

**Development Management Officer Report
Committee Application**

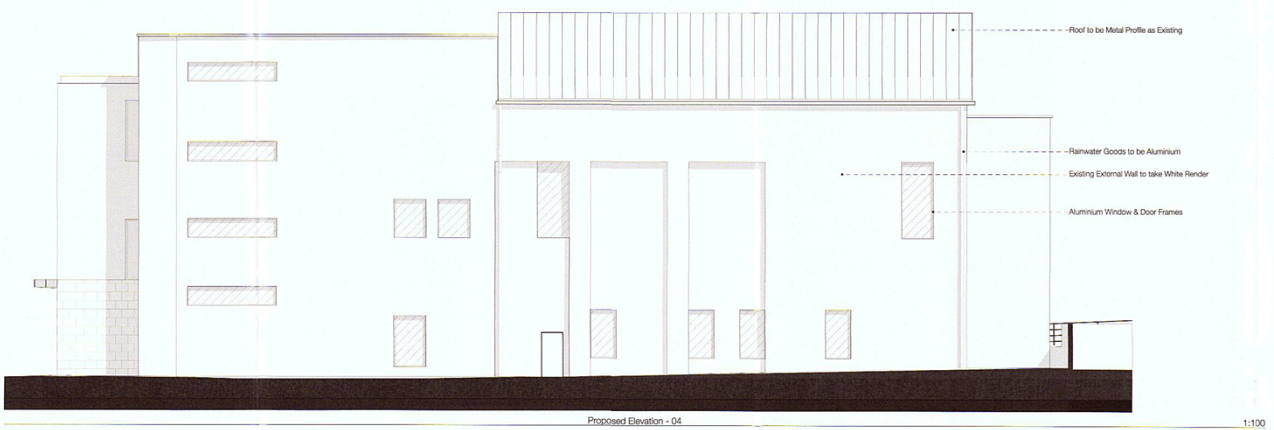
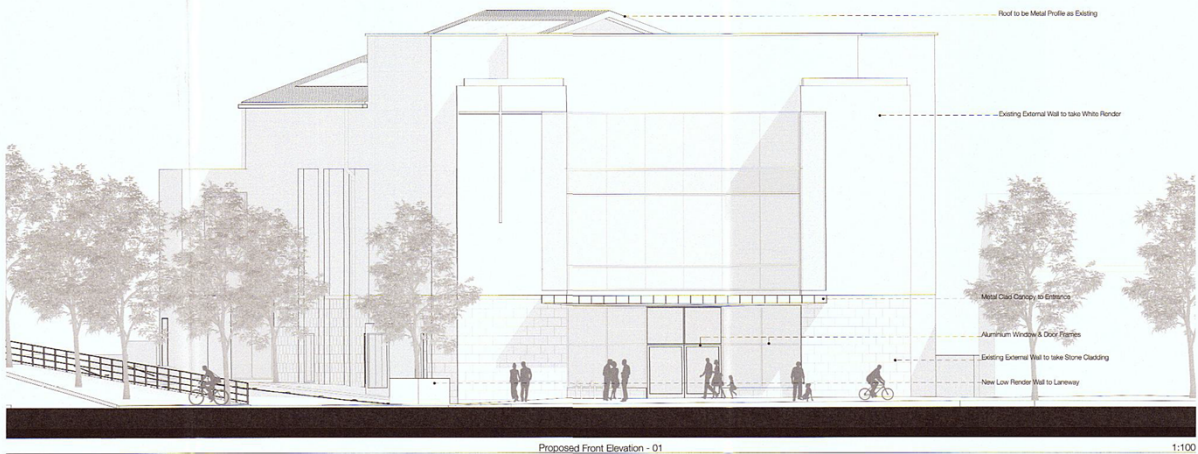
Summary	
Committee Meeting Date: 15th August 2017	
Application ID: LA04/2017/0106/F	
Proposal Change of use from a retail unit to a place of worship including refurbishment and redevelopment with a two storey rear extension, single storey side extension and elevation changes.	Location 208-212 Lisburn Road Belfast BT9 6GD
Referral Route: Community-related scheme greater than 500 square metres gross floor space.	
Recommendation:	Approval
Applicant Name and Address: Windsor Baptist Church 140 Malone Avenue Belfast BT9 6ET	Agent Name and Address: Hall Black Douglas 152 Albertbridge Road Belfast BT5 4GS
Executive Summary:	
<p>The application seeks the change of use from a retail unit to a place of worship including refurbishment and redevelopment with a two storey rear extension, single storey side extension and elevation changes.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • Principle of a change of use at this location • Impact on the character and appearance of the area • Impact on neighbouring amenity • Impact on natural heritage features • Parking <p>The application site is not zoned for any specific use in the Belfast Urban Area Plan 2001. The site is located along the Lisburn Road Arterial Route Designation and within a Shopping/Commercial Area in Draft BMAP and is adjacent to the Malone Conservation Area.</p> <p>Two representations were received raising concerns regarding the loss of trees. A request was also made by Councillor Boyle for a Tree Preservation Order (TPO) on the site.</p> <p>Having regard to the policy context, previous planning history, and other material considerations above, the proposal is deemed to be acceptable and planning permission is recommended for approval subject to conditions. It is requested that delegated powers are given to the Director of Planning and Place for the final framing of the conditions.</p>	

