

# Public Document Pack

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



**Belfast  
City Council**

11th October, 2023

## **PLANNING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in hybrid format, both in the Lavery Room - City Hall and remotely, via Microsoft Teams, on Tuesday, 17th October, 2023 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

## **AGENDA:**

- 8 (b) **LA04/2022/1861/F, LA04/2022/1867/DCA and LA04/2022/1860/A** - Replacement facade to active facade to facilitate the display of internally illuminated moving images (Temporary Permission for 5 years) 1- 3 Arthur Street (Pages 1 - 18)
- 9 (d) **LA04/2022/1203/F** - Relocation of 5 No. allotments approved under LA04/2020/0042/F. Introduction of an additional No. 8 allotments, a sensory garden and support hub building for day care of young adults (Amended application site boundary, proposal description and drawings). Glenriver Lands adjacent to 78 Cloona Park Belfast (Pages 19 - 34)



<b>Addendum Report 3</b>	
<b>Application ID:</b> LA04/2022/1861/F LA04/2022/1867/DCA LA04/2022/1860/A	<b>Date of Committee:</b> 17 <sup>th</sup> October 2023
<b>Proposal:</b> Replacement facade to active facade to facilitate the display of internally illuminated moving images.	<b>Location:</b> 1-3 Arthur Street Belfast BT1 4GA
<b>Referral Route:</b> Referral to the Planning Committee under section 3.8.1 of the Scheme of Delegation (request from Elected Member)	
<b>Recommendation:</b> Refusal	
<b>Applicant Name and Address:</b> Alterity Investments Limited 4 Annadale Avenue BT7 3JH	<b>Agent Name and Address:</b> Pragma Planning Scottish Provident Building 7 Donegall Square West Belfast BT1 6JH
<b>Background</b>  <p>These applications for full planning permission, Conservation Area Consent, and Advertisement Consent were originally reported to the April 2023 Planning Committee when they were deferred for a Committee Site Visit. The Site Visit took place on 28<sup>th</sup> June.</p> <p>The applications were then due to be considered at the 29<sup>th</sup> June Committee. However, the applications were withdrawn from the agenda following correspondence from the applicant who stated that they were unable to make arrangements to address the Committee and that they had insufficient time to address the relevant policies in the adopted Belfast LDP Plan Strategy.</p> <p>The applications were then considered at the 15<sup>th</sup> August Committee. The Committee resolved to defer the applications to allow further engagement between the applicant and officers.</p> <p>This Addendum Report 3 should be read in conjunction with Addendum Reports 1 and 2, and the original report to the April 2023 Committee, which are appended.</p>	
<b>Updated Assessment</b>  <p>Following further engagement, the applicant has amended the applications to remove the proposed replacement façade/screen along the Castle Lane elevation. The façade/screen onto Arthur Square would remain.</p> <p>The removal of the advertisement on Castle Lane is beneficial for this street and setting of Nos. 1-5 Castle Lane (Grade B2 Listed) when approaching Arthur Square from the Cornmarket and Ann Street. However, the most prominent screening facing onto Arthur Square would remain and would continue to have a harmful impact on the setting of other Listed Buildings, as well as Nos. 1-5 Castle Lane from other viewpoints, including from Arthur Street and the Victoria shopping centre.</p> <p>Similarly, the proposal would continue to have an adverse impact on the character and appearance of the Conservation Area.</p>	

Conservation advice was sought on the amendments from the Plans and Policy unit. The Conservation advice states that the affect on the south north vista along Arthur Street terminated by 1-5 Castle Lane would be diminished through focal shift to the sign and the sign would adversely impact the perception, understanding and appreciation of the space and its setting as a historic square, thereby undermining the historicity of the listed buildings therein. The advice therefore remains as per before that the proposal would have a harmful impact on the character and appearance of the Conservation Area.

DfC Historic Environment Division have been consulted on the amendments. Officer's opinions in the impact of the Listed Buildings remains unchanged for the reasons explained. It is expected that HED's response will be provided in advance of the Committee meeting and will be reported to members by means of an update.

**Recommendation**

The recommendation remains to refuse permission and consents for the reasons set out in Addendum Report 1, appended.

## Addendum Report 2

<b>Application ID:</b> LA04/2022/1861/F LA04/2022/1867/DCA LA04/2022/1860/A	<b>Date of Committee:</b> 15 <sup>th</sup> August 2023
<b>Proposal:</b> Replacement facade to active facade to facilitate the display of internally illuminated moving images.	<b>Location:</b> 1-3 Arthur Street Belfast BT1 4GA
<b>Referral Route:</b> Referral to the Planning Committee under section 3.8.1 of the Scheme of Delegation (request from Elected Member)	
<b>Recommendation:</b> Refusal	
<b>Applicant Name and Address:</b> Alterity Investments Limited 4 Annadale Avenue BT7 3JH	<b>Agent Name and Address:</b> Pragma Planning Scottish Provident Building 7 Donegall Square West Belfast BT1 6JH
<b>Background</b>  <p>These applications for full planning permission, Conservation Area Consent, and Advertisement Consent were originally reported to the April 2023 Planning Committee when they were deferred for a Committee Site Visit. The Site Visit took place on 28<sup>th</sup> June.</p> <p>The applications were then due to be considered at the 29<sup>th</sup> June Committee. However, the applications were withdrawn from the agenda following correspondence from the applicant who stated that they were unable to make arrangements to address the Committee and that they had insufficient time to address the relevant policies in the adopted Belfast LDP Plan Strategy. However, no information has since been submitted by the applicant on the Plan Strategy.</p> <p>This Addendum Report 2 should be read in conjunction with Addendum Report 1 and the original report to the April 2023 Committee which are appended.</p> <p>For clarification, the Committee is considering three separate but related applications. An application for full planning permission for active façade to the front and side elevations of the building. An application for Conservation Area Consent for demolition of a section of the existing façade. Finally, an application for Advertisement Consent for the active façade with internal illuminated moving images.</p> <p>The recommendation remains to refuse permission and consents for the reasons set out in Addendum Report 1.</p>	

## Addendum Report 1

<b>Application ID:</b> LA04/2022/1861/F LA04/2022/1867/DCA LA04/2022/1860/A	<b>Date of Committee:</b> 29 <sup>th</sup> June 2023
<b>Proposal:</b> Replacement facade to active facade to facilitate the display of internally illuminated moving images.	<b>Location:</b> 1-3 Arthur Street Belfast BT1 4GA
<b>Referral Route:</b> Referral to the Planning Committee under section 3.8.1 of the Scheme of Delegation (request from Elected Member)	
<b>Recommendation:</b> Refusal	
<b>Applicant Name and Address:</b> Alterity Investments Limited 4 Annadale Avenue BT7 3JH	<b>Agent Name and Address:</b> Pragma Planning Scottish Provident Building 7 Donegall Square West Belfast BT1 6JH
<p><b>Background</b></p> <p>These applications for full planning permission, Conservation Area Consent, and Advertisement Consent were previously reported to the April 2023 Planning Committee. The applications were deferred for a Committee Site Visit.</p> <p>This addendum report should be read in conjunction with the original report to the April committee which is appended.</p> <p>Since the application was deferred, the Belfast Local Development Plan: Plan Strategy has been adopted (as of 02 May 2023). This provides a new policy framework for decision-making.</p> <p>The proposal involves three separate applications. An application for full planning permission for active façade to the front and side elevations of the building. An application for Conservation Area Consent for demolition of a section of the existing façade. Finally, an application for Advertisement Consent for the active façade with internal illuminated moving images.</p> <p><b>Updated Policy 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 will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was</p>	

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.

**Operational policies** – the Plan Strategy contains a range of operational policies relevant to consideration of the application, which are set out in the following section of this report. The Plan Strategy replaces the operational policies currently provided by the Departmental Planning Policy Statements (PPSs). Those policies will no longer have effect, irrespective of whether planning applications have been received before or after the adoption date (par. 1.11 of the Strategic Planning Policy Statement).

**Proposals Maps** – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals 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.

### **Relevant Planning Policies**

The following policies in the Plan Strategy are relevant to consideration of the applications.

- Policy BH1 – Listed Buildings
- Policy BH2 – Conservation Areas
- Policy DES4 – Advertising and Signage

### Supplementary Planning Guidance

Advertisements and Signage

### **Updated Assessment**

The adoption of the Plan Strategy requires the following updated assessment.

### Consultation Responses

No additional consultations have been necessary following adoption of the Plan Strategy.

Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the equivalent policies in the Plan Strategy are either the same or sufficiently similar to not require the consultees to re-evaluate the proposal in the context of the Plan Strategy.

