

# Development Management Report

Summary	
<b>Committee Date:</b> 19 <sup>th</sup> March 2024	
<b>Application ID:</b> LA04/2020/2607/F	
<b>Proposal:</b> Residential development for the erection of 33 no dwellings (including 5 no affordable units) including public open space, equipped children’s play area and associated development as enabling works to deliver the refurbishment of 3 no listed pavilions within the Belvoir Park Hospital complex (previously approved under Y/2014/0401/F and Y/2014/0390/LBC).	<b>Location:</b> Former Belvoir Park Hospital Site Hospital Road Belfast BT8 8JP.
<b>Referral Route:</b> Application for Major development	
<b>Recommendation:</b> Approval subject to conditions and Section 76 planning agreement	
<b>Applicant Name and Address:</b> Belvoir Park LLP 14 Holywell Road London EC2A 4JB	<b>Agent Name and Address:</b> Clyde Shanks 5 Oxford Street Belfast BT1 3LA
<b>Executive Summary:</b> <p>The application relates to land at the former Belvoir Park Hospital (“BHP”), which has been redeveloped for housing. The former BPH is located off Hospital Road close to the border with Lisburn Castlereagh City Council. The site is located at the rear and western edge of the complex – see site location plan in the main body of the report.</p> <p>The application seeks full planning permission for the erection of 33 dwellings including 5 affordable units. The applicant refers to the proposal as “Phase 5” of the redevelopment of the former BPH. The applicant has presented the proposal as enabling development to fund the restoration of the three remaining undeveloped Listed pavilions granted planning permission and Listed Building Consent for conversion to residential use under previous phases of the redevelopment. The proposal would also see the delivery of five social housing units (15%) for Category 1 active elderly accommodation; provision of Public Open Space facilities for both Phase 5 and previous phases of the redevelopment; and improved connectivity from the former BHP to and Ballylesson Road and into and across the adjacent woodland.</p> <p>The proposal is classed Major development as the site area exceeds 1 hectare and the applicant has undertaken pre-application community consultation.</p> <p>The application follows a Pre-Application Discussion (PAD) with officers, although the process was not completed with several key issues remaining outstanding at the time the planning application was submitted.</p>	

The key issues for consideration of the application are set out below.

- Development plan context
- The principle of housing in this location
- Enabling development
- Improved open space facilities
- Protection of open space and improved open space facilities
- Impact on the Historic Environment
- Affordable housing
- Housing density
- Housing mix
- Adaptable and accessible accommodation
- Design and placemaking
- Residential quality and impact on amenity
- Provision of open space
- Landscape impact including trees
- Access and transport
- Climate Change
- Health impacts
- Environmental protection
- Natural heritage
- Waste-water infrastructure
- Flood risk and drainage
- Section 76 planning agreement
- Pre-Application Community Consultation Report

In the **Belfast Urban Area Plan 2001 (BUAP)**, the site and previous phases are outside the development limit. They are within the “Inner Greenbelt” zoning and an “Area of High Scenic Value” (AHSV).

In the **Belfast Metropolitan Area Plan 2015 (v2004)**, the vast majority of the site is located outside the development limit. It is within Lagan Valley Regional Park (LVRP) and an Area of High Scenic Value (AHSV).

In the **Belfast Metropolitan Area Plan 2015 (v2014)**, the vast majority of the site is located outside the development limit and outside the LVRP. However, the site is within an AHSV, and adjacent to Minnowburn Site of Local Nature Conservation Importance (SLNCI). The portion of the site within the development limit was also zoned as Committed Housing.

There are Listed Buildings and an Archaeological Site and Monument within the wider Belvoir Park Hospital (BPH) site.

In terms of statutory consultees, DfI Roads, DfC HED, DAERA NIEA, DfI Rivers, HED, NIHE and NI Water were consulted. Non-statutory consultees include BCC Environmental Health, Landscape and Development team and Tree Officer. Their responses are detailed in the main report.

16 no objections and one representation in support have been received. These are detailed in the main report.

Whilst the proposal is in conflict with policies that direct new housing to previously developed land within the development limit and protect the countryside, as well as conflict with some other policies in the Plan Strategy, this has to be balanced against the benefits of the scheme. Primarily, this includes restoration of the three remaining undeveloped Listed pavilions, but also the

provision of enhanced open space facilities for new and existing residents, provision of social housing and improved connectivity to Ballylesson Road and into and across the adjacent woodland. Although the site is outside the development limit, regard is had to the limited visual impact that the proposal would have on the countryside and wider landscape. When applying the planning balance, it is considered that the benefits of the proposal outweigh the negatives. It is therefore recommended that planning permission is granted.

**Recommendation**

Having regard to the Development Plan and relevant material considerations, and in the planning balance, it is considered that the proposal is acceptable. It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, and deal with any other issues that arise including from the final consultation responses from DfI Roads and Tree Officer, provided that they are not substantive.



## Typical street elevation:

Plots 1-7 & 25-31



## Elevations of apartments:



Rear Elevation



Side Elevation



front Elevation



Side Elevation

**Photo of a converted pavilion within the site:**



**Photos of unconverted pavilions:**



<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 the erection of 33 dwellings and is referred to by the applicant as “Phase 5” of the residential redevelopment of the former Belvoir Park Hospital (“BPH”) site.
1.2	In the BUAP, the site is outside the development limit. In both versions of dBMAP 2015, the vast majority of the application site is outside the development limit. The applicant has presented the proposal as enabling development to fund the restoration of three remaining Listed pavilions granted planning permission under previous phases of the redevelopment. The proposal would also see the provision of five (15%) social housing (Category 1 active elderly); provision of enhanced public open space facilities for residents of both Phase 5 and previous phases of the redevelopment; and improved connectivity to Ballylesson Road and into and across the adjacent woodland.
1.3	The proposal is classed as Major Development as the site area exceeds 1 hectare. The applicant has undertaken pre-application community consultation.
1.4	The application follows a Pre-Application Discussion (PAD) with officers, although the process was not completed with several key issues remaining outstanding at the time the planning application was submitted.
<b>2.0</b>	<b>Description of Site and Area</b>
2.1	The wider BPH complex comprises the following main elements: <ul style="list-style-type: none"> <li>• Phases 1 to 3 – completed new build housing as well as completed conversions of three of the six listed pavilions into houses and apartments. There are three listed pavilions which have not yet been converted (located to the northern end) and the application seeks to enable their restoration; and</li> <li>• Phase 4 – the initial stages of Phase 4 are currently under construction (mostly conversion of listed buildings to residential use). There is a new application for the latter portion of the Phase IV site to develop lower density housing rather than the new build apartments approved.</li> </ul>
2.2	The site is bounded by Phases 1 to 3 on its east side. Phase 4 is to the north-east. The site backs onto open countryside to the south and west, separated by a mature landscape buffer of trees and hedgerow. To the north is extensive woodland.
2.3	The site slopes gradually away from east to west. There is a small copse of mature trees within the centre of the site that is proposed to be incorporated into the proposed play area. Much of the site has been used over the last ten or so years to store building materials and machinery to facilitate the construction of the initial phases. The image below is included in the applicant’s Planning Statement and is an older image.

2.4



2.5

The most recent Google Earth image available shows that the grass has mostly reseeded:



2.6

Within the wider BPH site, there is a Scheduled monument (a Rath) of archaeological importance. There is also a confirmed Tree Preservation Order (including woodlands and the rath) and new landscaping planted from recent planning approvals within the overall site in the last number of years.

2.7

The wider area contains Lagan Valley Regional Park which is designated as an Area of Outstanding Natural Beauty (AONB).



## Planning Assessment of Policy and other Material Considerations

3.0

### Relevant Site History

3.1

#### Phase 4

##### **LA04/2020/0026/F**

Erection of 22 dwellings (16 semi-detached dwellings and 6 apartments), including retention and conversion of Listed mortuary building, and demolition of unlisted outbuildings. Development includes amendments to access, parking, private and communal amenity areas, landscaping and other ancillary works approved under application LA04/2018/1219/F.

**Status: Under Consideration**

##### **LA04/2020/0027/LBC**

Retention and conversion of mortuary building to provide a pair of semi-detached dwellings, amendments to access, parking layout, communal and private amenity areas, landscaping and other ancillary works.

**Status: Under Consideration**

##### **LA04/2022/2098/F and LA04/2022/2099/LBC**

Retention and conversion of rear return of administration building and conversion of front part of administration building to provide 28 apartments in total, amendments to access, parking layout, communal and private amenity areas, landscaping and other ancillary works.

**Decision: Approved/Consent Granted**

**Decision Date: 14.10.2023**

##### **LA04/2020/1489/LBC**

Alterations and extension to North Gate Lodge comprising a new single storey extension to north west, construction of terraced area, removal of a section of the rear yard wall, removal of the rear external stair, provision of insulated dry lining to inner face of external perimeter walls, the installation of slim 12mm thick double glazing, the replication of historic timberwork, detailing and all associated site works and landscaping.

**Decision: Consent Granted**

**Decision Date: 04.02.2021**

##### **LA04/2019/1515/F**

Proposed residential development for the erection of 6no. units comprising a new block of apartments along with car parking and associated development.

**Decision: Permission Granted**

**Decision Date: 28.08.2020**

##### **LA04/2018/1219/F and LA04/2018/1056/LBC**

Residential development for the erection of 79 residential units in total, comprising new build apartments ranging from 3-4 stories, inclusive of underground parking, amendments to previously approved conversion and extension/alteration of listed buildings, conversion of listed mortuary, parking, landscaping and associated site works.

**Decision: Approved/Consent Granted**

**Decision Date: 13.08.2020**

3.2

#### Phases 1 to 3

##### **LA04/2015/0539/F**

Proposal: Application to vary condition 6 of Y/2009/0462/O to state: None of the residential units in any phase hereby approved shall be occupied until the works to restore the listed and retained building(s) within that phase have been completed in

accordance with the plans approved under Y/2009/0461/F or Y/2014/0401/F relevant to the phase in question and written confirmation has been obtained from the Council  
**Decision: Permission Granted** **Decision Date: 20.06.2017**

**Y/2014/0401/F**

Proposal: Phase 2 development involving: Restoration of listed and unlisted pavilions through change of use and conversion from hospital wards to dwellings, including internal sub-division of buildings, removal of non-original features, amendment to external envelope to allow new doorways, minor extension, new external steps, railings and walls; removal of glazing to and partial retention of existing covered walkway, amendment to existing car parking areas and existing internal driveways; erection of 9 no. new build dwellings comprising 2 detached, 2 pairs of semi-detached and 3 town houses; amendment to access onto Hospital Road approved under Y/2009/0462/O and landscaping to external areas.

**Decision: Permission Granted**

**Decision Date: 10.12.2015**

**Y/2014/0390/LBC**

Proposal: Phase 2 works to listed pavilion buildings and covered walkway involving: 1. Restoration of listed pavilions through conversion from hospital wards to dwellings, including internal sub-division of buildings, removal of non-original features, amendment to external envelope to allow new doorways, minor extension, new external steps, railings and walls; and 2. removal of repair and partial reinstatement (without glazing) of existing covered walkway.

**Decision: Consent Granted**

**Decision Date: 07.01.2016**

**Y/2014/0223/RM**

Proposal: Phase 1 Reserve matters application-decontamination and demolition of buildings 20-27,30 and 12 (excluding observation pavilion), erection of 15 detached and 12 semi-detached (27 total) dwellings, construction of service road from hospital road access (approved under Y/2009/0462/O) and landscaping.