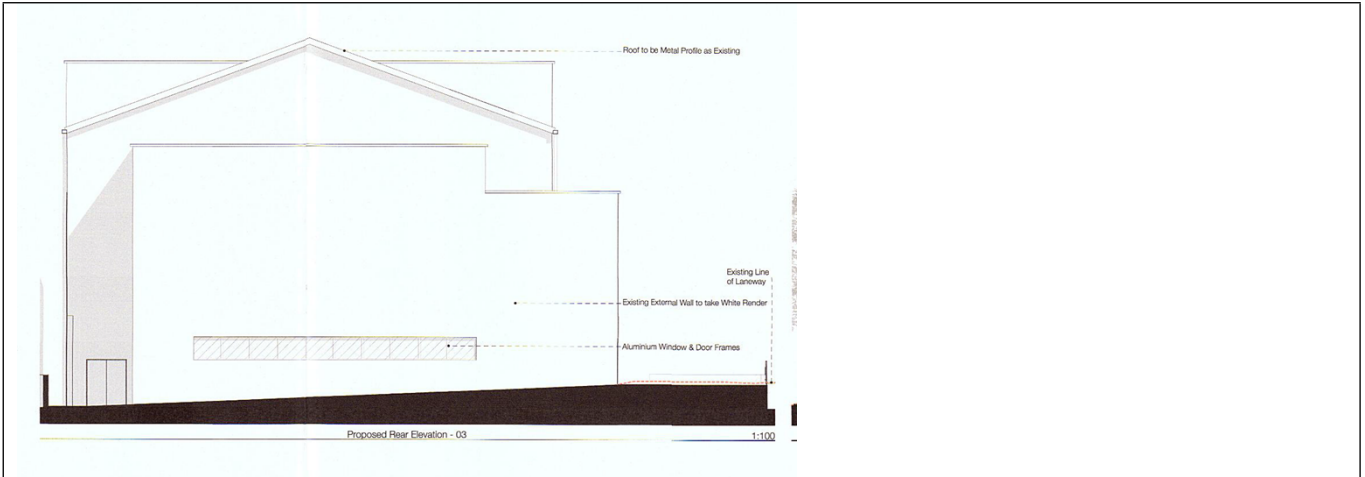
Case Officer Report

Plans

Site Location Plan







Consultations:

Consultation Type	Consultee	Response
Statutory	Rivers Agency	No objection
Statutory	NI Water	No objection
Statutory	Historic Environment Division – Historic Buildings	No comment
Statutory	DAERA – Natural Heritage	No objection
Non Statutory	Belfast City Council Environmental Health	No objection
Statutory	Transport NI	No objection
Non Statutory	Belfast City Council City and Neighbourhood Department (Waste Storage)	No objection
Statutory	DAERA - Waste Management	No objection
Statutory	DAERA – Water Management	No objection

Representations:

Letters of Support	None Received
Letters of Objection	2
Number of Petitions of Objection and signatures	No Petitions Received
Representations from Elected representatives	1 – A request was made by Councillor Boyle for a Tree Preservation Order (TPO) on the trees.

