



<b>Subject:</b>	Notice of Opinion issued by the Department for Infrastructure: LA04/2021/1317/F and LA04/2021/1318/DCA 450 and 448 Lisburn Road, Belfast
<b>Date:</b>	18 <sup>th</sup> June 2024
<b>Reporting Officer(s):</b>	Kate Bentley, Director of Planning and Building Control
<b>Contact Officer(s):</b>	Ed Baker, Planning Manager (Development Management)

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

<b>Call-in</b>	
<b>Is the decision eligible for Call-in?</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of Main Issues</b>
1.1	To report on the Department for Infrastructure's Notice of Opinion in respect of planning applications LA04/2021/1317/F and LA04/2021/1318/DCA. These applications were approved by the Planning Committee at its 29 <sup>th</sup> June 2023 meeting and subsequently called-in by the Department for Infrastructure (DfI).
1.2	DfI has issued a Notice of Opinion to the Council of its intention to refuse planning permission and Conservation Area Consent. The letter states that DfI must receive any request in writing for an opportunity to appear before and be heard by the Planning Appeals Commission, or a person appointed by DfI, for the purposes of a hearing within 8 weeks of the date of the letter (i.e. by 15 <sup>th</sup> July 2024).
<b>2.0</b>	<b>Recommendation</b>
2.1	It is recommended that the Council responds to the Notice of Opinion, requesting opportunity to appear before and be heard by the Planning Appeals Commission, or a person appointed by DfI, for the purposes of a hearing.
2.2	This would provide opportunity for the Council to present its case that planning permission and Conservation Area Consent should be granted, contrary to the Department's opinion that the applications should be refused.

2.3	The Committee is also asked to consider whether it wishes to nominate an Elected Member (or Elected Members) to appear at the hearing alongside officers in support of the Council's case.
<b>3.0</b>	<b>Main Report</b>
	<p data-bbox="272 322 448 358"><b><u>Background</u></b></p> <p data-bbox="165 394 1302 456">3.1 At its 29<sup>th</sup> June 2024 meeting, the Committee resolved to approve the following applications:</p> <ul data-bbox="325 497 1437 712" style="list-style-type: none"> <li data-bbox="325 497 1437 595">• LA04/2021/1317/F – Demolition of existing dwellings and erection of two new dwellings and associated site works. 450 and 448 Lisburn Road, Belfast BT9 7GX (application for “<b>planning permission</b>”).</li> <li data-bbox="325 613 1437 712">• LA04/2021/1318/DCA – Demolition of existing dwellings and erection of two new dwellings and associated site works. 450 and 448 Lisburn Road, Belfast BT9 7GX (application for “<b>Conservation Area Consent</b>” for demolition).</li> </ul> <p data-bbox="165 748 1410 784">3.2 A copy of the Committee report is provided at <b>Appendix 2</b> and minutes at <b>Appendix 3</b>.</p> <p data-bbox="165 819 1449 949">3.3 Section 89(1) of the Planning Act (Northern Ireland) 2011 requires the Council to notify DfI where it intends to grant Conservation Area Consent. Following ratification of the Committee's decision, on 14<sup>th</sup> September 2023, the Council duly notified the Conservation Area Consent application (LA04/2021/1318/DCA) to the Department.</p> <p data-bbox="165 985 1410 1115">3.4 On 11<sup>th</sup> December 2023, DfI issued a letter to the Council, “calling in” both the Conservation Area Consent application and application for full planning permission (LA04/2021/1317/F) for its determination. The Department's reasoning for calling in the applications was stated as follows:</p> <p data-bbox="272 1151 1461 1352"><i>‘...in view of the proposed development's potential conflict with the Strategic Planning Policy Statement (SPPS) 2015, the Local Development Plan for the area (the Belfast Local Development Plan: Plan Strategy 2035), particularly in relation to heritage matters, and the potential for the proposed development to impact on the implementation of the plan-led system. It is therefore considered to be an exceptional case and that the regional and sub-regional issues raised would benefit from further scrutiny by the Department.’</i></p> <p data-bbox="165 1388 1430 1451">3.5 DfI's call-in decision was reported to the Committee at the time. The decision transferred jurisdiction for determination of the applications from the Council to the Department.</p> <p data-bbox="272 1487 520 1523"><b>Notice of Opinion</b></p> <p data-bbox="165 1559 1430 1621">3.6 On 21<sup>st</sup> May 2024, DfI issued its Notice of Opinion of its intention to refuse both planning permission and Conservation Area Consent. The refusal reasons are set out below.</p> <p data-bbox="165 1657 1008 1693">3.7 <i>LA04/2021/1317/F (application for planning permission):</i></p> <ol data-bbox="325 1729 1469 1957" style="list-style-type: none"> <li data-bbox="325 1729 1469 1957">1. ‘The proposal would result in the demolition of two existing dwellings that make a material contribution to the character and appearance of the Conservation Area. The proposed replacement dwellings would be of an inappropriate footprint, scale and alignment. The proposal would fail to preserve the character and appearance of the Conservation Area, contrary to Policy BH2 of the Belfast Local Development Plan: Plan Strategy 2035, paragraph 6.12 of the Strategic Planning Policy Statement (SPPS) and Malone Park Conservation Design Guide.’</li> </ol>