**Decision: Permission Granted**

**Decision Date: 06.02.2015**

**Y/2009/0464/LB**

Proposal: Alterations and extensions to existing buildings and other works within the curtilage of listed structures to facilitate conversion of same to provide 110 dwellings. Proposals include removal of all non-original structures, additions and other accretions to listed and non-listed structures which will include the western extension to the former Administration building and partial removal of external covered walkway.

**Decision: Consent Granted**

**Decision Date: 25.11.2011**

**Y/2009/0462/O**

Proposal: Site for residential development of 310 dwellings consisting of new build and conversion of existing buildings. To include retention of all listed structures and removal of all non-listed structures, site clearance and associated works. Retention of existing vehicular access point off Hospital Road, plus provision of new vehicular access off Hospital Road.

**Decision: Permission Granted**

**Decision Date: 23.11.2011**

**Y/2009/0461/F**

Proposal: Change of use plus alteration and extension of existing hospital buildings (existing Class C3 use) and other works to facilitate provision of 110 dwellings including removal of all non-original structures, additions and other accretions to existing listed and non-listed structures which will include the western extension to the former Administration Building and partial removal of external covered walkway.

**Decision: Permission Granted**

**Decision Date: 24.11.2011**

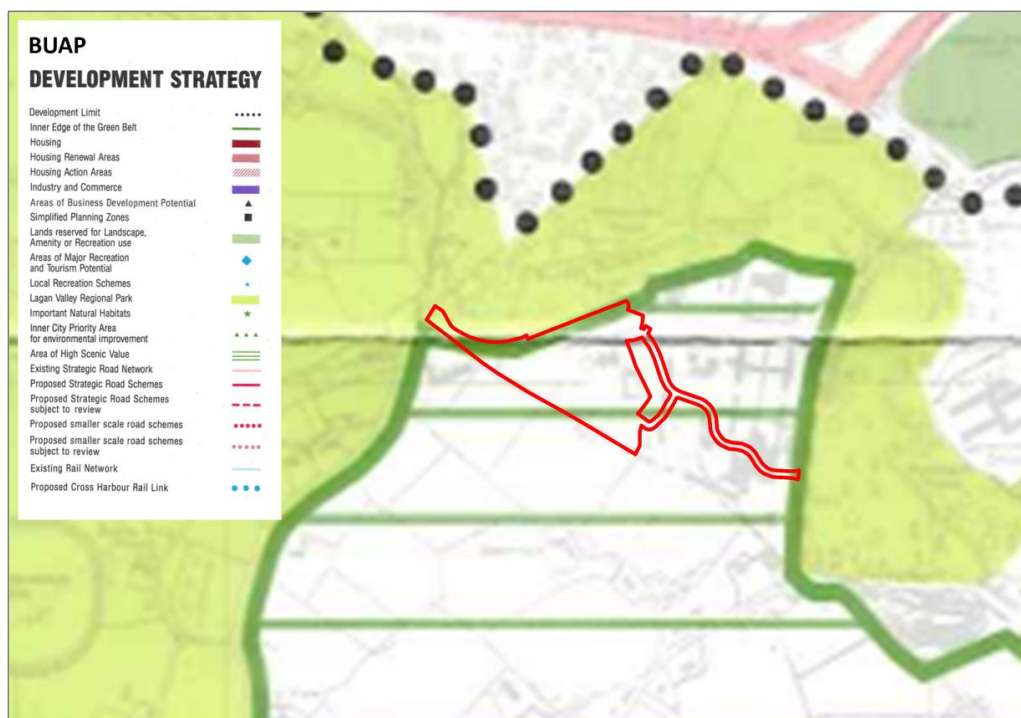
4.0	<b>Policy Framework</b>
4.1	<p><b>Development Plan – operational policies</b></p> <p><u>Belfast Local Development Plan, Plan Strategy 2035</u></p> <p>Policy SP1 – Growth strategy  Policy SP1A – Managing growth and supporting infrastructure delivery  Policy SP2 – Sustainable development  Policy SP3 – Improving health and wellbeing  Policy SP5 – Positive placemaking  Policy SP6 – Environmental resilience  Policy SP7 – Connectivity  Policy SD1 – Settlement hierarchy  Policy SD2 – Settlement Areas  Policy HOU1 – Accommodating new homes  Policy HOU2 – Windfall housing  Policy HOU4 – Density of residential development  Policy HOU5 – Affordable housing  Policy HOU6 – Housing Mix  Policy HOU7 – Adaptable and accessible accommodation  Policy DES1 – Principles of urban design  Policy DES2 – Masterplanning approach for major development  Policy RD1 – New residential development  Policy BH1 – Listed Buildings  Policy BH5 – Archaeology  Policy HC1 – Promoting healthy communities  Policy TRAN1 – Active travel – walking and cycling  Policy TRAN 2 – Creating an accessible environment  Policy TRAN6 – Access to public roads  Policy TRAN8 – Car parking and servicing arrangements  Policy ENV1 – Environmental quality  Policy ENV2 – Mitigating environmental change  Policy ENV3 – Adapting to environmental change  Policy ENV4 – Flood Risk  Policy ENV5 – Sustainable drainage systems (SuDS)  Policy GB1 – Green and blue infrastructure network  Policy OS1 – Protection of open space  Policy OS3 - Ancillary open space  Policy NH1 – Protection of natural heritage resources  Policy LC1 – Landscape  Policy LC1B – Areas of High Scenic Value  Policy TRE1 – Trees  Policy DC1 – All Countryside Development  Policy DC2 – Housing in the countryside</p> <p><u>Supplementary Planning Guidance</u>  Affordable Housing and Housing Mix  Development Viability  Residential Design  Placemaking and Urban Design  Masterplanning approach for Major developments  Sustainable Urban Drainage Systems  Transportation</p>

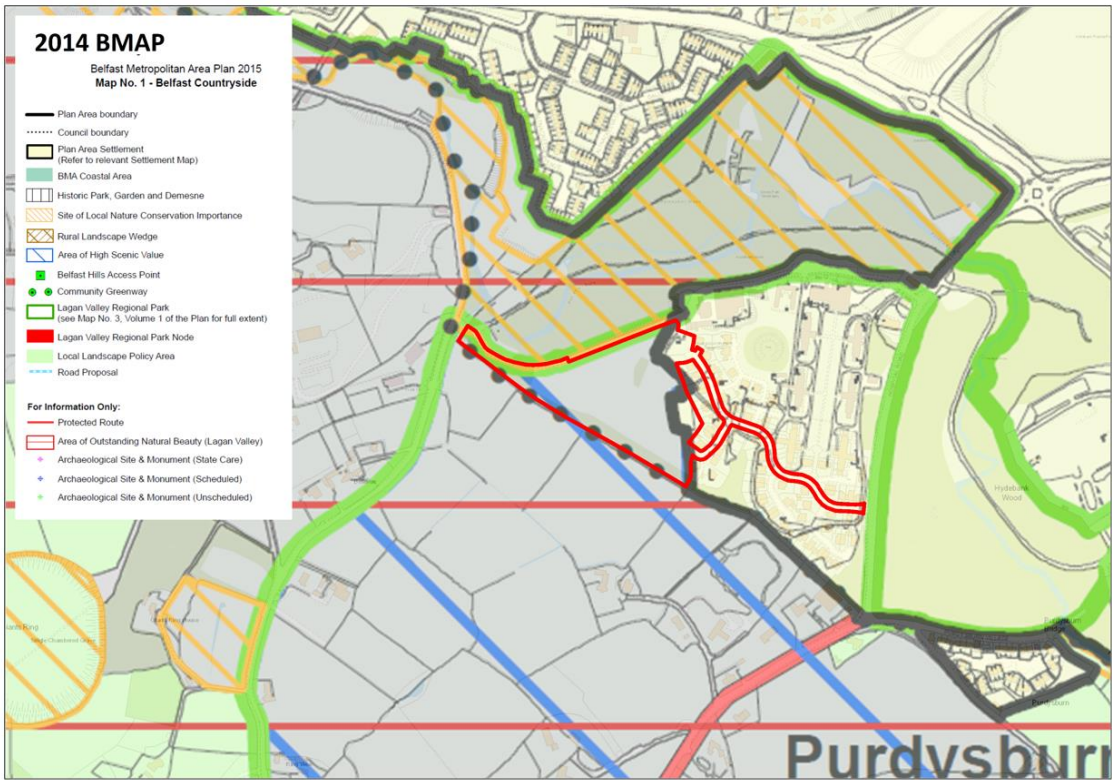
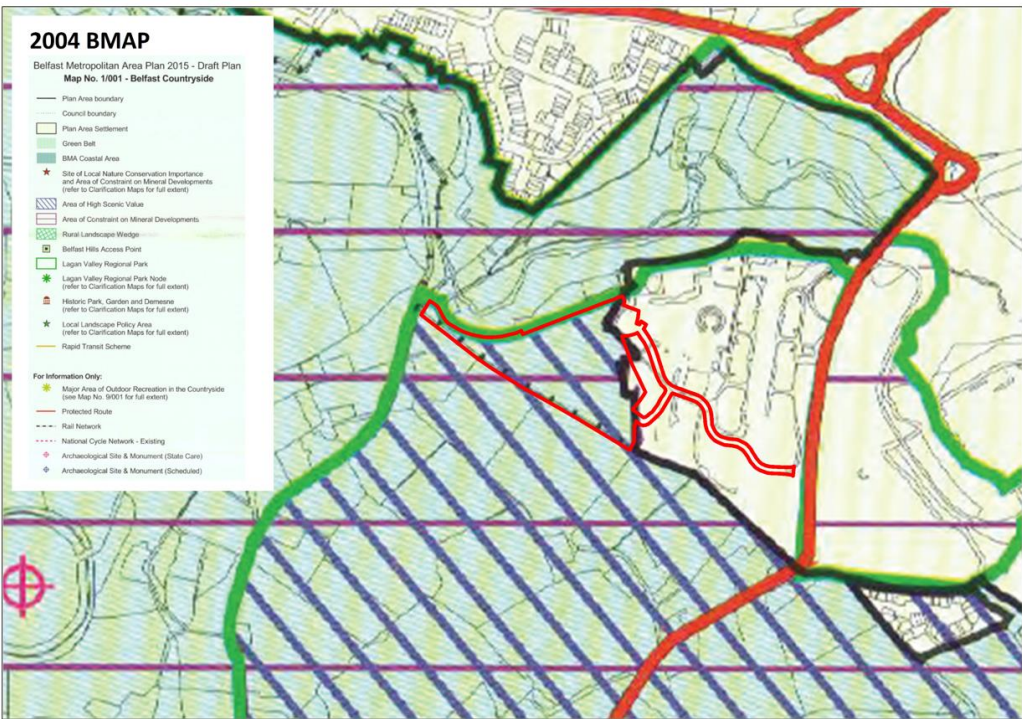
	<p>Trees and Development</p> <p><b>Development Plan – zoning, designations and proposals maps</b>  Belfast Urban Area Plan (2001) (BUAP)  Draft Belfast Metropolitan Area Plan 2015 (v2004) (dBMAP v2004)  Draft Belfast Metropolitan Area Plan 2015 (v2014) (dBMAP v2014)</p> <p><b>Regional Planning Policy</b>  Regional Development Strategy 2035 (RDS)  Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p><b>Other Material Considerations</b>  Developer Contribution Framework (2020)  <i>Belfast Agenda</i> (Community Plan)  Creating Places (2000)</p>
<p><b>5.0</b></p>	<p><b>Statutory Consultees</b></p> <p><b>DFI Roads</b> – no objection subject to conditions. Currently considering amended private streets determination.</p> <p><b>DFI Rivers Agency</b> – no objection.</p> <p><b>DAERA NIEA Historic Buildings Unit</b> – no objection subject to conditions.</p> <p><b>DAERA NIEA Historic Monuments Unit</b> – no objection.</p> <p><b>DAERA NIEA Water Management Unit</b> – issued standing advice.</p> <p><b>DAERA NIEA Land, Soil, and Air</b> – no objection subject to conditions.</p> <p><b>DAERA NIEA Natural Environment Division</b> – no objection subject conditions.</p> <p><b>NI Water</b> – objection on grounds of lack of waste-water capacity.</p> <p><b>Northern Ireland Housing Executive</b> – advised that there is social housing need in the area, particularly for Category 1 over 55s active elderly.</p>
<p><b>6.0</b></p>	<p><b>Non-Statutory Consultees</b></p> <p><b>Environmental Health BCC</b> – no objection subject to conditions.</p> <p><b>Planning Service Plans &amp; Policy Unit</b> – refer to main assessment.</p> <p><b>Tree Officer BCC</b> –Concerns about impact on trees. Amended plans received and further comments awaited.</p> <p><b>Landscape and Development team BCC</b> – no objection.</p> <p><b>Shared Environmental Services</b> – no objection subject to conditions.</p> <p>Whilst consultees may have in some cases referred to the no longer extant Planning Policy Statements in their consultation responses, the substance of those policies remains sufficiently similar in the Plan Strategy so as not to require the consultees to re-evaluate the proposal in the context of the Plan Strategy.</p>