Characteristics of the Site and Area

1.0	<p>Description of Proposed Development</p> <p>The proposal seeks the change of use from a retail unit to a place of worship including refurbishment and redevelopment with a two storey rear extension, single storey side extension and elevation changes.</p>
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2.0	<p>Description of Site and Area</p> <p>The art deco building was formerly the Majestic Cinema which opened in 1936 and closed in 1975. It has four floors and is one solid block, which in later years was converted into a furniture showroom, and is currently vacant. It is located within a Shopping/Commercial area on the Lisburn Road (Arterial Route), between Windsor Avenue and Derryvolgie Avenue. Within the immediate vicinity is a range of land uses: residential, business, retail, places of worship etc.</p>
<p>Planning Assessment of Policy and other Material Considerations</p>	
3.0	<p>Site History</p>
3.1	<p>There have been alterations to the façade of the building granted planning permission in 1989 and 1997. A Pre-Application Discussion (LA04/2016/0547/PAD) was held in 2016 for the conversion of the showroom into a new church facility to replace the existing church complex on Malone Avenue.</p>
4.0	<p>Policy Framework</p> <ul style="list-style-type: none"> • Belfast Urban Area Plan 2001 (BUAP) • Draft Belfast Metropolitan Area Plan 2015 - site is located within the development limits of Belfast (Designation BT 001). The relevant policy is SETT 2, Development within the Metropolitan Development Limit and the Settlement Development Limits • Lisburn Road Arterial Route AR 01/10 – Policy SETT 4 • Designation AR 05 – Lisburn Road Shopping/Commercial Area AR 05/11 • Malone Conservation Area • Strategic Planning Policy Statement for Northern Ireland (SPPS) • Planning Policy Statement 2 – Natural Heritage • Planning Policy Statement 3 – Access, Movement and Parking • Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage • Development Control Advice Note 11 – Access for People with Disabilities • Development Control Advice Note 15 – Vehicular Access Standards • Supplementary Planning Guidance – Parking Standards
5.0	<p>Statutory Consultee Responses</p> <ul style="list-style-type: none"> • Rivers Agency – No objection subject to informatives • Transport NI – No objection subject to conditions and informatives • NI Water – No objection subject to informatives • Historic Environment Division: Historic Buildings – No comment to make, as the closest listed building (HB 26/28/072), is sufficiently removed to remain unaffected. • DAERA Natural Heritage Division – No objection subject to conditions and informatives • DAERA Waste Management – No objection subject to informatives • DAERA Water Management – No objection subject to NI Water response.
6.0	<p>Non Statutory Consultee Responses</p> <ul style="list-style-type: none"> • Belfast City Council Environmental Health – No objection subject to conditions and informatives • Belfast City Council City and Neighbourhood Department (Waste Storage) – No objection

7.0	Representations
	<p>The application has been neighbour notified and advertised in the local press and 1 objection was received.</p> <p>The issues raised include:</p> <ul style="list-style-type: none"> • Loss of trees • Neighbour notification process – no mention of removal of trees in description. <p>A request was also made by Councillor Boyle for a Tree Preservation Order (TPO) on the trees.</p> <p>Concerns were raised that the removal of trees was not specifically mentioned in the description of the proposal. The description of the proposal relates to proposed development i.e. the change of use, elevation changes and the side and rear extension. The removal of trees does not constitute development however their removal has been fully considered in the assessment of this planning proposal as set out below.</p>
8.0	Other Material Considerations
	None
9.0	Assessment
	<p>Development Plan Context</p> <p>9.1 The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area.</p> <p>9.2 Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.</p> <p>9.3 As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted, however, the version of draft BMAP which was purported to be adopted remains a material consideration.</p> <p>9.4 The application site is located within the settlement development limit for Belfast, the Lisburn Road Arterial Route (AR 01/10) and a Shopping/Commercial Area, as set out in the draft plan. The site is also located adjacent to Malone Conservation Area.</p>
	<p>Key Issues</p> <p>9.5 The key issues to be considered in this case are:</p> <ul style="list-style-type: none"> • Principle of a change of use at this location • Impact on the character and appearance of the area • Impact on neighbouring amenity • Impact on natural heritage features • Parking
	Strategic Planning Policy Statement for Northern Ireland

9.6	Planning authorities are guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.
9.4	<p>Planning History</p> <p>The planning history has been detailed in Section 3. There is no previous planning permissions that impact upon this application.</p>
9.5	<p>Development affecting the Setting of a Listed Building</p> <p>PPS 6 Policy BH 11 is applicable where proposed development is in close proximity to a listed building. Historic Environment Division (HED) has been consulted to consider whether the application for 208-212 Lisburn Road, Belfast affects any listed buildings in the area that are of special architectural or historic interest as set out in Section 80 and is protected under the Planning Act (NI) 2011. The application site is close to HB26/28/072 Windsor Presbyterian Church, Lisburn Road, Belfast a Grade B listed building; HB26/28/110 Majestic Buildings, 208 Lisburn Road is an unlisted building. The proposed renovation and alteration of the existing building will not result in significant changes in scale or massing. HED raised no concerns as the closest listed building, HB26/28/072, is sufficiently removed to remain unaffected by this application.</p>
9.6	<p>Arterial Route</p> <p>The proposal is in compliance with Policy SETT 4 in that it will result in an improvement to the appearance of the building along the arterial route.</p>
9.7	<p>Principle of a change of Use – Shopping/Commercial Area</p> <p>The site is located within the Shopping/Commercial designation AR 05/11 Lisburn Road. There are specific policies for retail (R6) and office development (OF 3), however the draft plan is silent on other proposed developments. Along the Lisburn Road there have been specific cases of other proposals such as residential uses being approved within the Shopping/Commercial designation. As such it is considered that the change of use to a church is acceptable and will provide a community facility. Re-use of the building will enhance the area and the principle is considered acceptable.</p>
9.8	<p>Design</p> <p>The proposed alterations to the elevations of this building include stone cladding at ground floor level with rendering above and the introduction of new window and door openings with aluminium frames. Canopies are also proposed along the front and side entrances. Demolition of a boiler house is proposed to the rear and will be replaced by a two storey rear extension to facilitate a stairwell and a single storey side extension. A new low render wall is proposed along the access road. The proposed extensions and alterations to the elevations are considered acceptable.</p>
9.9	<p>Impact on the Malone Conservation Area</p> <p>A small part of the site is within the Malone Conservation Area outside the footprint of the building and incorporates the access/parking area. Trees are proposed to be removed from the edge of the conservation area. It is considered that the trees have limited amenity value and are located very close to the adjacent building and although currently in fair condition,</p>