### Impact on the character and appearance of the City Centre Conservation Area

Policy BH2 of the Plan Strategy contains 9 criteria that apply to alterations to buildings within Conservation Areas. The application for full planning permission is to be assessed under this policy. For the reasons set out in the original Committee report, appended, the proposal is considered to fail to accord with the following criteria:

- a. the proposal would neither preserve nor enhance the character and appearance of the Conservation Area;
- b. the proposal would not respect the built form of the area by way of height, scale, form, legibility, materials and detailing)
- c. key views within, into or out of the Conservation Area would be negatively impacted;
- e. the proposal is contrary to the Belfast City Centre Conservation Area Guide; and

- f. the proposal does not use traditional or sympathetic materials found in the surrounding area, and the materials are not in keeping with those found in the surrounding area

It is considered that there is no conflict with criterion d. (impact on trees, archaeological or other landscape features). Criteria f., g. and h. are not considered relevant.

In terms of the proposed advertisement, for the reasons set out in the original Committee report, it is considered that the proposal is in conflict with the following criteria in Policy DES4:

- a. the proposal is not of good design quality, nor located sensitively within the streetscape;
- b. the proposal would result in clutter when read in addition to existing advertising and signage in the area; and
- c. the proposal would adversely impact on the Conservation Area.

The Plan Strategy introduces new guidance namely Supplementary Planning Guidance for Advertisements and Signage and this replaces the guidance contained within PPS 17.

Paragraph 4.5.1 of the SPG provides general good practice in relation to signage which impacts the setting of heritage assets. It would not be expected that any proposed signage should be designed to be historic given the nature of the modern building, however, there is a presumption against illumination and it is acknowledged that illumination can have a significant adverse impact on listed buildings. As set out in the original Committee report, the scale of the advertisement and illumination will accentuate the negative impact of the proposal on the Conservation Area as well as the surrounding listed buildings.

#### **Impact on the setting of Listed Buildings**

Policy BH1 of the Plan Strategy contains 5 criteria for new development affecting the setting of listed buildings. Criteria (a), (c) and (d) are similar to the criteria contained within Policy BH 11 in PPS 6 and the substantive issues are set out in the original Committee report. It is considered that the proposal is in conflict with the following criteria in Policy BH1:

- a. The proposal is not sympathetic to the essential characteristics, scale, height, massing and alignment of the adjacent Listed Buildings by way of its scale, form, materials and detailing;
- b. The proposal would result in a competing focus to the Listed Buildings, drawing the eye away from them and diluting their prominence and importance in the street-scene;
- c. The nature of the proposal does not respect the character of the setting of the Listed Buildings;
- d. The proposal would have a detrimental impact on the setting of the Listed Buildings.

There is no supplementary planning guidance to take account of in respect of this policy and therefore there is no conflict with criteria e.

The proposal is in conflict with criterion c. of Policy DES4 as the proposal will adversely affect the adjacent Listed Buildings.

#### **Suitability of Demolition**

Policy BH2 of the Plan Strategy contains two criteria in relation to demolition. Demolition of a building will only be permitted where the building to be demolished (whole or in part) makes either a negative or no material contribution to the character and appearance of the Conservation Area. In this case, the existing building/structure is not considered to make a material contribution. However, approval of Conservation Area Consent will normally be conditional on prior agreement for the redevelopment of the site. The proposed development is not acceptable and therefore demolition consent cannot be granted due to the unsuitability of what is proposed to be put back following the demolition.



**Recommendation**

The recommendation remains that planning permission, Conservation Area Consent and Advertisement Consent should be refused with delegated authority given to the Director of Planning and Building Control to finalise the wording of the refusal reasons.

The draft refusal reasons are below.

LA04/2022/1861/F

1. The proposal, by reason of its character, size, position and design, would be a highly incongruous feature in Arthur Square and would have a detrimental impact on the character and appearance of the Conservation Area. The proposal is contrary to paragraph 6.18 of the SPPS; criteria (a) (b) (c) and (e) of Policy BH2 of the Belfast Local Development Plan: Plan Strategy 2035; and City Centre Conservation Area Design Guide; and is unacceptable.
2. The proposal, by reason of its character, size, position and design, would visually compete with and adversely affect the setting of adjacent Listed Buildings. The proposal is contrary to paragraph 6.12 of the SPPS and criteria (a) (b) (c) and (d) of Policy BH1 of the Belfast Local Development Plan: Plan Strategy 2035; and is unacceptable.

LA04/2022/1867/DCA

1. An acceptable replacement scheme following demolition has not been achieved through the full planning application under reference LA04/2022/1861/F. The proposed demolition would therefore fail to preserve to enhance the character or appearance of the Conservation Area. The proposal is therefore contrary to paragraph 6.12 of the SPPS and criterion (k) of Policy BH2 of the Belfast Local Development Plan: Plan Strategy 2035.

LA04/2022/1860/A

1. The proposal, by reason of its character, size, position and design, would be a highly incongruous and insensitive feature in the street-scene, would result in clutter and adversely affect amenity and the Conservation Area. The proposal is therefore contrary to paragraphs 5.57 to 5.60 of the SPPS and criteria (a) (b) and (c) of Policy DES4 of the Belfast Local Development Plan: Plan Strategy 2035 band is unacceptable.

## Committee Report

Development Management Report	
<b>Application ID:</b> LA04/2022/1861/F LA04/2022/1867/DCA LA04/2022/1860/A	<b>Date of Committee:</b> 18 <sup>th</sup> April 2023
<b>Proposal:</b> Replacement facade to active facade to facilitate the display of internally illuminated moving images.	<b>Location:</b> 1-3 Arthur Street Belfast BT1 4GA
<b>Referral Route:</b> Referral to the Planning Committee under section 3.8.1 of the Scheme of Delegation (request from Elected Member)	
<b>Recommendation:</b> Refusal	
<b>Applicant Name and Address:</b> Alterity Investments Limited 4 Annadale Avenue BT7 3JH	<b>Agent Name and Address:</b> Pragma Planning Scottish Provident Building 7 Donegall Square West Belfast BT1 6JH
<b>Executive Summary:</b>  This report relates to three separate, but related applications described as follows.  LA04/2022/1861/F: application for planning permission for replacement facade to active facade to facilitate the display of internally illuminated moving images (temporary permission for 5 years).  LA04/2022/1860/A: application for Advertisement Consent for active façade to facilitate the display of LED internally illuminated moving images (temporary consent for 5 years).  LA04/2022/1867/DCA: application for Conservation Area Consent for part demolition of façade to facilitate replacement façade.  The key issues are: <ul style="list-style-type: none"> <li>• Impact on the character and appearance of the City Centre Conservation Area</li> <li>• Impact on the setting of Listed Buildings</li> <li>• Suitability of the demolition</li> <li>• Impact on amenity</li> <li>• Impact on public safety</li> </ul> The site is located at Nos. 1-3 Arthur Street. It is within the City Centre Conservation Area. Of the buildings which face onto Arthur Square, the host building is the only building that is not listed.  The Conservation Officer and DfC Historic Environment Division were consulted and both object to the proposal in that the proposal would neither preserve or enhance the Conservation Area and would provide a competing focus to the surrounding listed buildings, to the detriment of their setting. It is recommended that the permission and consents are refused for these reasons.  No objections were received from third parties.	

The applications are brought before the Committee under paragraph 3.8.1 of the Scheme of Delegation at the request of Councillor Dorrian. The planning grounds for the request to refer the application to the Planning Committee are:

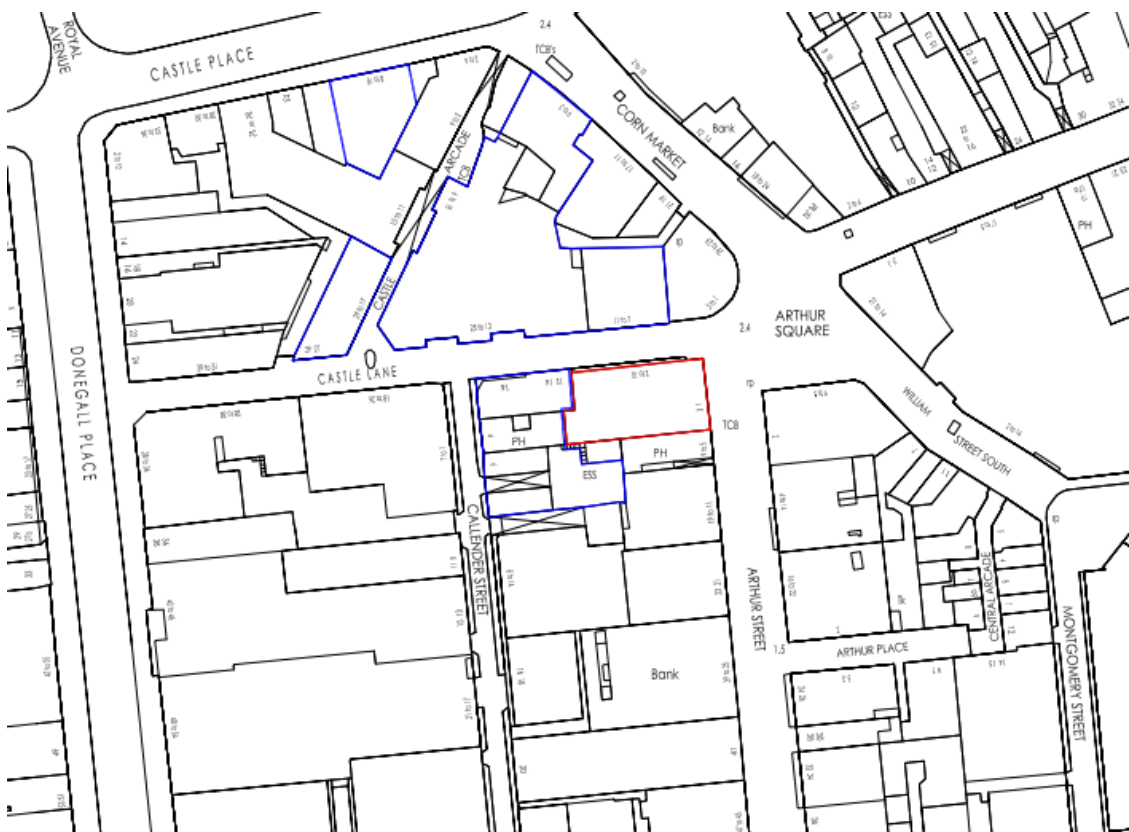
- Need for traditional and modern infrastructure to co-exist with the historic environment;
- Impact on the setting of the listed buildings should be considered acceptable given the precedents already established in the city, e.g. Shaftesbury Square and the advertising sign next to the orange hall on the Albertbridge Road.

**Recommendation**

It is recommended that permission and consents are refused with delegated authority given to the Director of Planning and Building Control to finalise the wording of the refusal reasons.

## Case Officer Report

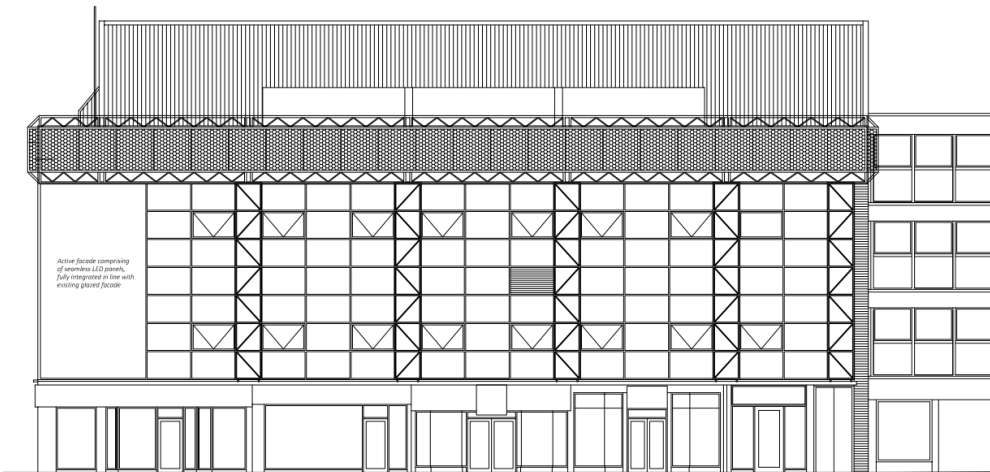
### Site Location Plan



**Proposed Elevations**



**Proposed Elevations**



<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<p><b>Description of Proposed Development</b></p> <p>This report relates to three separate, but related applications described as follows.</p> <p>LA04/2022/1861/F: application for planning permission for replacement facade to active facade to facilitate the display of internally illuminated moving images (temporary permission for 5 years).</p> <p>LA04/2022/1860/A: application for Advertisement Consent for active façade to facilitate the display of LED internally illuminated moving images (temporary consent for 5 years).</p> <p>LA04/2022/1867/DCA: application for Conservation Area Consent for part demolition of façade to facilitate replacement façade.</p>
<b>2.0</b>	<p><b>Description of Site</b></p> <p>The site is located at Nos. 1-3 Arthur Street. The building is located in a prominent location fronting onto Arthur Square which is a pedestrianised area forming the junction of five streets. The square contains a centrepiece of modern art and the site is a prominent building between Arthur Street and Castle Lane. The building itself is a 3 storey non-historic glass curtain wall building.</p> <p>The proposal is located within the City Centre Conservation Area and of the buildings which face onto Arthur Square, the host building is the only building to not be listed.</p>
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<p><b>Site History</b></p> <p>LA04/2016/1284/F, Proposed relocated electronic big screen, to replace existing screen (currently at roof level) and reposition it at 1st floor level on Arthur Street facade. PERMISSION REFUSED. 07.09.2016.</p> <p>LA04/2016/0223/A, Proposed advertising screen 5 x 3m, PERMISSION REFUSED, 07.09.2016.</p>
<b>4.0</b>	<b>Policy Framework</b>
4.1	<b>Belfast Urban Area Plan 2001</b>
4.2	<p><b>Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014)</b></p> <p>Following the Court of Appeal decision on BMAP, the extant development plan is the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. It is considered that significant weight should be afforded to the latest version of Draft BMAP (v2014) given its advanced stage in the Development Plan process, save for retail policies relating to Sprucefield, which remain contentious.</p>
4.3	<p><b>Belfast Local Development Plan Draft Plan Strategy 2035</b></p> <p>The LDP Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council</p>

	has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 of the SPPS states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.
4.4	<b>Strategic Planning Policy Statement for Northern Ireland (SPPS)</b>
4.5	<b>Planning Policy Statement 6: Planning, Archaeology and The Built Heritage</b>
4.6	<b>Planning Policy Statement 17: Outdoor Advertisements</b>
5.0	<b>Statutory Consultees Responses</b> DfC Historic Environment Division – objection (see main report)
6.0	<b>Non Statutory Consultees Responses</b> Conservation Officer – objection (see main report)
7.0	<b>Representations</b>  The full application was advertised on the 21 <sup>st</sup> October 2022 and neighbour notified on 12 October 2022. The demolition consent was advertised on the 21 <sup>st</sup> October 2022. No publicity is required for applications for Advertisement Consent.  No representations have been received from third parties.
8.0	<b>Other Material Considerations</b> Belfast City Centre Conservation Area Guide
9.0	<b>Assessment</b>
9.1	The proposal is considered to be contrary to the development plan.
9.2	Assessment The key issues to be considered are: <ul style="list-style-type: none"> <li>• Impact on the character and appearance of the City Centre Conservation Area</li> <li>• Impact on the setting of Listed Buildings</li> <li>• Suitability of the demolition</li> <li>• Impact on amenity</li> <li>• Impact on public safety</li> </ul>
9.3	<b>Impact on the character and appearance of the City Centre Conservation Area</b> With regards to development in Conservation Areas, Section 104(11) of the Planning Act (Northern Ireland) 2011 states that special regard must be had to the desirability of; <ol style="list-style-type: none"> <li>(a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise;</li> <li>(b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise</li> </ol>
9.4	In relation to the application for full planning permission, paragraph 6.18 of the SPPS states that: <i>'In managing development within a designated Conservation Area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. Accordingly, there will be a general presumption against the grant of planning permission for development or</i>

	<p><i>conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest. In the interests of protecting the setting of designated Conservation Areas, new development in proximity needs to be carefully managed so as to ensure it respects its overall character and appearance. Important views in and out of the Conservation Area should be retained.'</i></p>
9.5	<p>Policy BH 12 of PPS 6 provides criteria for assessing proposals for new development in a Conservation Area.</p>
9.6	<p>The proposal contains essentially two active, digital advertisements measuring 3.84m x 7.46m on the east and north façades of the host building.</p>
9.7	<p>The proposed active façade would be located in a very prominent location within the Conservation Area facing onto Arthur Square. As described within the Conservation Area Guide: <i>'Arthur Square provides a central node to the pedestrian environment, and is contained by a variety of different styled buildings of architectural quality.'</i></p>
9.8	<p>The scale of the proposal is considered excessive and would neither preserve or enhance the character and appearance of the area. The active facade/advertisement would not be of a scale that is not in sympathy with the characteristic built form of the area, neither do the scale, form, materials and detailing of the proposal respect the characteristics of the listed adjoining buildings in the area. The active, digital nature of the proposal would accentuate its impact. It is considered that the scale of the façade/advertisement would fail to protect important views into/out of the Conservation Area. The proposal would be prominent and dominating when viewed from Arthur Square, negatively impacting an important node within the Conservation Area as well as detracting from neighbouring listed buildings.</p>
9.9	<p>The host building itself forms one side of Arthur Square and while the building itself is non-historic and of limited architectural value the scale of the advert itself would dominate views of the building and surrounding area. The proposal would be viewable on the approach to Arthur Square, most notably on the approach from Ann Street from which the building visually terminates the vista. Obscure views of the proposal would be from Castle Lane and Arthur Street and, although less direct, would still place an emphasis onto an unsympathetic façade and advertisement.</p>
9.10	<p>Paragraph 7.15 of PPS 6 states that signage on upper floors or buildings and the internal illumination of signs will not normally be acceptable. Similarly, the <i>Belfast City Centre Conservation Area Design Guide</i> states that only in exceptional circumstances where they are essential to the use of the upper floor, will advertising signs be permitted above ground floor fascia level. Furthermore, the Design Guide states that advertising panels have a particularly detrimental effect on visual character and only in exceptional circumstances will they be permitted. The proposal occupies the first to second storey of the building contrary to the Design Guide and would not relate to the building itself.</p>
9.11	<p>The Conservation Officer was consulted and objects to the proposal stating that the proposed sign would have a harmful effect on the character and appearance and visual amenity of the Conservation area. Such signage is not historic / traditional to the Conservation Area. Furthermore, the Conservation Officer states that the proposal would have the visual appearance of a large sheet/advertising hoarding attached to the building and occupying a substantial proportion of the façade.</p>
9.12	<p>It is considered that the proposal fails to accord with Section 104(11) of the Planning Act (Northern Ireland) 2011, paragraph 6.18 of the SPPS and Policy BH 12 of PPS 6 in that</p>