<p>7.0</p> <p>7.1</p> <p>7.2</p> <p>7.3</p> <p>7.4</p> <p>7.5</p>	<p><b>Representations</b></p> <p>The application has been advertised in the newspaper and neighbours notified.</p> <p>16 objections and one representation in support have been received.</p> <p>The representations are summarised below. The objections are:</p> <ul style="list-style-type: none"> <li>• Loss of privacy and overlooking</li> <li>• Inappropriately high density</li> <li>• Traffic flow and access</li> <li>• Road safety concerns</li> <li>• Contamination</li> <li>• Development Plan designations including development outside the development limit</li> <li>• Trees and landscaping</li> <li>• Uncompleted development causing an eyesore</li> <li>• Mechanism for delivering the pavilions</li> <li>• Phasing of development</li> <li>• Overlooking/Lack of privacy (previous layout)</li> <li>• Failure to deliver walkways through the site</li> </ul> <p>In support:</p> <ul style="list-style-type: none"> <li>• Welcoming a play area for kids</li> </ul> <p>The above issues are addressed in the main assessment.</p>
<p>8.0</p> <p>8.1</p> <p>8.2</p> <p>8.3</p> <p>8.4</p>	<p><b><u>ASSESSMENT</u></b></p> <p><b><u>Development Plan Context</u></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 (“Departmental Development Plan”) remain part of the statutory local development plan until the Local Policies Plan is adopted.</p> <p><b><u>Operational Polices</u></b></p> <p>The Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in section 4.0 of the report.</p>

Proposals Maps

- 8.5 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.
- 8.6 In the **Belfast Urban Area Plan 2001** (BUAP), the site and previous phases are outside the development limit. They are within the “Inner Greenbelt” zoning and an “Area of High Scenic Value” (AHSV).
- 8.7 In the **Belfast Metropolitan Area Plan 2015 (v2004)**, the site is located outside the development limit. It is within Lagan Valley Regional Park (LVRP) and an Area of High Scenic Value (AHSV).
- 8.8 In the **Belfast Metropolitan Area Plan 2015 (v2014)**, the site is located outside the development limit and outside the LVRP. However, the site is within an AHSV, and adjacent to Minnowburn Site of Local Nature Conservation Importance (SLNCI). The portion of the site within the development limit was also zoned as Committed Housing. There are Listed Buildings and an Archaeological Site and Monument within the wider Belvoir Park Hospital (BPH) site.
- 8.9 Extracts from proposals maps in the BUAP 2021 and dBMAP (v2004 and v2014), showing the relevant zonings, are reproduced below.





8.10	<p><b><u>Key Issues</u></b></p> <p>The main issues relevant to consideration of the application are set out below.</p> <ul style="list-style-type: none"> <li>• The principle of housing in this location</li> <li>• Enabling development</li> <li>• Improved open space facilities</li> <li>• Protection of open space and improved open space facilities</li> <li>• Impact on the Historic Environment</li> <li>• Affordable housing</li> <li>• Housing density</li> <li>• Housing mix</li> <li>• Adaptable and accessible accommodation</li> <li>• Design and placemaking</li> <li>• Residential quality and impact on amenity</li> <li>• Provision of open space</li> <li>• Landscape impact including trees</li> <li>• Access and transport</li> <li>• Climate Change</li> <li>• Health impacts</li> <li>• Environmental protection</li> <li>• Natural heritage</li> <li>• Waste-water infrastructure</li> <li>• Flood risk and drainage</li> <li>• Section 76 planning agreement</li> <li>• Pre-Application Community Consultation Report</li> </ul> <p><b><u>The principle of housing in this location</u></b></p> <p><u>Development outside the development limit:</u></p>
8.11	<p>The site is outside the development limit in the BUAP. The vast majority of the site is outside the development limit in both versions of dBMAP. Outside the development, in the countryside, development is strictly controlled as the Plan Strategy seeks to <i>'...protect and enhance the character and value of the countryside resource, including for landscape, recreation and nature conservation.'</i></p>
8.12	<p>Policy DC1 sets out general principles for new development in the countryside. There are several strands to the policy. Firstly, that the proposal is supported by justification of rural locational need and demonstrates no significant detrimental impact on rural amenity and environmental quality. All development must ensure no loss or erosion of the rural character of the area. In these regards, there is no locational need for the proposed housing per se and therefore the proposal fails to satisfy this part of the policy. Although for the reasons set out later in this report, it is considered that there would be no significant detrimental impact on rural amenity or environmental quality, nor erosion of the rural character of the area.</p>
8.13	<p>Secondly, for proposals relying on non-mains sewerage, the applicant must demonstrate that this will not create or add to a pollution problem or otherwise threaten environmental quality. In this case, there is no public surface water sewer within 20m of the development boundary, however, access is available via an extension of the existing public surface water sewer. NI Water has stated that the <i>'downstream catchment is constrained by overloaded sewage infrastructure including one or more Unsatisfactory Intermittent Discharge (UID's) which are causing a negative impact on</i></p>



	<p><i>the environment</i>. This issue is considered in more detail below. However, it is considered that the matter can be resolved by imposing a pre-commencement condition that requires full details of foul and surface water drainage to be submitted to and approved in writing by the Council.</p>
8.14	<p>Thirdly, all proposals must be sited and designed to integrate sympathetically with their surroundings and meet other planning environmental considerations. New development should seek to cluster with an consolidate existing built development. For the reasons stated later in the report, it is considered that the proposal would integrate sympathetically with its surroundings and satisfy other environmental considerations. The proposal would consolidate and “round off” the existing housing at the former BPH. In conclusion, Policy DC1 is partly but not wholly complied with.</p>
8.15	<p>Policy DC2 relates to housing proposals in the countryside. It states that there is a general presumption against housing unless the proposal accords with the exceptions set out in Policies DC3 to DC10. The proposal does not meet any of these exceptions and therefore does not meet the requirements of Policy DC2.</p>
8.16	<p>The Public Examination of dBMAP (v2004) considered a representation by Belfast Trust to exclude the application site from within the Area of High Scenic Value (AHSV), however, the Planning Appeal Commission’s recommendation was that the lands made a contribution to the AHSV and accordingly did not recommend any change to the zoning. During the examination, the Belfast Trust sought to extend the zoning for “Committed Housing” to include the application site. However, the Commission advised that as this had not formed part of the original representation, it unable to consider the request. The Commission did note that <i>the ‘Department stated that this triangle site slopes down from the 60 m contour to 20 m at Ballylesson Gate and there is a line of trees at the 30 m contour line (outside the western settlement limit) which could contain development - however this is not before us to consider’.</i></p>
8.17	<p>The vast majority of the site remains outside the settlement limits of draft BMAP 2015 (both versions) and the presumption is therefore against development, unless material considerations dictate otherwise.</p>
8.18	<p>The Planning Service’s Plans and Policy team notes the designations as set out in the BUAP and both versions of BMAP as well as comments made by the PAC in the BMAP Public Examination. They advise that the Belfast Housing Land Availability Report (2019/2020) indicates that there is sufficient capacity of more than 20,000 units within the development limit. They note that should officers consider that the viability and enabling development arguments to be acceptable following appropriate scrutiny, that a planning agreement should be obtained to ensure delivery of the conversion of the listed buildings.</p>
8.19	<p><u>Windfall housing</u></p> <p>Policy HOU2 relates to windfall housing. There is a presumption that all new housing development within the plan area will be delivered on previously developed land within the existing urban footprint. The site is outside the development limit in the BUAP and mostly outside the development limit in both versions of dBMAP. The site is outside the urban footprint and is not previously developed land. Therefore, the proposal is contrary to Policy HOU2.</p>

	<b><u>Enabling development</u></b>
8.20	Regional planning policy acknowledges that there may be circumstances where development that would not normally be permitted may be justified if it is to enable the long-term future of heritage assets – this is commonly referred to as “enabling development”.
8.21	The SPPS defines enabling development as:  <i>‘Enabling Development is a development proposal that is contrary to established planning policy and in its own right would not be permitted. Such a proposal may however be allowed where it will secure the long-term future of a significant place and will not materially harm its heritage value or setting. Enabling development typically seeks to subsidise the cost of maintenance, major repair, conversion to the optimum viable use of a significant place where this is greater than its value to its owner or market value’</i> (par. 6.25).
8.22	The SPPS goes onto state:  <i>‘The justification for allowing the enabling development lies in the over-riding public benefit to the conservation of the significant place and its sustainable future use which would be derived from the implementation of the principal proposal which otherwise would have little prospect of being carried out.’</i> (par. 6.26).
8.23	A key component of the applicant’s case for the granting of planning permission for housing outside the development limit and in contravention of planning policy is that the proposal is enabling development that would fund the restoration of the three remaining undeveloped listed pavilion buildings. These buildings are currently boarded up and in substandard condition. In addition, the applicant is proposing to deliver five of the 33 residential units (15%) as Category 1 social housing; provision of a woodland area and equipped area of open space to benefit residents of the development and wider former BPH complex as a whole; and improved connectivity to Ballylesson Road and into and across the adjacent woodland.
8.24	The enabling development was initially proposed under the policy provisions of PPS 23: ‘Enabling Development for the Conservation of Significant Places’. However, following adoption of the Plan Strategy, PPS 23 is no longer extant. Notwithstanding, the provisions of the SPPS and PPS 23 Best Practice Guidance (BPG) remain.
8.25	Also of note is that following adoption of the Plan Strategy, the provision of affordable housing is now a policy requirement under Policy HOU5. The proposal to provide an element of social housing was originally a “planning gain” as there was previously no such policy requirement. However, the proposal for 15% social housing is actually now below the policy requirement.
8.26	Whilst Policy ED1 of PPS 23 has been superseded, the requirements of the policy are underpinned in the BPG and so the pertinent considerations remain.
	<b><u>Long-term benefits to the Significant Place</u></b>
8.27	An important requirement of enabling development is to secure the long-term future of the Significant Place as a whole. The SPPS defines a Significant Place as <i>‘...any part of the historic environment that has heritage value including scheduled monuments, archaeological remains, historic buildings (both statutory listed or of more local significance) together with any historically related contents, industrial heritage,</i>

