring properties.</i></p>

- **Unauthorised hedge/tree removal**

*Matters relating to the impact of the proposal on party line hedges and mature trees have been considered through consultation with the Council's tree officer, who is satisfied that, subject to conditions ensuring the retention, protection and replanting of trees, the proposal is considered acceptable.*

- **Road status is unclear**

*The agent has confirmed that Wellington Park Lane is a designated right of way, which would allow the applicant access to the proposed car parking bay. No evidence has been submitted to counter this claim, however this would be a civil matter outwith the remit of these planning applications. DfI Roads had no objections to the proposal in terms of access to or egress from the site, subject to suitable conditions.*

- **Boundary wall encroachment**

*Concerns relating to the encroachment of boundary walls onto neighbouring land is a civil boundary matter between the two property owners. This is not a material planning consideration and cannot inform the council's assessment of these applications.*

- **Alternative parking available (applicant has a usable garage)**

*Several site inspections have been carried out and officers acknowledge that whilst the applicant does have use of a garage; neither the laneway leading up to it nor the garage itself are of a suitable size that could facilitate a normal sized vehicle. Furthermore the encroachment of works to the rear of the adjacent property further reduces access. Further consideration must also be given to the applicant's mobility and accessibility requirements. In this instance therefore, the council does not agree that the garage would provide a suitable or useable alternative option.*

6.47 Full consideration has been given to all concerns noted in representations; however, the proposal has been assessed against all relevant policies and guidance and is found to be acceptable on balance subject to appropriate conditions.

6.48 In this instance, there are no material considerations that would outweigh this policy position or justify refusal of the applications.

**Conclusion**

6.49 Subject to conditions, the proposal is considered acceptable having regard to Policies BH1 (Listed Buildings), BH2 (Conservation Areas), RD2 (Residential extensions and alterations), DES1 (Principles of urban design), TRAN6 (Access to public roads), TRE1 (Trees) of the Belfast Local Development Plan: Plan Strategy 2035; Sections 91(2) and 104(11) of the Planning Act (Northern Ireland) 2011; the Malone Conservation Area Guidance; paragraphs 6.18 and 6.19 of the Strategic Planning Policy Statement for Northern Ireland 2015; and taking account of all relevant material considerations. Concerns noted in representation have been fully considered however in this instance they neither outweigh the above policy position nor justify refusal of the applications.

6.50	If the Committee approves the applications, given that the decision would be contrary to the advice of a statutory consultee (HED), the application for Listed Building Consent must be notified to the Department for Infrastructure for consideration prior to the issuing of a final decision.
7.0	<p><b>Summary of Recommendation</b></p> <p>7.1 Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is approved and listed building consent is granted.</p> <p>7.2 Delegated authority is sought for the Director of Planning and Building Control to finalise conditions and deal with any other matters which may arise, provided the issues are not substantive.</p>
8.0	<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. <p style="margin-left: 40px;">Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> </li> <li>2. All external facing and roofing materials shall be carried out as specified on the approved plans. <p style="margin-left: 40px;">Reason: In the interests of the character and appearance of the Conservation Area.</p> </li> <li>3. 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 the Council. <p style="margin-left: 40px;">Reason: In the interests of visual amenity.</p> </li> <li>4. Prior to any work commencing all protective barriers (fencing) and ground protection is to be erected or installed as specified in British Standard 5837: 2012 (section 6.2) on any trees / hedging 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 style="margin-left: 40px;">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> </li> </ol>

5. 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.

6. No development (including than site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence on site unless a soft landscaping scheme has been submitted to and approved in writing by the Council. The scheme shall include all proposed trees /and or hedging details which shall include species choice, planting size and planting locations.

Reason: In the interests of the character and appearance of the area. Approval is required upfront because the soft landscaping is critical to the acceptability of the proposal.

7. No development shall be operational until hard surfaced parking areas have been provided and permanently marked in accordance with the approved plan. These facilities shall be permanently retained.

Reason: To ensure acceptable parking facilities on the site.

8. Notwithstanding the submitted details, the following elements of the approved scheme shall not be installed, implemented or carried out unless in accordance with further details which shall have been submitted to and approved in writing by the Council.

- Manufacturing details of the 360-degree rotating platform;
- Manufacturing details of heritage designed access gates and fencing, and
- Detailed hard landscaping plan showing detailed levels, location of all permeable paving, additional steps and its integration with the rotating bay and other new landscaping measures.

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

Reason: In the interests of the special architectural and historic qualities of the Listed Building and Malone Conservation Area.

9. No development shall commence on site (including demolition, site clearance and site preparation) unless a Construction Management Plan has been submitted to and approved in writing by the Council. The Construction Management Plan shall include measures to ensure the integrity of the wall. No development (including demolition, site clearance and site preparation) shall be carried out unless in accordance with the approved Final Environmental Construction Management Plan.

Reason: To safeguard the character of the conservation area and listed building. Approval is required upfront because construction works have the potential to harm the character of the area.

10. No demolition shall commence on site unless a contract has been let for the redevelopment of the site in accordance with planning permission LA04/2023/3795/F and evidence of that contract has been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with planning permission LA04/2023/3795/F.

Reason: As required by Sections 91(2), 91(6) and 105 of the Planning Act (Northern Ireland) 2011, to preserve the listed building and its setting, and to preserve or enhance the character or appearance of the conservation area. Approval is required upfront because if redevelopment of the site does not take place it could leave the site unsightly and harmful to the listed building, its setting and the conservation area.

#### **DRAFT INFORMATIVES**

1. 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)
2. 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.
3. 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.
4. This decision relates to the following approved drawing numbers:
  - 01 Site Location Plan
  - 07f Amended Parking Bay
  - 08b Gate details