	<p>the proposal does not preserve or enhance the character and appearance of the Conservation Area.</p> <p><b>Impact on the setting of Listed Buildings</b></p>
9.13	<p>Section 91 (2) of the Planning Act (Northern Ireland) 2011 states that ‘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>
9.14	<p>Paragraph 6.12 of the SPPS states Listed Buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.</p>
9.15	<p>Policy BH 11 of PPS 6 provides criteria for assessing proposals that affect the setting of a Listed Building.</p>
9.16	<p>The proposal faces onto Arthur Square which contains the following Listed Buildings:</p> <ul style="list-style-type: none"> <li>• HB26/50/039 - Masonic Building 13-14 Arthur Square Belfast County Antrim BT1 4FF – Grade B+</li> <li>• HB26/50/096 - Mayfair Building Arthur Square Belfast County Antrim BT1 4FE – Grade B1</li> <li>• HB26/50/178 - Arthur Chambers 4-14 Arthur Street Belfast Co Antrim BT1 4GD – Grade B2</li> <li>• HB 26/50/304 - 1- 5 Castle Lane &amp; 23-29 Cornmarket Belfast Co Antrim BT1 4FB – Grade B2</li> </ul>
9.17	<p>DfC Historic Environment Division has been consulted and objects to the proposal, stating that the illuminated and moving signage would create a competing focus to the listed buildings which form the attractive historic perimeter of Arthur Square.</p>
9.18	<p>Having regard to HED's advice, officers advise that the proposal fails to respect the surrounding listed buildings by reason of its location, scale and design. The scale of the proposal would detract from setting of the listed buildings by dominating Arthur Square and detracting from views of the surrounding listed buildings. The host building appears pinched between two listed buildings when viewed from Ann Street, William Street South and Castle Lane. The proposal would bring undue prominence to the building which is of less architectural merit than those surrounding and will detract from the adjacent listed buildings. The proposal is of a modern and untraditional design with internal illumination and would dominate the surrounding listed buildings. The nature of the use of an advertisement on the façade fails to respect the character of the setting of the listed buildings which do not contain advertisements on the upper floors. The proposal is considered to fail to accord with the Strategic Planning Policy Statement and Policy BH 11 of PPS 6 and is unacceptable.</p> <p><b>Other considerations</b></p>
9.19	<p>The applicant has submitted supporting documents including a Planning Summary, Conservation Impact Assessment and a letter responding to the consultation responses from DfC HED and the Conservation Officer.</p>
9.20	<p>It is noted that the proposal is for temporary permission for a period of 5 years. As per the Planning Summary this is to allow an assessment of the benefits and actual impact. However, officers advise that the impacts of the proposal on the Conservation Area and</p>



	<p>setting of nearby Listed Buildings would be obvious and harmful and do not need to be tested. The proposal fails the legislative requirements and relevant planning policies by failing to preserve the character or appearance of the Conservation Area and harming the setting of surrounding listed buildings, it is therefore not necessary for temporary approval to be granted to test the impact the proposal will have.</p>
9.21	<p>The applicant proposes through a Section 76 planning agreement that a proportion of airtime would be made available to Belfast City Council as well as providing interpretative information on the Conservation Area and listed buildings to mitigate any conflict created by the screen with these buildings. However, officers advise that the content of the advertising screen would not mitigate the impact of the screen itself, which would remain harmful to the historic environment. Providing content and information on the Conservation Area and listed buildings would in itself attract attention to the advertising screen impacting the listed buildings which should remain the main focus.</p>
9.22	<p>The Planning Summary refers to previous refusals on the site and states that they are not comparable to a temporary application nor to this application which is to incorporate the screen into the façade of the building. The application LA04/2016/0223/A was for an advertisement screen on the upper floors of the building, while not incorporated into the façade the policy considerations remains similar to this application. The current proposal is for a larger scale screen on two facades of the building and would have an even greater harmful impact. The Planning Statement also refers to planning application LA04/2020/0558/A for an advertising screen at 112 Ann Street. However, the application is not comparable to this proposal as it is not within a Conservation Area and is not surrounded by listed buildings to the extent of this proposal.</p>
9.23	<p>A Conservation Impact Assessment has been submitted and has been addressed by the Conservation Officer. The Conservation Officer agrees with the visibility analysis but considers that the proposed signage would be visually obtrusive in a key civic set piece with high pedestrian footfall, drawing the eye from listed heritage assets. The Conservation Officer disagrees with the analysis at paragraph 7.09.1 in that the LED active façade element would introduce a more visually diverse element between two listed structures. The opinion of the Conservation Officer is that visual prominence/ perceptual significance should remain with the heritage assets and non-historic elements not given emphasis. The Conservation Officer disagrees with the commentary on 1-5 Castle Lane/ 1-3 Arthur Lane in that the proposal would cause visual competition and with the assessment at paragraph 7.09.2 as the proposal frames a vista along Castle Lane terminated by the Masonic Building from which the proposed signage would set up visual competition. In relation to paragraph 7.10, the Conservation Officer considers the proposal to be detrimental to the setting of a number of listed buildings and the appreciation/ perception/ experience of the place as an historic node.</p>
9.24	<p>A letter from the applicant with a response to the consultees was submitted on the 14<sup>th</sup> February 2023. The applicant refers to the airtime to be provided to the Council to highlight the surrounding listed buildings. As previously stated, this by its nature will attract attention to the advertising screen rather than the listed buildings. It does not mitigate the harmful impacts of the proposal on the setting of the Listed Buildings. The applicant refers to Policy BH 11 and use of the word 'normally' which allows the Council to make a balanced planning judgement. The applicant states that the airtime and digital content should carry significant determinative weight. While the word 'normally' does allow a degree of flexibility, officers are clear that the proposal would be harmful and contrary to planning policy. The content of the screen does not have significant weight as the screen itself is contrary to policy regardless of the content. The applicant states that the Conservation Officer is incorrect and there are no vistas terminated by listed buildings in which the proposed active façade is visible. However, on the approach to Arthur Square from Ann Street the vista is terminated by both the</p>

	neighbouring building at 1- 5 Castle Lane/23-29 Cornmarket and the host building, the proposed active façade will be particularly viewable and appear to dominate the neighbouring listed building.
9.25	The applicant states that <i>'it is hard to see how the proposed alteration to the façade of a building deemed as having low significance in terms of architectural or historic merit can detract from the prominence of Listed Buildings which are facing it across from or obliquely to it.'</i> While the building itself is of low significance in terms of architectural or historic merit, the active façade would bring prominence to the building. The proposal would dominate Arthur Square detracting from both the Conservation Area and the Listed Buildings. As described when viewing the host building from towards Ann Street and William Street South, it appears pinched between two listed buildings, the proposal would detract from views of these listed buildings.
9.26	The applicant states that the existing corner feature within the building protrudes from the façade and is therefore more obtrusive than the proposed active façade. While the existing structure protrudes it does not impact on views of the building. The proposed active façade with its proposed illuminated screen would impact views of the host building as well as impact views of the Conservation Area and surrounding listed buildings. The statement sets out that the active façade can have a positive impact by giving life and interest to a building of limited/low heritage significance. It states the introduction of the active façade would encourage visitors to look up and draw the eye to appreciate the historic facades which complete Arthur Square, the active façade would to some degree illuminate the surrounding facades and highlight them. However, officers consider that the proposal would bring prominence to the building and detract from the surrounding character and setting of the listed buildings. An active façade/advertisement by its very nature is designed to attract attention and this would detract from the surrounding area and listed buildings regardless of the content of the advertisement. The argument that the active façade would illuminate the surrounding listed buildings demonstrates the potential detrimental impact the proposal will have.
9.27	<p><b>Suitability of the Demolition</b></p> <p>An application for Conservation Area Consent has been submitted for demolition of the section of the façade to be replaced under the reference LA04/2022/1867/DCA. The proposed demolition is considered under paragraph 6.15 of the SPPS and Policy BH 14 of PPS 6. The host building itself makes no material contribution to the character and appearance of the Conservation Area. While the proposed demolition would not in itself impact on the Conservation Area, it has been considered that the proposed active façade/advertisement is contrary to policy. Policy BH 14 states that where Conservation Area Consent for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site. The proposed development is not acceptable and therefore demolition consent cannot be granted due to the unsuitability of what is proposed to be put back following the demolition. The proposed demolition is therefore contrary to Policy BH 14 of PPS 6 and is unacceptable.</p>
9.28	<p><b>Impact of the Advertisement on Amenity</b></p> <p>Paragraph 6.57 of the SPPS states that Advertisement Consent should be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality.</p>
9.29	Paragraph 6.59 further states that care must be taken to ensure that all proposals will not detract from the place where advertising is to be displayed or its surroundings. In particular, it is important to prevent clutter, to adequately control signs involving illumination and to protect features such as listed buildings, and conservation areas from the potential adverse effects of advertising.