	<p><i>conservation areas, or a historic park, garden or demesne</i>'. Officers consider that the wider BPH complex with its multitude of heritage assets is the Significant Place in this case and this view is supported by DfC HED.</p>
8.28	<p>The BPG states that enabling development must '<i>avoid detrimental fragmentation of management of the significant place</i>' and further states that '<i>enabling development will not serve its proper purpose if it does not secure the long-term maintenance of the place</i>'. Accordingly, the applicant will be required to manage all the Listed and Scheduled heritage assets within the entire BPH complex in an integrated manner. This will be secured through the submission and implementation of a "Significant Place Management Plan" as part of the Section 76 Planning Agreement.</p>
	<p><u>Viability and scale of enabling development</u></p>
8.29	<p>The fundamental premise of the enabling development argument is that the three pavilions would not be financially viable for conversion in their own right and that a conservation deficit is present. The three pavilions were granted permission for conversion to housing in previous permissions granted by the Department of the Environment (DoE). However, those permissions did not appropriately control the completion of the works to these Listed Buildings and some of them remain unrestored. Three of the six pavilions have already been converted and, save for the mortuary building, all other listed buildings have either been recently occupied or are due to be occupied in the near future. Due to the condition of the remaining pavilions which will require costly asbestos removal, the applicant contends that it has not been viable to complete the three remaining pavilions.</p>
8.30	<p>The applicant states that the enabling development (i.e. the 33 residential units) is therefore required in order to fund the conversion of those buildings. The BPG requires that a "Statement of Justification" should be submitted including detailed financial viability information to be critically assessed by appropriately qualified professionals.</p>
8.31	<p>The BPG advises that the financial case for enabling development normally rests on there being a conservation deficit. This is when the existing value plus the development cost exceeds the value of the place after development. Development costs obviously include not only repair, but also, if appropriate, conversion to optimum viable use and a developer's profit appropriate to the circumstances. It was agreed that the consideration would not include profitability of previous phases but rather the projected costs for the pavilions, offset by the enabling development to fall within an agreed profit level. The BPG states that a pure entrepreneurial developer will look for an overall return of 15%-20% whilst a builder/developer may seek only a 10% return as there can be additional profits as part of the construction. The more recent Viability SPG advises a minimum profit of 15%.</p>
8.32	<p>The viability information provided with the application has been independently assessed by a consultant acting on behalf of the Council (with the cost met by the applicant). The applicant's financial figures demonstrate a profit margin of 11.6% (based on a loss of 16.04% in restoring the pavilions and a profit of 25.85% in developing the houses). The independent consultant has provided a full analysis and advises that the viability argument provided by the applicant is sound. They confirm that the proposed scale of development is the correct amount that would firstly be necessary, and secondly appropriate to secure the long-term conversion and re-use of the three remaining listed pavilions. This is summarised in the Financial Enabling Narrative Executive Summary which has been uploaded to the Planning Portal and is reproduced at Annex B to this report.</p>

	<u>Completion of the enabling works</u>
8.33	Whilst the BPG states that the benefit (conversion of the listed buildings) should be delivered before the disbenefit (enabling development), it will be necessary for the applicant to generate income to fund the staged renovation of the pavilions. This point is accepted by the Council's independent viability consultant.
8.34	The Section 76 planning agreement will therefore require the staged completion of the restoration works to the pavilions with a limit on the maximum number of units to be completed/occupied until the first, second and third pavilions are completed.
8.35	In addition, there will be a long-stop period by which all three pavilions will be required to be delivered. This will ensure that all the restoration works will be completed.
	<u>Consideration by HED</u>
8.36	DfC HED is content with the proposal, which would result in the remaining pavilions brought back into use. It notes that the following provisions are offered by the applicant through a Section 76 planning agreement: <ul style="list-style-type: none"> <li>• Provision and implementation of a <i>Significant Place Management Plan</i> to ensure comprehensive and considered management of the heritage assets within the former BHP complex;</li> <li>• A phasing programme which will ensure that the appropriate triggers for delivering the enabling development (i.e. restoration of the three remaining Listed pavilions) are met; and</li> <li>• Requirement for a separate Listed Building Consent application for the three pavilions to ensure up to date information and surveys are carried out, and that the proposals meet current policy requirements. (BPG advises that the LBC applications should accompany the main application, however, as there are extant approvals, officers consider that it is reasonable to require the submission of a further Listed Building Consent application and will be required prior to the commencement of development.</li> </ul>
8.37	Further obligations in the Section 76 planning agreement are set out later in the report.
	<u>BPG checklist</u>
8.38	Appendix 1 of the BPG provides a checklist for councils, set out overleaf.
8.39	The principle of development relies on the proposal meeting the tests of Paragraphs 6.25 - 6.29 of the SPPS, the consideration of the PPS 23 Best Practice Guidance as well as all other relevant material considerations which are set out in the report below.
8.40	It is considered that the applicant has made a valid enabling case and alongside the other positive aspects of the scheme, this needs to be weighed against the policy conflicts relating to housing outside the development limit and requirement for windfall housing to be delivered on previously developed land.

Survey drawings and reports showing the existing form of the building and associated landscape and how it has developed through time	Due to asbestos within the buildings and the existence of extant permissions, it is proposed that this can be done and provided prior to the commencement of development
An analysis of the information gathered in the production of a conservation statement	Provided and assessed.
A conservation statement or plan, defining all aspects of significance of the building and landscape, its vulnerability, and guidelines for sustaining its significance;	Provided and assessed.
A design and access statement;	Provided and assessed.
An options appraisal;	Provided and assessed.
Evidence of market testing;	Provided and assessed.
Proposals, defined in sufficient detail to understand impact on the significance of the place;	Provided and assessed.
Impact assessment, including results of detailed targeted investigations to define impact;	Provided and assessed.
A development appraisal for option proposed	Provided and assessed.
Suggested heads of terms for planning agreement, including mechanisms for long-term management and maintenance as appropriate;	Provided and under consideration
A parallel application (if applicable for listed building consent)	Due to asbestos within the buildings and the existence of extant permissions, it is proposed that this can be done and provided prior to the commencement of development

**Protection of open space and improved open space facilities**

- 8.41 The proposal will result in the loss of open space and landscaping within the original BPH complex and therefore Policy OS1 applies.
- 8.42 Policy OS1 supports the retention and improvement of existing open space. There will be a general presumption of retaining all such lands. Development resulting in a loss of open space will only be considered in exceptionally circumstances where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. The other exceptions identified in the policy do not apply in this case.
- 8.43 The policy further states that in all circumstances, the council must be satisfied that the loss of any open space would not result in detriment to the overall green infrastructure provision.
- 8.44 All of the site is currently open space and extends to some 2.94 ha. However, 0.59 ha (20% of the total site) would be retained as open space, resulting in a net loss of 2.4 ha of open space. It is considered that the combination of the restoration of the three Listed pavilions; long term management of the Significant Place; provision of improved open space and play facilities; delivery of 15% social housing; and improved connectivity to Ballylesson Road and into and across the adjacent woodland represent a substantial community benefit that decisively outweighs the loss of the open space. In these regards, the proposal is considered to accord with Policy OS1.

<b><u>Impact on the Historic Environment</u></b>	
8.45	<p>Section 91(2) of the Planning (Northern Ireland) Act 2011 states that ‘...<i>in considering whether to grant planning permission for development which affects a listed building or its setting, and in considering whether to grant listed building consent for any works, a council or, as the case may be, the Department must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.</i>’</p> <p>The SPPS and Policies BH1, BH4 and BH5 apply.</p>
8.46	<p>Policy BH1 is relevant as the proposal represents new development affecting the setting of a listed building. The scheme is in close proximity to the listed buildings on the former Belvoir Park Hospital site, all of which are Grade B2 listed buildings of special architectural and historic interest. The style and architecture of the proposed development is in keeping with the first four phases all of which are in closer proximity to the listed buildings in question. DfC HED was consulted and advises that it is content with the impact of the proposal on the settings of the listed buildings. It is considered that the proposal complies with Policy BH1.</p>
8.47	<p>Policy BH5 pertains to considerations regarding archaeology. The site contains an archaeological monument (DOW 009:033) (Rath) included in the Northern Ireland Sites and Monuments Record (NISMR). This is shown in the early Ordnance Survey maps as a circular clump of trees. The monument may be a purpose-built tree-ring – a feature created as part of the designed landscape associated with Purdysburn House – or may represent a re-used archaeological enclosure. It is considered a site of local importance. Part d of BH5 requires the imposition of conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development including where appropriate, licensing. HED has stated that it has no objections subject to these conditions.</p>
<b><u>Affordable housing</u></b>	
8.48	<p>Policy HOU5 of the Plan Strategy requires housing schemes of 5 units or more, or sites of 0.1 hectares or greater, to deliver a minimum 20% affordable housing.</p>
8.48	<p>In this case, the applicant initially proposed a larger scheme of 47 units and this included 20% affordable housing. The proposal was reduced to 33 units in order to address road safety concerns raised by DfI Roads as well as other matters. This has resulted in a reduction of affordable units to 15%.</p>
8.49	<p>Section 5.2.11 of the ‘Affordable Housing and Housing Mix’ Supplementary Planning Guidance (SPG) notes that the Council’s over-riding aim when considering the suitability of alternative affordable housing provision is to secure the maximum viable number of affordable housing units on-site as part of mixed tenure development.</p>
8.50	<p>In January 2022, the Northern Ireland Housing Executive advised that ‘...<i>this proposed development site is located within the Outer East Housing Need Area which has unmet social housing need of 150 units 2021-2026. In Belvoir CLA, there were 80 households in housing stress, 11 of which were older persons.</i>’ The applicant also provided a recent letter from the NIHE (16 January 2024) confirming support for 5 no units for 3-person, 2-bedroom, Category 1 Apartments.</p>

8.51	The applicant provided financial information to demonstrate that it would not be viable to provide more than the five affordable housing units (15%) offered. This information was considered by the Council's independent consultant and found to be acceptable.
8.52	The proposal does not provide a minimum of 20% affordable housing and is therefore contrary to Policy HOU5. However, in view of the viability appraisal and the significant benefits of the scheme in terms as previously described in the report, this is considered acceptable. Regard is also had to the longevity of the application, which was submitted in 2020 before the Plan Strategy was adopted.
8.53	The proposed social housing would need to be secured by way of a Section 76 planning agreement.
	<b><u>Housing density</u></b>
8.54	Policy HOU4 seeks to promote appropriate housing densities to ensure effective use of land, a finite resource, in sustainable locations.
8.55	Technically, there are no density bands proposed for sites such as this outside the development limit. The target density for Outer Belfast is 25 to 125 dwellings per hectare (dpa) and for small settlements, 25 to 50 dpa. However, neither apply. Nevertheless, the density of the proposal is a material consideration.
8.56	The site is some 2.94 ha which means that the scheme has a low density of 11.2 dwellings dpa. However, the density is consistent with the character of the existing adjacent housing within the former BPH complex and the layout incorporates areas of green open space, which are considered a positive aspect of the scheme that enables the provision of the enhanced area of open space. Having regard to these factors, the density of the scheme is considered acceptable.
	<b><u>Housing mix</u></b>
8.57	Policy HOU6 requires proposals for new residential developments on sites greater than 0.1ha and/or containing 5 or more dwelling units to provide a suitable mix of house types and sizes to promote choice and assist in meeting community need.
8.58	Provision should particularly be made for smaller homes across all tenures to meet future household requirements. The exact mix of house types and sizes will be negotiated on a case-by-case basis, taking account of: <ul style="list-style-type: none"> <li>a. Up to date analysis of prevailing housing need in the area;</li> <li>b. The location and size of the site;</li> <li>c. Specific characteristics of the development; and</li> <li>d. The creation of balanced and sustainable communities.</li> </ul>
8.59	The proposal provides the following housing mix: <ul style="list-style-type: none"> <li>• 5no. 2-bedroom apartments (15%);</li> <li>• 3no. 3-bedroom detached dwellings (9%); and</li> <li>• 25no. 4-bedroom detached dwellings (76%)</li> </ul>
8.60	As can be seen, most units are larger 4-bedroom detached houses. There is only a small number of smaller 2-bedroom units and no 1-bedroom units. It is considered that the proposal would not promote choice and assist in meeting community need, contrary to Policy HOU6. However, regard must be had to the other material