<p>3.8</p> <p>3.9</p> <p>3.10</p> <p>3.11</p> <p>3.12</p>	<p>2. 'The proposal, by reason of its footprint, scale and alignment, would harm the setting of No. 1a Malone Park, a Grade B2 Listed Building. The proposal is contrary to Policy BH1 of the Belfast Local Development Plan: Plan Strategy 2035, the Strategic Planning Policy Statement and Malone Park Conservation Design Guide.'</p> <p><i>LA04/2021/1318/DCA (application for Conservation Area Consent):</i></p> <p>1. 'The proposal would result in the demolition of two existing dwellings which make a material contribution to the character and appearance of the Conservation Area. Furthermore, the proposed replacement dwellings would be of an inappropriate footprint, scale and alignment. The proposal would fail to preserve the character and appearance of the Conservation Area, contrary to Policy BH2 of the Belfast Local Development Plan: Plan Strategy 2035, paragraph 6.12 of the Strategic Planning Policy Statement (SPPS) and Malone Park Conservation Design Guide.'</p> <p>The Notice of Opinion states that the Department must receive any written request for an opportunity to appear before and be heard by the Planning Appeals Commission (or a person appointed by the Department) for the purposes of a hearing within 8 weeks of the date of the letter (i.e. by 15<sup>th</sup> July 2024).</p> <p><b><u>Assessment</u></b></p> <p>It is recommended that the Council responds to the Notice of Opinion, formally requesting opportunity to appear before and be heard by the Planning Appeals Commission (or a person appointed by DfI) for the purposes of a hearing. This would provide opportunity for the Council to present its case that planning permission and Conservation Area Consent should be granted, contrary to the Department's opinion that the applications should be refused.</p> <p>The applicant has also received the Notice of Opinion from the Department. It is unclear at the time of writing this report whether or not the applicant will also request to appear before and be heard for the purposes of a hearing.</p> <p><b><u>Conservation Area Consent Pilot</u></b></p> <p>As reported to the Committee at its <a href="#">January 2024 meeting</a>, the Council is currently taking part in a pilot with the Department which is seeking to reduce the number of Conservation Area Consent (DCA) applications notified to DfI. During the pilot, the Council is only required to notify such applications where the proposal involves full demolition and/or there is an objection from special conservation advice.</p>
<p><b>4.0</b></p>	<p><b>Financial &amp; Resource Implications</b></p>
<p>4.1</p>	<p>The Planning Service's attendance at the hearing and preparation of the associated written supporting statement that sets out the Council's case would have a modest impact on costs and resources and would be absorbed as part of its day-to-day work.</p>
<p><b>5.0</b></p>	<p><b>Equality or Good Relations Implications / Rural Needs Assessment</b></p>
<p>5.1</p>	<p>There are no equality or good relations / rural needs implications.</p>
<p><b>6.0</b></p>	<p><b>Appendices – Documents Attached</b></p>
	<p><b>Appendix 1</b> – Copy of the Department for Infrastructure's Notice of Opinion (21 May 2023)  <b>Appendix 2</b> – Copy of report to 29<sup>th</sup> June 2023 Committee  <b>Appendix 3</b> – Minutes of 29<sup>th</sup> June 2023 Committee</p>