9.30	Paragraph 6.14 of the SPPS states ' <i>Consent for the display of advertisements or signs on a listed building should only be forthcoming where these are carefully designed and located to respect the architectural form and detailing of the building, and meet the requirements of strategic policy on the Control of Outdoor Advertisements.</i> '
9.31	Policy AD1 (i) of PPS 17 echoes that of paragraph 6.57 of the SPPS and states that consent will be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality. Amenity in relation to advertisements is usually understood to mean its effect upon the appearance of the building or structure or the immediate neighbourhood where it is displayed, or its impact over long distance views.
9.32	The proposal is considered to be contrary to the SPPS and Policy AD1 of PPS 17. With respect to Part (i) Amenity it is considered that the proposed advert is of a size, scale and design which would appear unduly prominent. The site is within a sensitive location surrounded by a number of listed buildings and within the City Centre Conservation Area. Given the sensitive location the advertisement would be overly dominant. As per the SPPS, it is important to adequately control signs involving illumination and to protect features such as listed buildings, and conservation areas from the potential adverse effects of advertising. The scale of the advertising fails to protect the listed buildings and conservation area. Guidance within PPS 17 states that high level signs will generally only be appropriate where they relate to the scale and primary use of the host building, the advertisement in this case would not. Furthermore, the guidance states that only the lettering should be illuminated, the level and type of illumination display in this case will further make the advertisement prominent and unduly dominant.
9.33	It is also considered that the proposed advertisement would result in clutter. The surrounding area contains signage which in the main relates to the retail uses at ground floor level, there is also an LED screen at ground floor level. The area contains low level signage or higher level signage of a modest scale. The proposal would be at a scale which would dominate the surrounding area and is located on the upper floors of the building giving concerns that this would lead to the appearance of clutter in a conservation area.
9.34	The proposal fails to accord with the Strategic Planning Policy Statement, Policy AD 1 of PPS 17 and Policy BH 13 of PPS 6, and is unacceptable.
	<p><b>Impact of the Advertisement on Public Safety</b></p>
9.35	Arthur Square is not routinely used by vehicle traffic and it is considered that the proposal would not have an adverse impact on highway or public safety.
<b>10.0</b>	<p><b>Summary of Recommendation:</b></p> <p>It is recommended that permission and consents are refused with delegated authority given to the Director of Planning and Building Control to finalise the wording of the refusal reasons.</p>

<b>11.0</b>	<p><b>Draft Refusal Reasons</b></p> <p>LA04/2022/1861/F</p> <ol style="list-style-type: none"> <li>3. The proposal is contrary to paragraph 6.18 of the SPPS and Policy BH 12 criterion (a) (b) (c) (e) (g) of PPS 6: Planning, Archaeology and The Built Heritage in that the scale, form and design of the proposal would fail to preserve or enhance the character of the City Centre Conservation Area.</li> <li>4. The proposal is contrary to paragraph 6.12 of the SPPS and Policy BH 11 criterion (a) and (c) of PPS 6: Planning, Archaeology and The Built Heritage in that the scale, height, massing, design and nature of the proposed active signage would visually compete with and adversely affect the setting of surrounding Listed Buildings.</li> </ol> <p>LA04/2022/1867/DCA</p> <ol style="list-style-type: none"> <li>2. The proposal is contrary to paragraph 6.12 of the SPPS and Policy BH 14 of Planning Policy Statement 6: Planning, Archaeology and Built Heritage in that an acceptable scheme has not been achieved through the full planning application under reference LA04/2022/1861/F. The proposed demolition would therefore fail to preserve to enhance the character or appearance of the Conservation Area.</li> </ol> <p>LA04/2022/1860/A</p> <ol style="list-style-type: none"> <li>2. The proposal is contrary to paragraphs 6.57 to 6.59 of the SPPS, Policy AD1 criterion (i) of PPS 17: Control of Outdoor Advertisements and Policy BH 13 of Planning Policy Statement 6: Planning, Archaeology and The Built Heritage in that the proposed advertisement, by reason of its unsympathetic design, location and excessive scale, would fail to respect amenity and would adversely affect the character of the Conservation Area.</li> </ol>
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**Notification to Department (if relevant)**

The application for Conservation Area Consent would have to be notified to the Department for Infrastructure were the Planning Committee to resolve to grant consent.

## Committee Report

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2022/1203/F	<b>Date of Committee:</b> 17 <sup>th</sup> October 2023
<b>Proposal:</b> Relocation of 5 No. allotments approved under LA04/2020/0042/F. Introduction of an additional No. 8 allotments, a sensory garden and support hub building for day care of young adults (Amended application site boundary, proposal description and drawings)	<b>Location:</b> Glenriver Lands adjacent to 78 Cloona Park Belfast.
<b>Referral Route:</b> Referred to the Planning Committee under Section 3.8.7 of the Scheme of Delegation (i.e. at the discretion of the Director of Planning and Building Control given the balanced consideration of the issues and level of public interest in the application)	
<b>Recommendation:</b> Approval with conditions	
<b>Applicant Name and Address:</b> Glenriver Lands adjacent to 78 Cloona Park Belfast	<b>Agent Name and Address:</b> C. McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
<p><b>Executive Summary:</b></p> <p>The application seeks full planning permission for a single storey day care building, allotments and sensory garden with associated car parking. The applicant is a private healthcare group who intend to use the site as a support hub for the care of vulnerable young adults.</p> <p>Access to the site would be through sliding gates via Cloona Park to the south. The gates open onto a car park in the corner of the site.</p> <p>The site is mostly open space with overgrown grassland. Most of the trees in the site are along its boundaries. Site levels generally fall to the south-east of the site.</p> <p>To the west and south of the site is a residential area. To the east of the site is open space which is part of Colin Glen and Suffolk Community Centre.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Impact on the character and appearance of the area</li> <li>• Compatibility with adjacent uses</li> <li>• Impact on Built heritage</li> <li>• Access and parking</li> <li>• Drainage</li> <li>• Waste-water infrastructure</li> <li>• Contamination</li> <li>• Noise, odour and other environmental impacts</li> <li>• Climate change</li> <li>• Natural heritage</li> </ul>	

In terms of the Development Plan, in the BUAP 2001, the site is zoned for Landscape, Amenity or Recreation Use. In dBMAP (v2014), the site is within the Colin Glen (Lisburn) Urban Landscape Wedge, designated as ML 21. In dBMAP (v2004), the site is within the Colin Glen (Lisburn) Urban Landscape Wedge, designated as ML 23.

The site area is 0.31ha. The majority of the site (0.17ha) has previous approval for allotments and an ancillary storage/changing facility/kitchenette (permission LA04/2020/0042/F).

There are no objections from statutory consultees. The Plans and Policy Unit has raised issues regarding protection of the landscape wedge. The Council's Landscape and Development team has raised concerns about landscape impact.

433 objections have been received as detailed in the main report.

The proposal would encroach upon the landscape wedge. This has to be weighed alongside the significant community benefits that the scheme would bring in terms of providing a day care facility, allotments and sensory garden for vulnerable young people.