	<p>considerations including the enabling development, delivery of the enhanced equipped open space and improved connectivity. The viability information provided with the application demonstrates that the scheme as proposed is viable. Any adjustment of the housing mix to include a larger number of smaller units would likely necessitate increasing overall housing numbers, but this is constrained by the road capacity (the proposal has already been reduced from 45 to 33 residential units) and the objective of limiting overall housing numbers for environmental reasons. On balance, the housing mix is therefore considered acceptable.</p> <p><b><u>Adaptable and accessible accommodation</u></b></p>
8.61	<p>Policy HOU7 requires that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life. Policy HOU7 sets six criteria (a. to f.) to be met in order to help deliver adaptable and accessible homes. The policy also requires that at least 10% of units in residential developments of 10 units or more to be wheelchair accessible and provides an additional nine criteria (g. to o.) which these units must meet.</p>
8.62	<p>An Adaptable and Accessible Accommodation Statement and Wheelchair Accessibility Statement was submitted in support of the application. Officers are satisfied that the criteria set out in Policy HOU7 are met, including five (15%) of the units designed to wheelchair accessible standards. It is considered that Policy HOU7 is complied with.</p> <p><b><u>Design and placemaking</u></b></p>
8.63	<p>The proposal has been assessed against Policies SP5, DES1, DES2 and RD1 of the Plan Strategy, the SPPS and Creating Places. Policies SP5 and DES1 promote good placemaking, high quality design and the importance of development responding positively to local context addressing matters such as scale height, massing, proportions, rhythm, and materials.</p>
8.64	<p>Policy DES1 states that planning permission will be granted for new development that is of a high quality, sustainable design that makes a positive contribution to placemaking and goes onto list eleven criteria, a. to k.</p> <p><i>a. Responding positively to local context and character through architecture and urban form that addresses matters such as height, scale, massing, proportion, plot width, building lines, rhythm, roofscape, materials and any impact on built and natural heritage;</i></p> <p>The proposal has been designed as a coherent extension to the previous phases. It is considered that the proposal responds positively to the local context. This criterion is considered to be satisfied.</p> <p><i>b. Positively reinforcing a sense of place by demonstrating that locally distinctive features have been identified, incorporated and enhanced where appropriate;</i></p> <p>There are numerous features within the site such as the Scheduled rath, the protected trees and listed buildings all of which are incorporated and integrated in the overall design and layout. This criterion is considered to be satisfied.</p> <p><i>c. Providing adequate levels of enclosure and continuity to promote clear and understandable urban form which users can orientate themselves around and move through easily;</i></p>



It is considered that the design and layout have a clear and understandable urban form. This criterion is considered to be satisfied.

- d. *Creating adaptable and well-connected public realm that supports welcoming pedestrian environments;*

The proposal includes linkages between this phase and the previous phases of development as well as a public play area and open space. It would also secure access to Ballylesson Road and adjacent woodland. The road network within the site would include shared surfacing providing public realm. This criterion is considered to be satisfied.

- e. *Fostering inclusive design that promotes accessibility, supports safe communities and the natural surveillance of public spaces to reduce the opportunity for crime and anti-social behaviour;*

The proposal is designed so that the public play space and open space is overlooked on three sides by the development, ensuring appropriate surveillance. Dwellings would overlook the internal road network. This criterion is considered to be satisfied.

- f. *Promoting a diversity of land uses that provide active frontages and ensure vibrancy throughout the day*

This criteria is not strictly applicable as the site is a suburban residential scheme.

- g. *Promoting the efficient use of land by the development of densities appropriate to site context;*

The density of the scheme is discussed in the previous sections of the report and is considered suitable for the reasons given.

- h. *Promoting healthy environments and sustainable development that support and encourage walking, cycling and access to public transport that maximises connections to the city's network of green and blue infrastructure;*

The proposal is accessible by public transport links. The application is supported by green measures including travel plan, travel cards, membership of a car club and bicycle parking and repair facilities on site. In addition, pedestrian links to Phase 3, Phase 4 and Ballylesson Road/Minnowburn/Hazel Wood are proposed. The site is not the most sustainable location for new housing, but this is off-set by the positive aspects of the proposal including enabling development, provision of enhanced play space, social housing and improved linkages.

- i. *Maximising energy efficiencies in buildings through the integration of passive design and renewable energy solutions in their layout, orientation, siting and design, provided the technology is appropriate to the location in terms of any visual, amenity or other environmental impact it may have;*

Sustainable measures and building efficiencies are detailed in the following sections of the report. This criterion is considered to be satisfied.

- j. *Ensuring no undue effect on the amenity of neighbouring properties or public spaces by minimising the impact of overshadowing and loss of daylight; and*

The layout was amended to address initial concerns regarding amenity. All dwellings are now considered to be appropriately sited to ensure no undue impact on the amenity of existing or future properties.

- k. *Ensuring that on-site vehicle parking provision and movement, where required, and any external bin storage areas do not have a negative impact at street level which would result in the creation of dead frontage or unnecessary clutter.*

There is no dead frontage as a result of vehicle parking or bin provision. Satisfactory provision is made for bin storage.

Policy DES2 states that planning permission will be granted for Major development where it accords with masterplanning principles a. to j.

- a. *Adopt a holistic approach to site assembly, layout and design that is mindful of adjacent sites, where suitable for redevelopment, while avoiding prejudice to future development potential and/or quality where development is of a significant scale and prominence;*

It is considered that the proposal is a considered and complementary extension of previous phases of the residential redevelopment of the former BHP complex.

- b. *Promote opportunities for urban repair and greater connectivity to neighbouring areas by minimising or mitigating physical barriers that create undue effort or separation, informed by feedback from existing communities;*

The proposal offers opportunity to improve the facilities for residents of Phases 1 to 4 whilst increasing connectivity through Phase 5 to Hazel Wood and Ballylesson Road.

- c. *Maximise solutions to deliver energy efficiencies that seek to achieve BREEAM 'excellent' or comparable standard;*

The applicant has provided a climate change statement detailing energy efficiencies and building standards as described later in the report, although BREEAM Excellent standard or equivalent are not proposed.

- d. *Promote higher density residential and mixed use development along city corridors and at gateway locations;*

The proposal does not promote higher densities for the reasons set out in the previous sections of the report.

- e. *Contribute positively to the improvement of the public realm within, and in the proximity of, the development site through the use of high quality hard and soft landscape materials and street furniture;*

The proposal includes high quality landscaping and public realm. It would improve open space facilities for all residents on the former BHP complex.

	<p><i>f. Include an appropriate landscape management and maintenance plan, early in the planning process, as an integral part of all landscape proposals;</i></p> <p>An acceptable Landscape Management and Maintenance plan has been provided.</p> <p><i>g. Enhance the waterside character and setting of the River Lagan, including the improvement of existing and provision of new access points and new cross river connections where appropriate;</i></p> <p>This criterion relates to the waterside character of the River Lagan and does not apply.</p> <p><i>h. References unique parts of the city through the realisation of key landmarks within prominent or gateway locations;</i></p> <p>The proposal integrates importance features such as the Scheduled path appropriately.</p> <p><i>i. Seek to include where appropriate the provision of public art; and</i></p> <p>A public art scheme will be secured by condition. There is ample space, for example within the areas of open space, to deliver such as a scheme and it could make reference to the historic use of the former BHP.</p> <p><i>j. Seek the retention of existing trees within and around the site and make adequate provision to allow them to mature while ensuring the continuance of tree cover through new tree planting.</i></p> <p>It is considered that existing trees and landscaping will adequately be retained. Impact on trees is covered in more detail later in the report.</p>
8.65	<p>Policy RD1 states that planning permission will be granted for new residential development where it is in accordance with general urban design policies and criteria a. to h. have been met.</p> <p><i>a. Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential area;</i></p> <p>It is considered that the proposal would integrate well with previous phases and would be in keeping with their character and layout.</p> <p><i>b. Does not unduly affect the privacy or amenity of neighbouring residents, including overlooking, loss of light, overshadowing, dominance, noise or other disturbance;</i></p> <p>The proposal would not adversely affect the amenity of existing dwellings.</p> <p><i>c. Makes provision for, or is accessible and convenient to public transport and walking and cycling infrastructure;</i></p>
8.66	<p>The proposal is an extension to the initial phases of housing and is served by public transport. It is close to areas of open space such as Hazel Wood and Dolly's forest as well as being close to the wider Lagan Valley Regional Park. Links will be secured to the wood and Ballylesson Road. However, overall the</p>

	<p>site is not the most sustainable location for new housing. As previously stated, this is considered to be off-set by the benefits of the scheme.</p> <p>d. <i>Provides adequate open space;</i></p> <p>As stated later in the report, satisfactory provision is made for open space as well as enhancement of facilities for existing residents.</p> <p>e. <i>Keeps hard surfacing to a minimum;</i></p> <p>Hard surfacing is limited to the minimum necessary by using shared surface design and with carefully designed locations of incidental open space.</p> <p>f. <i>Creates a quality and sustainable residential environment in accordance with the space standards set out in Appendix C;</i></p> <p>All units meet the space standards as set out in Appendix C with 6 person, 3 bedroom dwellings ranging between 121 – 162 sqm; and 7 person, 4 bedroom dwellings ranging from 151 sqm – 277 sqm.</p> <p>g. <i>Does not contain units which are wholly in the rear of the property, without direct, safe and secure access form the public street;</i></p> <p>All units face onto roads within the development.</p> <p>h. <i>Ensures that living rooms, kitchens and bedrooms have access to natural light;</i></p> <p>All rooms have access to natural light.</p>
8.67	<p>In conclusion, the design and layout of the proposal is consistent with previous phases of the development and considered appropriate. It is considered that the proposal is acceptable having regard to Policies DES1, DES2 and RD1, relevant provisions of the SPPS and Creating Places.</p>
	<p><b><u>Residential quality and impact on amenity</u></b></p>
8.68	<p>Policies DES1, DES2 and RD1 provide policy criteria in relation to requiring a high quality residential environment and that development does not adversely impact on the residential amenity of existing properties including overshadowing, loss of light, outlook and privacy.</p>
8.69	<p><i>Creating Places</i> states that ‘to promote choice for residents a variety of different garden sizes should be provided and back garden provision should therefore be calculated as an average space standard for the development as a whole, and should be around 70 sqm per house or greater’.</p>
8.70	<p>The private amenity spaces for the detached dwellings (excluding any landscape banks) range from 83 to 1,380 sqm and even in cases where there is mature trees or landscaped banks, the minimum usable space exceeds 70 sqm. The variance in the sizes of gardens is due to the topography of the site.</p>
8.71	<p><i>Creating Places</i> advocates that for apartments, external private amenity space of between 10 and 30 sqm per residential unit should be provided. The 5 apartments have shared access to an area of 50 sqm amenity space, equating to an average of 10sqm per apartment. Whilst at the minimum end of the guidance, regard is had to the</p>