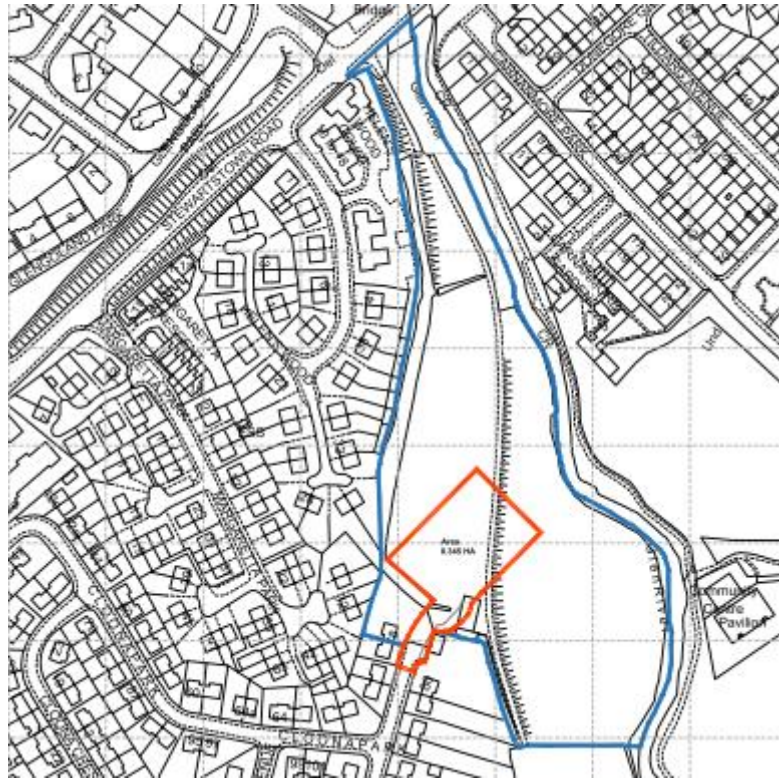
### **Recommendation**

Having regard to the Development Plan and relevant material considerations above, the proposal is considered, on balance, acceptable. It is recommended that planning permission be granted.

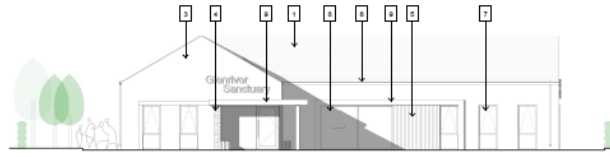
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.

# Case Officer Report

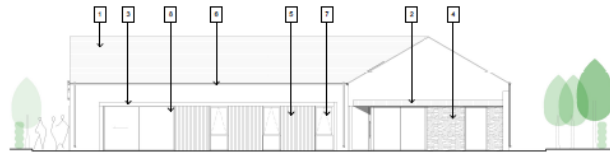
## Site Location Plan and Site Layout



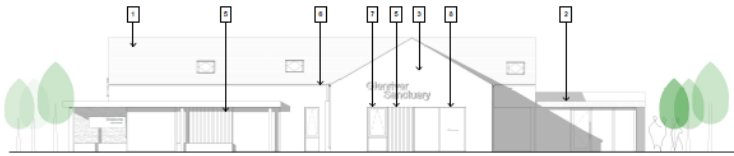
# Floor Plans and Elevations



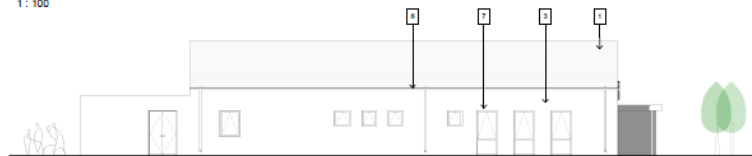
**Proposed Front Elevation**  
1 : 100



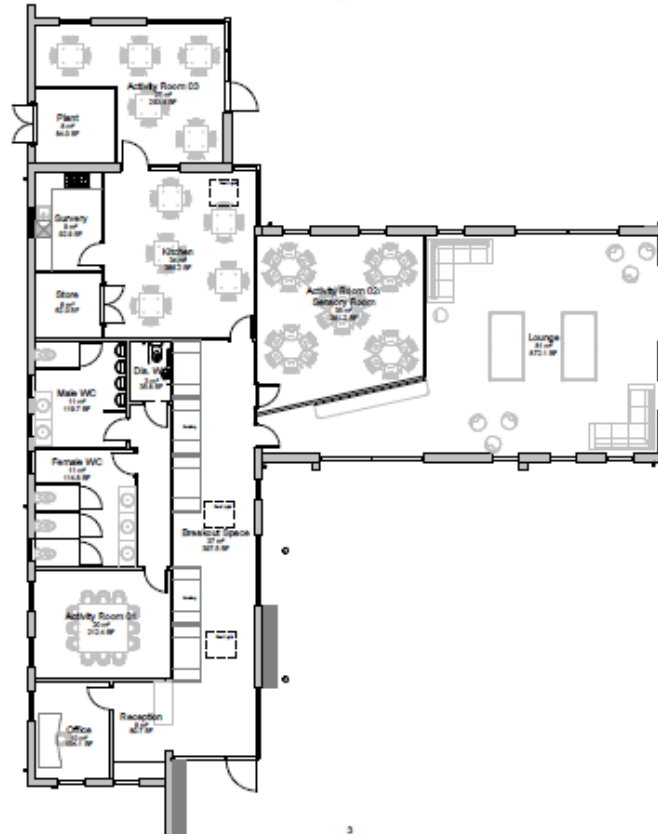
**Proposed Rear Elevation**  
1 : 100



**Proposed Side Elevation**  
1 : 100



**Proposed Side Elevation.**  
1 : 100



**Proposed Floor Plan**  
1 : 100



- 100 Windows (solid)
- 100 Windows (dotted)
- 100 Doors (solid)
- 100 Doors (dotted)
- 100 Stairs (solid)
- 100 Stairs (dotted)
- 10000



CGI Views



<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b>
1.1	The application seeks full planning permission for a single storey day care building, allotments and sensory garden with associated car parking. The applicant is a private healthcare group who intend to use the site as a support hub for the care of vulnerable young adults. The applicant states that the building would be used by no more than 10/15 visiting adults at a time with an additional 5no. trained, support staff and transport being provided primarily by the trust minibus. The operating hours would be Monday to Friday 9 until 5.30pm and occasionally at weekends for one-off events.
1.2	Access to the site would be through sliding gates via Cloona Park to the south. The gates open onto a car park in the corner of the site.
1.3	The proposed building would have activity rooms, a lounge, kitchen, office and changing facilities. It would be finished in smooth render, natural stone and timber cladding. There would be 13no. allotments along the northern and eastern site boundaries. A sensory garden would be situated immediately adjacent the northern elevation of the building.
1.4	The site would have native hedgerows planted along its boundaries, with additional trees planted along the northern boundary and the corners of the site. A 2.4m high mesh green panel fence would enclose the whole site.
<b>2.0</b>	<b>Description of Site</b>
2.1	The site is located at land north of No. 78 Cloona Park. It is located at the end of a residential cul-de-sac, rectangular in shape and 0.31 ha in size. The site was grassed and contained a number of trees but has since been cleared. The majority of the site (0.17 ha) has previous approval for allotments and an ancillary storage/changing facility/kitchenette, approved under application LA04/2020/0042/F.
2.2	To the west and south of the site is a residential area comprised of detached and semi-detached dwellings. Three dwellings were approved to the south of the site under the reference LA04/2018/2072/F and an amendment to the road layout approved under the reference LA04/2020/0178/F. To the east of the site is open space which is part of Colin Glen and Suffolk Community Centre.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b>
3.1	<u>Application Number: LA04/2020/0042/F</u> Decision: Permission Granted Proposal: Proposed 5no. allotments, with associated parking and ancillary accommodation (storage/kitchenette and changing area/toilets), adjacent to no.78 Cloona Park, Belfast. Decision Date: 07 December 2021  <b>Surrounding Site History</b>  <u>Application Number: LA04/2018/2072/F</u> Decision: Permission Granted
3.2	Adjacent to, 78 Cloona Park, Dunmurry, BT17 0HF, 3 new dwellings with associated vehicular access, parking and landscaping. (amended plan). Decision Date: 24 May 2019