	<p>significant areas of open space within the wider BPH complex, including the proposed area of public open space directly opposite the apartments, as well as improved access to the woodland.</p>
8.72	<p>Creating Places advocates a minimum separation of 20 metres between dwellings on low density sites. The separation distance generally exceeds 20 metres. The shortest separation distance is between Unit 27 and the dwelling behind it in Phase 3. In that case, the distance is as low as 18 metres, however, the change in levels, planting and orientation of the dwellings mean that there will be no harmful overlooking as the two ground floor living areas will not be able to look into each other.</p>
8.73	<p>There would be no adverse impacts on amenity by way of overlooking, loss of sunlight/daylight or outlook either between the proposed development and existing adjacent housing, or within the site itself.</p>
8.74	<p>It is considered that Policies DES1, DES3, RD1 and relevant provisions of the SPPS and Creating Places are satisfied.</p> <p><b><u>Provision of open space</u></b></p>
8.75	<p>Policy OS3 requires that all new development proposals make appropriate provision for open space, including hard and soft landscaped areas and outdoor amenity areas, to serve the needs of the development. The precise amount, location, type and design of such provision will be negotiated with applicants taking account of the specific characteristics of the development, the site and its context and having regard to a) the normal expectation will be at least 10% of the total site area; and b) complementary and ancillary equipment and facilities, including for active or passive enjoyment of residents or occupiers, should be incorporated into the design of the development.</p>
8.76	<p>The proposal includes 20% public open space as an overall proportion of the site. This includes a woodland area in the centre of the site with protected trees and a proposed play facility which will facilitate the entire BPH development.</p>
8.77	<p>BCC Landscape Planning and Development team was consulted and consider the woodland play area and landscape management plan to be acceptable. However, they noted that the initial proposals contained two accesses to the adjacent woodland area known as Hazel Wood to the north and that this has been reduced to one. The access point is now a single node which provides connectivity between Phases 4 and 5 as well as access to Hazel Wood and Ballylesson Road. The access and right of way will be secured via the S76 Planning Agreement to ensure wider permeability.</p>
8.78	<p>The proposal is considered compliant with Policy OS3.</p> <p><b><u>Landscape Impact including trees</u></b></p>
8.79	<p>Policy LC1 states that new development should seek to protect and, where appropriate, restore or improve the quality and amenity of the landscape. Policy LC1B states that in addition to complying with the above requirements, development proposals that have a significant adverse impact on the landscape character, visual amenity and environmental quality of AHSVs will not be supported by the LDP.</p>
8.80	<p>The site is within an Area of High Scenic Value (AHSV) in all three relevant development plans. It is also countryside outside the urban area of the city. However, the site is separated from existing open countryside by a mature landscape belt, trees and woodlands, and in that context is generally contained.</p>

8.81	<p>A Landscape Viability Impact Assessment (LVIA) was submitted with the application. The LVIA states that ‘...at a local level the changes that will arise will be consolidated to a very localised and discrete part of the landscape. Where there will be some limited intervisibility with the newly introduced built forms and their presence will be felt in the immediate environment, these elements will be screened by the retained boundary vegetation coalescing with the landscaping in the peripheral parts of the Site’. It goes on to conclude that ‘it is considered that the Proposed Development could be successfully accommodated within the Belvoir Park Hospital Site, with very limited landscape and visual effects upon the Lagan Valley AONB and the Castlereagh Area of High Scenic Value. It would respond effectively to policy directions at a strategic, regional and local level through being well-integrated within established boundaries on a contained site; and with a sensitive and locally characteristic design approach to built-form and retained and reinforced green infrastructure’.</p>
8.82	<p>The BCC Landscape and Development Team advises the following:</p> <ul style="list-style-type: none"> <li>• it agrees with the assertion that there is a perception that the site forms part of the settled area at Belvoir Park Hospital as opposed to being within a countryside setting, despite the site itself being undeveloped;</li> <li>• although the site is located within a landscape of high sensitivity, the proposed development does not occupy a prominent location within the landscape. The main development area is characterised by an enclosed, small-scale landform that forms part of the low-lying river valley landscape surrounding the River Lagan on lands formerly part of the parkland and gardens of Belvoir Park Hospital;</li> <li>• agrees with the significance of landscape effects resulting from the proposed development as detailed in Appendix A.2: Landscape Effects. In the immediate vicinity and the adjacent woodland, the landscape effects are likely to be “Minor” in Year 1, diminishing significantly over time. In the wider landscape, the landscape effects are not likely to be significant;</li> <li>• the landscape proposals have adequately considered the existing landform and woodland cover, with mitigation measures redressing the removal of individual trees. Proposals are enhanced with additional tree and shrub planting, woodland buffers, hedging and open spaces which have considered the existing landscape character and seeks to enhance it; and</li> <li>• content with proposed planting specifications and layouts.</li> </ul>
8.83	<p>The proposal is considered to comply with LC1b and criteria a. to h. of Policy LC1 as the proposal responds appropriately to the key built, archaeological and natural heritage considerations within the wider site.</p>
8.84	<p>Policy TRE1 states that the Council will seek to protect existing trees from new development, particularly those that are of visual, biodiversity or amenity quality and significance, and there will be a presumption in favour of retaining and safeguarding trees that make a valuable contribution to the environment and amenity.</p>
8.85	<p>Having considered the high amenity value of the trees on this site in terms of location, species, screening and buffering, the Council made a Tree Preservation Order with modifications (ref. TPO/2021/0011/LA04) across the entire application site. Existing trees which are surveyed as healthy and in a fair condition should therefore not be removed or impacted upon through any future developments.</p>

8.86	<p>The Tree Officer has concerns about the proximity of Units 6 to 12 to existing trees. As a result, the applicant has been asked to amend the positioning of dwellings as far forward as possible from the root protection zones. Whilst the previous layout met the recommended separation distance, due to the maturity and scale of the trees, it is considered that further distance is necessary to ensure a harmonious environment between the dwellings and the trees. Otherwise, there may be future pressure from residents to fail some of these trees due to concerns about safety and/or overshadowing.</p>
8.87	<p>The Tree Officer also raises concerns regarding the siting of Unit 27 in terms of its proximity to trees and this too has been re-sited. Amended plans have been received that adjust the position of some of the dwellings and final comments are awaited from the Tree Officer. These will be reported to the Committee as a late item.</p>
<p><b><u>Access and Transport</u></b></p>	
8.88	<p>The proposal has been reduced from 47 to 33 units following concerns raised by DfI Roads about the access arrangements to the site.</p>
8.89	<p>DfI Roads offers no objection to the revised proposal and is content. Although a revised Private Streets Determination (PSD) layout has been submitted by the applicant to accommodate the adjustment of the positioning of some of the dwellings, made to improve the relationship with existing trees (see previous section of the report). The recommendation of this report is therefore subject to DfI Road's further consultation response in relation to the adjustment to the layout.</p>
8.90	<p>The proposal includes two in curtilage spaces per house and eight spaces for the five affordable apartments. This level of parking is considered satisfactory.</p>
8.91	<p>The proposal includes a travel plan and green travel measures including travel cards for three years and membership of a car club, so as to encourage alternative modes of transport. The green travel measures have been found to be acceptable by DfI Roads and would be secured by a Section 76 planning agreement.</p>
8.92	<p>As previously stated, whilst the site benefits from some public transport services, it is not considered the most sustainable location for new housing. However, it is considered that the benefits of the proposal, in terms of the restoration of the remaining three Listed pavilions, enhanced open space provision, delivery of social housing and improved connectivity, outweigh these concerns in the planning balance.</p>
8.93	<p>The proposal is considered acceptable, having regard to Policies TRAN1, TRAN4, TRAN6, TRAN8, and TRAN10.</p>
<p><b><u>Climate change</u></b></p>	
8.94	<p>Policy ENV2 states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. Policy ENV3 states that planning permission will be granted for development that incorporates measures to adapt to environmental change. Policy ENV5 states that all built development shall include, where appropriate, SuDs measures to manage surface water effectively on site, to reduce surface water run-off and to ensure flooding is not increased elsewhere.</p>

8.95	The applicant has provided details on the various sustainable design features which will be incorporated in the development. There is no demolition proposed and so this aspect of Policy ENV2 does not apply.
8.96	<p>All dwellings would be designed to incorporate the following measures:</p> <ul style="list-style-type: none"> <li>• a fabric first approach to energy use and conservation;</li> <li>• high levels of thermal insulation and air tightness to the dwelling envelopes combined with construction detailing;</li> <li>• high efficiency boilers to provide the heat source for space heating and water heating all of which will operate under zoned thermostatic controls to avoid unnecessary energy usage;</li> <li>• dwellings orientated to maximise solar gains with large glazed areas which minimises the need for artificial lighting;</li> <li>• solar panels located on south-facing dwelling rooftops;</li> <li>• naturally ventilated dwellings;</li> <li>• significant areas of soft landscaping (SuDS) to public open spaces as well as in private;</li> <li>• amenity spaces which allows natural ground filtration to absorb water during periods of rainfall and reduction in surface water entering the drainage system and avoidance of potential for flooding;</li> <li>• significant new tree planting</li> <li>• SuDS incorporated as set out in Drainage Assessment; and</li> <li>• Surface water attenuation design with the required storage for a 100 year exceedance storm event</li> </ul>
8.97	<p>The Plans and Policy team has assessed the proposals and advised that the above measures meet the requirements of Policy ENV2 and ENV3. They note that appropriate soft SuDS measures should be considered and incorporated. The applicant has agreed to a condition for a final landscaping plan which will incorporate SuDs. Subject to conditions to secure these measures, the proposal is considered compliant with Policies ENV2, ENV3 and ENV5.</p> <p><b><u>Health impacts</u></b></p>
8.98	<p>Policy HC1 seeks to ensure that all new developments maximise opportunities to promote healthy and active lifestyles. New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles. This will include supporting active travel options, improving accessibility to local service centres, reducing the use of private car travel, adequate provision of public open space, leisure and recreation facilities, high quality design and promoting balanced communities and sustainable neighbourhoods.</p>
8.99	<p>The proposal provides opportunity for active travel, physical and improved mental wellbeing. The site is within walking distance Hazel Wood and Dolly's Forest and is close to the Lagan Valley Regional Park. Active travel will be further encouraged through the travel plan and green measures proposed as part of the application. Good levels of private amenity space will be provided within the development including private gardens and communal open space. The design of the scheme considered to be good, which would contribute to the wellbeing of residents.</p>
8.100	<p>The proposal is considered to satisfy the requirements of Policy HC1.</p>