3.3	<p>Application Number: LA04/2020/0178/F      Decision: Permission Granted</p> <p>Amendment to planning approval LA04/2018/2072/F for 3 dwellings, to provide alterations to the road layout and visitor parking. Decision Date: 7 December 2021</p>
<b>4.0</b>	<b>Policy Framework</b>
4.1	<p><b>Development Plan – operational policies</b></p> <p>Belfast Local Development Plan, Plan Strategy 2035.</p> <ul style="list-style-type: none"> <li>• SP1A Managing growth and supporting infrastructure delivery</li> <li>• DES1 Principles of urban design</li> <li>• HC1 Promoting healthy communities</li> <li>• CI1 Community infrastructure</li> <li>• BH5 Archaeology</li> <li>• TRAN1 Active travel - walking and cycling</li> <li>• TRAN6 Access to public roads</li> <li>• TRAN8 Car parking and servicing arrangements</li> <li>• TRAN10 Design of car parking</li> <li>• ENV1 Environmental quality</li> <li>• ENV2 Mitigating environmental change</li> <li>• ENV3 Adapting to environmental change</li> <li>• ENV4 Flood risk</li> <li>• ENV5 Sustainable drainage systems (SuDS)</li> <li>• OS1 Protection of open space</li> <li>• NH1 Protection of natural heritage resources</li> <li>• TRE1 Trees</li> <li>• LC1 Landscape</li> <li>• LC1D Landscape wedges</li> <li>• TRE1 Trees</li> </ul>
4.2	<p><b>Development Plan – zoning, designations and proposals maps</b></p> <p>Belfast Urban Area Plan (2001) (BUAP) Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p>
4.3	<p><b>Regional Planning Policy</b></p> <p>Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p>
4.4	<p><b>Other Material Considerations</b></p> <p>Creating Places Belfast Agenda (Community Plan)</p>
4.5	<p><b>Any other supplementary guidance</b></p> <p>Sustainable Urban Drainage Systems Trees and Development</p>

<p><b>5.0</b></p>	<p><b>Statutory Consultees Responses</b></p> <p>DfI Roads – No objection (advises conditions)  DfC Historic Environment Division (HED) – No objection (advises conditions)  NI Water – No objection  DAERA NIEA (NED) – No objection</p> <p>Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the equivalent policies in the Plan Strategy are either the same or sufficiently similar to not require the consultees to re-evaluate the proposal in the context of the Plan Strategy.</p>
<p><b>6.0</b></p>	<p><b>Non-Statutory Consultees Responses</b></p> <p>BCC Environmental Health – no objection (advises conditions)  BCC Tree Officer – no objection (advises conditions)  BCC Landscape and Development – policy issues raised (see main report)  BCC Plans &amp; Policy team – concerns raised (see main report)</p>
<p><b>7.0</b></p> <p>7.1</p> <p>7.2</p> <p>7.3</p>	<p><b>Publicity and Representations</b></p> <p>The application has been advertised and neighbours notified.</p> <p>The Council has received 433 (including 2no. petitions). Concerns raised include:</p> <ul style="list-style-type: none"> <li>• Nature and scale of the development</li> <li>• Importance of the Urban Landscape Wedge</li> <li>• Loss of Open Space</li> <li>• Impact on the environment</li> <li>• Impact on amenity (noise)</li> <li>• Measurements in the Contamination Assessment</li> <li>• Traffic and Road Safety</li> </ul> <p>These issues are addressed in the main report.</p>
<p><b>8.0</b></p>	<p><b>Assessment</b></p>
<p><b>8.1</b></p> <p>8.1.1</p> <p>8.1.2</p> <p>8.1.3</p>	<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 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>

8.1.4	<b>Operational policies</b> – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
8.1.5	<b>Proposals Maps</b> – 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.
8.1.6	<u>Belfast Urban Area Plan 2001 (BUAP)</u> The site is located on land zoned for ‘Landscape, Amenity or Recreation Use’ within the development limits of Belfast.
8.1.7	<u>Draft BMAP (v2004 and v2014) designations</u> In draft BMAP (v2004), the site is zoned as an Urban Landscape Wedge (Zoning ML23). In draft BMAP (v2014), the site is also zoned as an Urban Landscape Wedge (Zoning ML21).
8.2	<b>Principle of development</b>  <i>Description of the proposal</i>
8.2.1	The application site is located at the end of a residential cul-de-sac and 0.31 ha in size. The majority of the site (0.17 ha) has previous approval for allotments and an ancillary storage/changing facility/kitchenette under permission LA04/2020/0042/F. The principal of allotments, ancillary storage and car parking has been established on just over half of the application site.
8.2.2	The current proposal would extend the site area by 0.14a with a larger day centre building rather than ancillary storage. The number of allotments would also be increased from 5 to 13. Given the scale and function of the proposed building, it is not considered ancillary to the use of the land but an operative community use in its own right in conjunction with the proposed allotments and sensory garden.
8.2.3	The proposed building would have a floorspace of approximately 380 sqm, covering around 11% of the overall site. The site is larger than that under the previous permission and would have an additional 8 no. allotments and more substantial landscaping scheme than before. The allotments would cover around 39% of the site.
	<i>Loss of open space</i>
8.2.4	The site is zoned for landscape, amenity and recreation use in the BUAP. It is zoned an urban landscape wedge in both versions of draft BMAP 2015. The site currently comprises green open space, which is protected by Policy OS1 of the Plan Strategy. The total area of existing open space which would be lost as a result of the proposed development is approximately 0.31 ha (or net loss of 0.14 ha when taking account of the previous planning permission).
8.2.5	Policy OS1 states that the council will support the retention and improvement of existing open space throughout the district area. There will be a general presumption in favour of retaining all such lands and uses, including protecting any character and amenity value, whether specifically identified in the LDP or not, unless the lands are identified in the LDP for an alternative use. Development resulting in the loss of open space on

	lands specifically identified for these uses in the LDP and/or the council's Open Spaces Strategy and/or GBIP will only be considered in exceptional circumstances where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.
8.2.6	The applicant is a private healthcare group who intend to use the site as a support hub for the care of vulnerable young adults. The building would support the therapeutic aspect of the allotments, especially in poor weather. The applicant states that they have experience of operating a similar facility for people with learning difficulties and autism at Kilcreggan, Magherafelt. At that location, people have the opportunity to spend their day in a therapeutic outdoors setting, with associated support buildings. The applicant says this is the aim of the proposal and such a facility would be a significant community benefit for West Belfast.
8.2.7	The applicant goes on to state that the proposed allotments re-purpose the existing open space to allow access for those with learning disabilities. Allotments themselves are defined as open space, therefore, the applicant argues that there would not be a loss of open space overall.
8.2.8	Officers recognise that the proposal could provide a facility of significant value to the local community. The applicant's statement sets out why the site was selected (quiet, secure location with open space for allotments and sensory gardens) and that no alternative suitable sites were found.
8.2.9	It is considered that the proposal would bring about substantial community benefits that decisively outweigh the loss of open space in providing a unique facility and amenity for vulnerable young people. Regard is also had to the existing permission for allotments and the open space elements of the proposed use. In these regards, the proposal is considered compliant with Policy OS1.
8.2.10	Regard is also had to Policy CI1, which seeks to provides development opportunities for the community, health and educational facilities based on the local need in line with the projected population over the plan period. Planning permission will be granted for the provision of new and improved community infrastructure at appropriate and accessible locations within the urban area, subject to consideration of the nature and location of any proposals. All proposals shall ensure that there is no unacceptable impact on residential amenity or natural/built heritage and satisfactory arrangements are provided for access for all, including for pedestrians, cyclists and public transport. These detailed requirements are considered in more detail in the following sections of the report.
<b>8.3</b>	<b>Impact on the character and appearance of the area</b>
8.3.1	The site is located at land north of 78 Cloona Park, at the end of a residential cul-de-sac. The site consists of overgrown grassed and contained a number of trees but has since been cleared. To the west and south of the site is a residential area comprised of detached and semidetached dwellings. To the north and east of the site is open space.
8.3.2	The proposed building would be finished in smooth render, natural stone and timber cladding. There would be 13no. allotments along the northern and eastern boundaries. A sensory garden would be immediately adjacent the northern elevation of the building. The site would have native hedgerows planted along its boundaries, with additional trees planted along the northern boundary and the corners of the site. A 2.4m high mesh panel fence would enclose the whole site. Access to the site would be through sliding gates via Cloona Park to the south. The gates would open onto a car park in the corner of the site.

8.3.3	The site is zoned an Urban Landscape Wedge in both versions of dBMAP 2015. Policy LC1 of the Plan Strategy (Landscape) states that new development should seek to protect and, where appropriate, restore or improve the quality and amenity of the landscape. The policy goes on to say the council will adopt the precautionary approach in assessing development proposals in any designated landscape and lists eight policy considerations/requirements.
8.3.4	<p>Policy LC1D (Landscape wedges) also applies. It states that in addition to complying with the above requirements, within designated urban and rural landscape wedges, planning permission will only normally be granted for outdoor recreational uses and only provided all the following criteria are met:</p> <ul style="list-style-type: none"> <li>a) the open nature of the landscape is retained and no coalescence of urban areas results;</li> <li>b) buildings are ancillary to the open space/ recreational use and are integrated into the landscape; and</li> <li>c) long and short range views are protected.</li> </ul>
8.3.5	BCC Landscape and Development team has concerns that the proposal could have a significant adverse landscape impact on the character and features of the Urban Landscape Wedge. They believe that the building is a significant intrusion of the semi-naturalised, relatively open landscape and has the potential to impact adversely on the amenity and biodiversity value of the designated landscape.
8.3.6	The Plans and Policy unit also had concerns that building would be of a significant scale and not considered to be wholly ancillary to the outdoor use and would therefore undermine the objectives of the landscape wedge to prevent urban coalescence at this location.
8.3.7	Whilst the proposal would encroach upon the landscape wedge to a greater degree than the previously approved scheme – which comprised a smaller site area with smaller building – it is considered that the impact would not be significant nor excessive, when balanced alongside the community benefits derived from the proposal as previously described in the report.
8.3.8	The site would be bounded by a natural hedge with tree planting on the north-east boundary. This would help to soften its visual impact. The proposed building would be single storey, finished in render with stone and timber cladding elements, again assisting to reduce its visual dominance. Final materials would be controlled by means of condition. The principal landscape impacts would be from the north and the CGI shows that the proposed building and site would nestle into its landscape setting. It is considered that the landscape can accommodate this change without overriding visual harm to the urban landscape wedge.
8.3.9	Approximately 10 of 60 existing trees are proposed to be removed. These are noted as being in poor or in fair health within the tree survey and report. The proposed landscaping plan proposes replacement planting which would further soften the visual impact of the proposal. The Tree Officer was consulted and offers no objection. They recommended mitigation measures to protect existing trees during construction and this can be secured by appropriate conditions. In these regards, the proposal is considered to satisfy Policy TRE1.
8.3.10	In conclusion, whilst the proposal is in conflict with Policies LC1 and LC1D, the overall landscape impact is not considered to be significant and are outweighed by the substantial community benefits that the proposal would provide.

<b>8.4</b>	<b>Compatibility with adjacent uses</b>
8.4.1	The proposed layout of the allotments would be sensitive to the surrounding residential area. The building is approximately 6 metres high, but the proposed landscaping would create a visual buffer and screen the site from public views.
8.4.2	Environmental Health has been consulted and offers no objection to the proposal.
8.4.3	It is recommended that the use of the building and land is controlled by condition.
8.4.4	The proposed use is considered compatible with its surroundings including adjacent residential area. The proposal is considered to comply with Policies DES1 and ENV1.
<b>8.5</b>	<b>Impact on Built heritage</b>
8.5.1	The site contains a former beetling mill (IHR 07415) and its associated millrace. DfC HED has been consulted and offers no objection, advising conditions.
8.5.2	In this regard, the proposal is considered to comply with Policy BH5 (archaeology).
<b>8.6</b>	<b>Access and parking</b>
8.6.1	The proposed development is to be accessed off the turning head at the end of the residential cul-de-sac. There are similar access arrangements under the previous permission. Nine parking spaces are proposed including one disabled space. DfI Roads offers no objection to the proposal subject to conditions.
8.6.2	The proposed access and parking arrangements are considered acceptable. The proposal is considered compliant with Policies TRAN4, TRAN6, TRAN8 and TRAN10 of the Plan Strategy.
<b>8.7</b>	<b>Drainage</b>
8.7.1	The Glen River is to the east of the site. The site is bounded at the south-west by an undesignated watercourse. The site is not shown as being an area at risk of flooding in the flood maps. NIW and NIEA have not objected to the proposal.
<b>8.8</b>	<b>Waste-water infrastructure</b>
8.8.1	NI Water has offered no objection to the proposal, therefore, the proposal is considered acceptable having regard to Policy SP1A.
<b>8.9</b>	<b>Land Contamination</b>
8.9.1	A Contamination Assessment and Remediation Strategy has been submitted. Environmental Health recommend measures to manage the risk from ground gas and from contaminated soils in allotment areas. These can be dealt with by planning conditions. The proposal will not have an unacceptable effect regarding the risks around contaminated land. The proposal complies with Policy ENV1.
<b>8.10</b>	<b>Noise, odour and other environmental impacts</b>
8.10.1	Environmental Health offers no objections in terms of potential environmental or amenity impacts. Similarly, NIEA has offered no objections in terms of ground water impacts. In these regards, the proposal is considered compliant with Policy ENV1.



<p><b>8.11</b></p> <p>8.11.1</p> <p>8.11.2</p> <p>8.11.3</p> <p><b>8.12</b></p> <p>8.12.1</p>	<p><b>Climate change</b></p> <p>Policy ENV2 of the Plan Strategy 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. All new development proposals will maximise opportunities to incorporate sustainable design features where feasible (such as grey water recycling, green roofs, maximising use of recycled materials, orientating buildings to optimise solar gain, energy efficiency). Development proposals should, where appropriate, demonstrate the highest feasible and viable sustainability standards in the design, construction, and operation.</p> <p>Whilst the building is orientated to optimise solar gain, the proposal does not include other sustainable design features listed in ENV2 (Mitigating environmental change). However, in view of the longevity of the application and nature of the proposal, it is considered that suitable design measures can be secured by condition.</p> <p>In terms of SuDS and adapting to climate change, the proposal includes allotments, tree planting scheme and other vegetation throughout the site. Further specific SuDS measures can be controlled by condition. The proposal is considered acceptable having regard to Policies ENV3 and ENV5.</p> <p><b>Natural heritage</b></p> <p>An Ecological Appraisal and site surveys have been submitted. DAERA NIEA offers no objection. It is considered that the proposal would not have an unacceptable effect on natural heritage and that the proposal accords with Policy NH1.</p>
<p><b>9.0</b></p> <p>9.1</p> <p>9.2</p> <p>9.3</p>	<p><b>Summary and Recommendation</b></p> <p>The proposal would encroach upon the urban green wedge and have an adverse impact on the landscape. However, the proposal would provide an important facility for vulnerable adults, which would potentially have substantial benefits for the community. In the planning balance, the proposal is considered acceptable.</p> <p>Having regard to the Development Plan and relevant material considerations above, the proposal is considered, on balance, acceptable. It is recommended that planning permission be granted.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.</p>
<p><b>10.0</b></p>	<p><b>Draft Conditions</b></p> <p>1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.</p> <p>Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011.</p> <p>2. The building and use of the land hereby approved shall be restricted to day care facilities for vulnerable young people as defined in the applicant's supporting statement provided with the application, and shall not be used for any other purpose.</p> <p>Reason: The development has been approved on the basis of it providing a valuable community facility which decisively outweighs other planning concerns.</p>

3. No development shall commence until details of energy conservation and other measures to mitigate and adapt to climate change including SuDS have been submitted to and approved in writing by the Council. The building shall not be constructed unless in accordance with the approved details.

Reason: To ensure that the development mitigates and adapts to climate change.

4. Notwithstanding the submitted details, no construction shall take place until details and samples of the external finishes including walls, roofs and fenestration have been submitted to and approved in writing by the Council. The material samples shall be provided on site and shall remain in situ for the duration of the construction. The development shall not be carried out unless in accordance with the approved details.

Reason: To minimise landscape impact and ensure that the proposal is in keeping with the character and appearance of the area.

5. No part of the development hereby permitted shall become operational until the roadworks shown on drawing 03d have been completed.

Reason: To ensure adequate vehicular access to the adopted road network.

6. The access gradient to the approved building shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

7. The building hereby approved shall not be occupied until the vehicular parking spaces have been provided in accordance with the approved drawings. The approved vehicle parking spaces shall not be used other than for the parking of vehicles associated with the development and shall be retained at all times.

Reason: To provide sufficient parking to support the development.

8. No development or works shall commence on site (other than that required to fulfil this condition) unless a programme of archaeological work has been implemented in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the Council.

Reason: To ensure that archaeological remains and features are preserved in situ. Approval is required upfront because archaeological remains and features could be damaged or permanently lost.

9. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 8. These measures shall be implemented, and a final archaeological report shall be submitted to the Council within 3 months of the completion of archaeological programme of works.

Reason: To ensure that the archaeological remains and features are properly analysed and recorded.

10. Prior to the occupation of the proposed development, a Remediation Verification Report shall be submitted to and approved in writing by the Council. This must demonstrate that the remediation measures outlined in the Pentland McDonald report entitled 'Updated Contamination Assessment and Remediation Strategy Proposed Allotments and Day Care Centre, Cloona Park, Dunmurry for Brooklands Healthcare Ltd Planning Ref: LA04/2022/1203/F Pentland Macdonald Ltd Report No. PM23-1001. Dated February 2023'.

Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.

11 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.

Reason: In the interests of visual amenity

12. Prior to any work commencing, protective barriers (fencing) and ground protection shall be erected or installed as specified in British Standard 5837: 2012 (section 6.2) on and around any trees / hedging to be retained within the site. The protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.

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.

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

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

14. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires shall take place within the Root Protection Areas of trees within the site and adjacent lands during the construction period.

Reason: To avoid damage to trees.

15. 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.

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

**Informatives**

1. This decision relates to the following approved drawing numbers:  
01b, 02d, 03d, 04d, 05, 06, Mda Glenriver Landscape Plan 23 10 100 1, Mda Glenriver Landscape Plan 23 10 101 1b
2. 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).
3. 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.
4. The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other 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.