	<p><b><u>Environmental protection</u></b></p>
8.101	<p>Policy ENV1 states that planning permission will be granted for development that will maintain and, where possible, enhance environmental quality, and protects communities from materially harmful development.</p>
	<p><b><u>Contaminated land</u></b></p>
8.102	<p>Both DAERA and Environmental Health (EH) has advised that contamination risks can be dealt by way of conditions. These will require submission of a detailed remediation strategy and verification report.</p>
	<p><b><u>Air quality</u></b></p>
8.103	<p>EH has not raised any concerns with regards to air quality and in this regard the proposal is considered compliant with Policy ENV1.</p>
	<p><b><u>Noise</u></b></p>
8.104	<p>EH has not raised any concerns with regards to noise and the proposal is considered compliant with Policy ENV1.</p>
	<p><b><u>Natural heritage</u></b></p>
8.105	<p>Policy NH1 relates to the protection of natural heritage resources. The Council will adopt the precautionary principle when considering the impacts of proposed development on local, national or international natural heritage resources.</p>
	<p><b><u>Designated Sites</u></b></p>
8.106	<p>The application site is in close proximity to Purdys Burn which flows into the Lagan and is hydrologically connected to Belfast Lough (RAMSAR site) and Special Protection Area (SPA) and Outer Belfast Lough Area of Special Scientific Interest (ASSI).</p>
8.107	<p>The site is also adjacent to Minnowburn Site of Local Nature Importance (SLNCI) and contains hedgerows and a watercourse which are Northern Ireland Priority Habitats (NIPH).</p>
8.108	<p>The site is within an Area of High Scenic Value (AHSV) as detailed in the landscape section above.</p>
	<p><b><u>Protected Species</u></b></p>
8.109	<p>Following advice from DAERA Natural Environment Division (NED), surveys and confirmation of trees with bat roost potential was requested and provided. Subject to retention of important trees, NED is content subject to a condition regarding lighting.</p>
8.110	<p>The presence of protected birds has been confirmed and NED is content subject to a condition restricting construction to outside the bird nesting season.</p>
8.111	<p>With regards to badgers and otters, NED is content subject to a condition requiring the submission and implementation of a Construction Environmental Management Plan (CEMP).</p>

<u>Habitats Regulations Assessment</u>	
8.112	The site is hydrologically linked to the environmental protected Belfast Lough. In view of the objection from NI Water and its concerns about environmental pollution due to concerns about waste-water infrastructure capacity, the Council is required to undertake an Appropriate Assessment to assess the potential impacts of the proposal.
8.113	Belfast City Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for undertaking an Appropriate Assessment where a proposal is likely to have a significant environmental effect on Belfast Lough, an environmentally protected Special Protection Area (SPA), RAMSAR and Special Area of Conservation (SAC). The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also “in combination” impacts with other development.
8.114	Whilst a precautionary approach applies to Habitats Regulations Assessment (HRA), SES confirms that the onus is on NI Water to provide evidence of likely actual impacts, rather than hypothetical impacts. As Competent Authority, the Council may take its own objective view on whether a proposal is likely to have a “significant effect” on water quality of the Lough. However, having regard to the precautionary approach, where there is clear intensification, the Council will consult SES and ask them to undertake a HRA Appropriate Assessment Screening to ascertain whether there would be a likely significant impact. SES has therefore been requested to undertake an Appropriate Assessment on behalf of the Council.
8.115	<p>SES has carried out an Appropriate Assessment, which concludes that the proposal would not have an adverse effect on the integrity of any European site, either alone or in combination with other plans or projects. This is subject to conditions to mitigate the impacts of the proposal. The conditions require the following.</p> <ul style="list-style-type: none"> <li>• prior agreement of the method of sewage disposal;</li> <li>• a defined buffer of at least 10 m maintained between the location of areas used for refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc and the watercourses bordering the northern and southern edges of the application site; and</li> <li>• submission, approval and implementation of a final Construction Environmental Management Plan (CEMP).</li> </ul>
8.116	It is recommended that the Council adopts the Appropriate Assessment.
8.117	Subject to the conditions advised by SES and DAERA, the proposal is considered compliant with Policy NH1, Policy ENV1 and the relevant provisions of the SPPS.
<b><u>Waste-water infrastructure</u></b>	
8.118	NI Water has objected to the application on grounds of insufficient waste-water capacity. Whilst there is currently sufficient capacity at the waste-water treatment plant, it has identified network capacity issues. NI Water advises that the downstream catchment is constrained by overloaded sewerage infrastructure. It advises that this poses potential significant environmental risks as well as detriment to existing properties. NI Water welcomes further discussions with the applicant on this issue and advises the applicant to submit a Waste Water Impact Assessment to it. Conditions are recommended in the event that planning permission is granted.

8.119	Notwithstanding its objection, NI Water has to date not provided robust evidence to support its specific objection including demonstration of actual specific impacts resulting from individual proposals that stems from its broad concerns.
8.120	Importantly, allowance must be made for existing significant committed development across the city including extant planning permissions. It is highly unlikely that all such development, which includes unimplemented permissions for over 20,000 houses and significant levels of commercial floor space across the city, will come forward at once, if at all. In practical terms it would be unreasonable for the Council to withhold planning permission given the fall-back of the need to connect those developments to existing waste water infrastructure.
8.121	The Council must be mindful that were it to refuse planning permission based on NI Water's concerns, it would need to provide robust evidence to the Planning Appeals Commission in the event that the applicant appeals the decision. In the absence of robust evidence, it would be unreasonable to refuse planning permission.
8.122	Having regard to Policy SP1a, for the reasons set out above, the proposal is considered acceptable.
	<b><u>Flood risk and drainage</u></b>
8.123	The site is located outside the floodplain. The application is supported by a Drainage Assessment. DfI Rivers was consulted and subject to a condition requiring approval of a final drainage assessment and detailed drainage network design, offers no objection.
8.124	DAERA NIEA: Water Management Unit was consulted and are content subject to a condition requiring confirmation of consent to discharge prior to commencement of development.
8.125	Subject to appropriate conditions, the proposal is considered compliant with Policy ENV4 and relevant provisions of the SPPS.
	<b><u>Section 76 planning agreement</u></b>
8.126	Should planning permission to be granted, it should be subject to a Section 76 planning agreement to secure the following obligations. These are considered necessary to make the proposed development acceptable.
	<ul style="list-style-type: none"> <li>• The carrying out of further surveys of the three remaining Listed pavilions and the submission of further application/s for Listed Building Consent as necessary. This is to ensure the most appropriate renovation scheme, which respects the architectural and historic qualities of the buildings;</li> <li>• To require the enabling works to the three remaining Listed pavilions in accordance with the applicable Listed Building Consent/s;</li> <li>• The submission and implementation of a Conservation Management Plan for the Significant Place;</li> <li>• Provision of at least five of the units as social housing (Category 1 active elderly) or such other form of social housing to be first agreed by the Council;</li> <li>• Implementation of the Travel Plan;</li> <li>• Implementation of specific green travel measures – travel cards for 3 years and membership and promotion of a car club;</li> <li>• Delivery, management and maintenance of the equipped area of open space;</li> <li>• Management of the open space and common parts of the site; and.</li> </ul>

	<ul style="list-style-type: none"> <li>• Provision of access and right of way for the public to the pedestrian link from the site to Ballylesson Road and into and across the adjacent woodland.</li> </ul> <p><b><u>Pre-Community Consultation</u></b></p>
8.127	For applications for Major development, applicants are required by legislation to consult the community in advance of submitting the application.
8.128	Applicants are also required to submit to the council a 'Proposal of Application Notice' (PAN) in advance, which sets out the proposals for the pre-community consultation. A PAN was submitted in October 2017 (LA04/2017/2298/PAN) and was confirmed by the Council to be acceptable.
8.129	<p>The applicant is further required to prepare a Pre-Application Community Consultation report (PACC) to accompany the planning application. A PACC Report was submitted with the application, which includes details of public meetings, stakeholder and householder flyers and the public advertisement. 25 people attended and three feedback forms were submitted with the main points summarised below:</p> <ul style="list-style-type: none"> <li>• welcomed the reduced density of the housing;</li> <li>• requested a children's play area;</li> <li>• expressed concern regarding traffic;</li> <li>• wished to see an openable pedestrian access onto Ballylesson Road; and</li> <li>• querying the provision of social housing</li> </ul>
8.130	The PACC report details the ways in which the above feedback has been considered and it is considered compliant with the legislative requirements.
<b>9.0</b>	<b><u>Conclusion and Recommendation</u></b>
9.1	Whilst the proposal is in conflict with policies that direct new housing to previously developed land within the development limit and protect the countryside, as well as conflict with some other policies in the Plan Strategy, this has to be balanced against the benefits of the scheme. Primarily, this includes restoration of the three remaining undeveloped Listed pavilions, but also the provision of enhanced open space facilities for new and existing residents; delivery of social housing; and improved connectivity to Ballylesson Road and into and across the adjacent woodland. Although the site is outside the development limit, regard is had to the limited visual impact that the proposal would have on the countryside and wider landscape. When applying the planning balance, it is considered that the benefits of the proposal outweigh the negatives. It is therefore recommended that planning permission is granted.
9.2	Having regard to the Development Plan and relevant material considerations, and in the planning balance, it is considered that the proposal is acceptable. It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement.
9.3	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, and deal with any other issues that arise including from the final consultation responses from DfI Roads and Tree Officer, provided that they are not substantive.

10.0

**DRAFT CONDITIONS**

1. The development hereby permitted must be begun within five years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. All external facing and roofing materials shall be carried out as specified on the approved plans.

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

**DESIGN AND PLACEMAKING**

3. Notwithstanding the submitted details, no development shall commence unless final details of climate change measures to mitigate and adapt to climate change have been submitted to and approved in writing by the Council. The development shall not be occupied unless the climate change measures have been implemented in accordance with the approved details. The climate change measures shall be retained in accordance with the approved details at all times.

Reason: To mitigate and/or adapt to climate change.

4. No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of a Public Art Scheme have been submitted to and approved in writing by the Council. The scheme shall include details of individual public art installations, proposals for future management and maintenance, and a programme for implementation. The development shall not be carried out unless in accordance with the approved details.

Reason: In the interests of place making and the amenities of the area. Approval is required upfront because public art may be integral to the design and layout of the scheme.

**Environmental Health**

5. No development shall commence on site (other than site clearance, enabling works or works to fulfil this condition) unless a Remediation Strategy has been submitted to and approved in writing by the Council. The Remediation Strategy must provide final details of how the outline remedial proposals contained within the RSK Ireland Ltd report entitled 'Neptune Group, Updated Remedial Strategy, Lands at Former Belvoir Park Hospital, Phase 5' (dated July 2021 and referenced 602881-R3 (00)) are to be implemented on the site. The Remediation Strategy shall follow current Environment Agency and CIRIA guidance and British Standards and must demonstrate how the identified contaminant linkages are to be demonstrably broken and no longer pose a potential risk to human health. It must also detail how the proposed remediation works are to be verified.

The development shall not be carried out unless in accordance with the approved Remediation Strategy.

Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.

6. Prior to occupation, a Verification Report shall be submitted to and approved in writing by the Council. The Verification Report shall be completed by competent persons and be in accordance with current Environment Agency and CIRIA guidance and British Standards. It must demonstrate that the mitigation measures outlined in the agreed Remediation Strategy have been implemented, that they have broken the relevant contaminant linkages and that the site no longer poses a potential risk to human health.

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

7. If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related works shall cease immediately, and the Council shall be notified immediately in writing. No further development shall proceed until this new contamination has been fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Council, prior to the development being occupied or operated. The Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.

#### **DfC Historic Environment Division**

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 **[X – insert number of condition above]**.

These measures shall be implemented, and a final archaeological report shall be submitted to the Council within **six months** of the completion of archaeological programme of works.

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

**DAERA Regulation Unit Land and Groundwater Team**

10. The development hereby permitted shall not be occupied until the remediation measures as described in the RSK Ireland Ltd, Updated Remedial Strategy Report, Ref 602881-R3 (00) have been implemented and a Verification Report to confirm the same has been submitted to and approved in writing by the Council.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

11. If during construction, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified and a remediation strategy shall be submitted to and approved in writing by the Council. The development shall not be occupied unless a Verification Report that confirms the same has been submitted to and approved in writing by the Council.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

**Natural Environment Division**

12. No development or works shall commence on site (including site clearance, site preparation, demolition and the formation of foundations and trenches) unless a Final Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council.

The Final CEMP shall include:

- a) Construction methodology and timings of works;
- b) Pollution Prevention Plan, including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;
- c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures; and
- d) The precautionary ecological mitigation recommended in NEDs responses, dated 11/02/2023, including preconstruction checks for badger and otter, and the soft-fell of trees with low bat roost potential.

No development or works shall be carried out unless in accordance with the Final Construction Environmental Management Plan.

**Reason:** To ensure the project will not have an adverse effect on the integrity of any European site.

13. No external lighting shall be erected or installed unless in accordance with a Lighting Plan that has been first submitted to and approved in writing by the Council.

The Lighting Plan shall include:

- a) The specifications of lighting to be used across the site, including model of luminaires, location and height;
- b) All measures to mitigate for the impacts of artificial lighting on bats and other wildlife, e.g. timing of lighting, use of low level lighting, screens, hoods, cowls etc.
- c) A horizontal illuminance contour plan (isolux drawing) showing predicted light spillage across the site;
- d) Predicted illuminance on the Minnowburn SLNCI, retained trees/hedgerows, and the riparian habitat to be less than 1 lux.

Reason: To minimise the impact of the proposal on bats and other wildlife.

14. No vegetation clearance, removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive in any calendar year, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds.

Reason: To protect breeding birds.

#### **DFI ROADS**

15. The development hereby approved shall not be occupied until the parking, circulation and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and such areas shall remain free of obstruction for such use at all times.

Reason: To ensure adequate car parking within the site.

16. No development hereby approved shall not be occupied unless the access, including visibility splays and any forward sight lines, have been provided in accordance with the approved plans. The access and visibility splays shall be retained in accordance with the approved plans at all times.

Reason: To ensure safe and convenient access to the development.

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

Reason: In the interests of highway safety.



18. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. [TBC].

Reason: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

19. No residential unit on Road 1 (as identified on the approved plans) shall be occupied unless Vehicle Restraint System has been constructed in accordance with details that shall have first been submitted to and approved in writing by the Council.

Reason: In the interests of highway safety.

20. No dwelling or apartment shall be occupied until that part of the service road which provides access to it has been constructed to base course.

Reason: To ensure appropriate access to the development.

#### **SHARED ENVIRONMENTAL SERVICES / DFI RIVERS / NI WATER**

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

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

#### **SHARED ENVIRONMENTAL SERVICES**

22. A buffer of at least 10 metres must be maintained between the location of areas used for refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the watercourses bordering the northern and southern edges of the application site.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

23. No development or works shall commence on site (including site clearance, site preparation, demolition and the formation of foundations and trenches) unless a Final Construction Environmental Management Plan has been submitted to and approved in writing by the Council. This shall reflect the mitigation and avoidance measures to be employed for pollution control and protection of water quality as detailed in the Outline Construction Environment Management Plan (RSK, March 2024), Remedial Strategy (RSK, July 2021). No development or works shall be carried out unless in accordance with the Final Construction Environmental Management Plan.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

### **TREES AND LANDSCAPING**

24. All hard and/or soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the approved details.

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

25. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any existing or new trees or planting indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of visual amenity.

26. The works hereby approved shall not be carried out unless in accordance with the approved Tree Protection Plan. The measures set out in the Tree Protection Plan shall remain in place until the completion of the construction.

Reason: To safeguard existing tree(s) in the interests of visual amenity.

27. No works shall be carried out on site unless written notification has been given to the Council at least 14 days prior to the commencement of works.

Reason: To enable the Council to verify that the tree protection measures have been appropriately carried out.

28. Any excavation within Tree Protection Areas shall be carried out using non mechanised hand tools only. All roots that are uncovered during excavation and which are in excess of 2.5cm in diameter shall be protected and treated in accordance with BS 3998: 2010 Recommendations for Tree Work [or any guidance revoking and/or re-enacting it) and foundations bridged around them.

Reason: To safeguard existing tree(s) in the interests of visual amenity.

29. If roots are accidentally damaged the Council must be immediately notified in writing and given the opportunity to inspect the damage before it is covered over. The roots must be wrapped in wet hessian wrap until the arrival of an arborist or Council. Remedial works to roots/trees shall be submitted to and agreed in writing by the Council before development that

affects the roots proceeds. The development shall not proceed unless in accordance with the approved details.

Reason: To safeguard existing tree(s) in the interests of visual amenity.

## **INFORMATIVES**

### **NOT01 Drawing Numbers**

This decision relates to the following approved drawing numbers: [TBC]

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

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

- Further surveys and restoration of the three remaining Listed pavilions
- Submission and implementation of a Conservation Management Plan for the Significant Place;
- Provision of five of the units as social housing (Category 1 active elderly);
- Implementation of the Travel Plan and green travel measures;;
- Delivery, management and maintenance of the equipped area of open space;
- Management of the open space and common parts of the site; and
- Provision of access and right of way for the public to the pedestrian link from the site to Ballylesson Road and Hazelbank Wood.

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

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

### **NOT03 Discharge of condition(s)**

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

### **NOT05 Non-planning requirements**

The grant of planning permission does not dispense with the need to obtain licenses, 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.

### **NOT06 Protected Species**

The applicant or developer's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence to:

- a) Deliberately capture, injure or kill a wild animal including a European protected species, which includes all species of bat;

	<ul style="list-style-type: none"> <li>b) Deliberately disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;</li> <li>c) Deliberately disturb such an animal in such a way as to be likely to: <ul style="list-style-type: none"> <li>(i) affect the local distribution or abundance of the species to which it belongs;</li> <li>(ii) Impair its ability to survive, breed or reproduce, or rear or care for its young; or</li> <li>(iii) Impair its ability to hibernate or migrate;</li> </ul> </li> <li>d) Deliberately obstruct access to a breeding site or resting place of such an animal; or</li> <li>e) To damage or destroy a breeding site or resting place of such an animal.</li> </ul> <p>If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 9056 9605.</p>
<b>11.0</b>	<b>Representations from Elected Representatives</b> (if relevant) N/A
<b>12.0</b>	<b>Referral to DfI</b> (if relevant) N/A

<b>ANNEX A</b>	
<b>Date Valid</b>	16.12.2020
<b>Date First Advertised</b>	15.01.2021
<b>Date Last Advertised</b>	02.02.2024
<b>Details of Neighbour Notification</b> (all addresses)	
<p>21 Lady Ishbel Avenue, Belfast, BT8 8FR  20 Lady Ishbel Avenue, Belfast, BT8 8FR  26 Lady Ishbel Avenue, Belfast, BT8 8FR  27 Lady Ishbel Avenue, Belfast, BT8 8FR  23 Lady Ishbel Avenue, Belfast, BT8 8FR  41-43 Ballycairn Presbyterian Church, Ballylesson Road, Belfast  2 Haddo Lane, Belfast, Down, BT8 8FU  8 Haddo Place, Belfast, Down, BT8 8FY  3 Haddo Place, Belfast, Down, BT8 8FY  18 Lady Ishbel Avenue, Belfast, BT8 8FR  Ballycairn Presbyterian Church, 39 Ballylesson Road, Belfast  4 Haddo Lane, Belfast, Down, BT8 8FU  22 Lady Ishbel Avenue, Belfast, BT8 8FR  19 Lady Ishbel Avenue, Belfast, BT8 8FR  29 Lady Ishbel Avenue, Belfast, BT8 8FR  5 Haddo Place, Belfast, Down, BT8 8FY  4 Haddo Place, Belfast, Down, BT8 8FY  9 Haddo Place, Belfast, Down, BT8 8FY  17 Lady Ishbel Avenue, Belfast, BT8 8FR  25 Lady Ishbel Avenue, Belfast, BT8 8FR  28 Lady Ishbel Avenue, Belfast, BT8 8FR  2 Haddo Place, Belfast, Down, BT8 8FY  16 Lady Ishbel Avenue, Belfast, BT8 8FR  1 Haddo Place, Belfast, Down, BT8 8FY  24 Lady Ishbel Avenue, Belfast, BT8 8FR  7 Haddo Place, Belfast, Down, BT8 8FY  15 Haddo Crescent, Belfast, Down, BT8 8FX  6 Haddo Place, Belfast, Down, BT8 8FY  14 Lady Ishbel Avenue, Belfast, BT8 8FR  3 Ishbel Mews, Belfast BT8 8FZ  10 Lady Ishbel Avenue, Belfast, BT8 8FR  5 Ishbel Mews, Belfast BT8 8FZ  14 Haddo Woods, Belfast BT8 8FS</p>	
<b>Date of Last Neighbour Notification</b>	05.05.2024
<b>Date of EIA Determination</b>	19th January 2021
<b>ES Requested</b>	No

## ANNEX B

**CLYDE SHANKS**

Planning Development

Second Floor, 7 Exchange Place, Belfast BT1 2NA  
 t | 028 9043 4393  
 e | enquiries@clydeshanks.com  
 clydeshanks.com

**BRIEFING NOTE**

CLIENT	Belvoir Park LLP
PROJECT	Belvoir Park Phase 5 (planning ref. LA04/2020/2607/F)
JOB REF	NEP1005
DATE	2 <sup>nd</sup> August 2023

### Appendix 1: FEN Executive Summary

Site Address/Location of development	Lands at the rear of the former Belvoir Park Hospital, Hospital Rd, Belfast
Description of Development	Residential development for the erection of 33no. dwellings (including 5no. apartments for over 55 active elderly persons) also comprising public open space, equipped children's play area and associated development.  Restoration and conversion of three Listed Pavilion Buildings
Zoning ref. if applicable (see Local Policies Plan)	N/A

Summary of key assumptions in Site-specific Viability Assessment:				
Summary of housing mix (by tenure type and size)				
Phase 5:				
No of units	No of bedrooms / occupants	Size (sqm)	Type of unit	Tenure
5	2 bedroom / 3 person	69 - 81	Apartment	Social (Active Elderly)
3	3 bedroom / 6 person	121 - 162	Detached dwelling	Private
5	4 bedroom / 7 person	151	Detached dwelling	Private
20	4 bedroom / 8 person	155 - 277	Detached dwelling	Private

| ENERGY | RETAIL | LEISURE | RESIDENTIAL | WASTE | COMMERCIAL | AGRI-FOOD |

Registered Address: Clyde Shanks Limited, 10 Pilots View, Heron Road, Belfast BT3 9LE. Company Registration No. N1606619

Unrestored Pavilion Buildings:				
No of units	No of bedrooms / occupants	Size (sqm)	Type of unit	Tenure
3	2 bedroom / 4 person	150	Townhouse	Private
12	3 bedroom / 6 person	152 - 312	Townhouse	Private

Assumption	Amount
<b>A) Development Value</b>	
Gross Development Value	£22,965,000
<b>B) Land costs</b>	
Benchmark Land Value (including landowner premium)	£0
<b>C) Construction and development costs</b>	
Construction Costs	£16,894,464
Professional Fees	£1,228,098
Marketing	£65,000
Disposal Fees	£325,925
Contingencies	£946,957
Abnormal Costs (factored into build costs)	£0
Total construction and development costs	£19,460,444
<b>D) Finance</b>	
Finance Cost	£1,116,931
<b>E) Profit</b>	
Developer profit	£2,387,625
Profit as a % return	11.6%
<b>F) = B + C + D + E</b>	<b>Total cost</b> £22,965,000
<b>Viability</b>	
Residual land value (headroom) (A-F)	£0