	they have a restricted rooting area caused by kerbs and hard surfaces which is likely to result in their deterioration. As such on balance their removal is considered acceptable. The impact on the proposal will result in a vacant building being brought back into use for the community and the alterations and associated works are deemed acceptable, it is considered that there will be no detrimental impact to the Malone Conservation Area and the proposal complies with PPS 6.
9.10	<p>Noise</p> <p>The Belfast City Council Environmental Health Service has examined the plans of the proposed development and the accompanying Noise Impact Assessment undertaken by F.R. Mark & Associates, November 2016. No objection has been offered, and it is proposed that conditions be attached to ensure no adverse impact on the amenity of neighbouring residents.</p>
9.11	<p>Odours</p> <p>It is noted within the plans that there is to be a café area (for church use only) to the ground floor. The outlet from the kitchen extraction ducting is shown on the drawings to terminate at a height not less than one metre above the eaves of the building housing the kitchen, and directed away from nearby premises. Belfast City Council, Environmental Health, has offered no objections to this proposal and has provided conditions.</p>
9.12	<p>Parking</p> <p>The applicant submitted a Car Parking Survey and Transport Assessment Form. Seven incurtilage parking spaces will be created within the site, however this will be limited for use by the disabled and the mobility impaired. PPS 3 Policy AMP 7 states that a reduced level of car parking provision is acceptable where the development is in a highly accessible location well served by public transport or where the development would benefit from a spare capacity available in nearby public car park or adjacent on street parking. Lisburn Road is an Arterial Route which is close to the city centre, and is well served by public transport. The findings of the Parking Survey demonstrate that there is sufficient available car parking within the area to accommodate the proposed development and existing retail and residential uses within the area. Transport NI has assessed the submitted reports and offer no objection to the development proposal. It is further acknowledged that the peak times when the church will be in use will be outside peak traffic times. As such the proposed development is compliant with PPS 3.</p>
9.14	<p>Waste Storage</p> <p>A bin store is to be provided at the southern side of the proposed development. It is to be 2.4m in height, and 3.3m in width, with white render walls and louvred aluminium doors. Belfast City Council City and Neighbourhood Department has stated that the requirement for two (1100 litre) euro bins would be adequate and provision for at least one (240L) brown bin for food waste which can be accommodated within the bin store area.</p>
9.15	<p>Overlooking</p> <p>There will be no adverse impact through overlooking on adjacent neighbouring residential properties at the rear or adjacent to this proposed development.</p>
	<p>Trees</p>

9.16	<p>In adherence to PPS 2 Policy NH 5 other natural heritage features worthy of protection such as trees require to be considered in the determination of the application. There exists two rows of mature trees either side of the laneway adjacent to the building. Those to the left side of the laneway looking from the Lisburn Road are to be maintained and will provide a screen between residential flats at 204 and 206 Lisburn Road and the proposed church. The row of trees immediately adjacent to the existing building are to be removed and a total of eight replacement trees planted (<i>Quercus robur</i>). Objections were received concerning the loss of the trees, and Councillor Boyle requested that they be considered for imposition of a Tree Preservation Order (TPO). The Belfast City Council Tree Officer subsequently carried out an inspection and assessment of the trees and concluded that the trees would not meet the criteria for protection by means of a TPO. In addition the officer advised that the trees have limited amenity value and are located very close to the large building and although currently in fair condition, they have a restricted rooting area caused by kerbs and hard surfaces which could lead to major problems in the future.</p>
9.17	<p>Natural Environment Division (NED) has reviewed the biodiversity report, and note that two trees (no's 22 and 24 as identified in the tree survey) have been identified as having moderate bat roosting potential and are to be retained. NED is content that the tree protection measures set out in the tree survey report will provide adequate protection along with the compensatory proposed planting on site.</p>
10.0	<p>Conclusion</p> <p>Having regard to the policy context, planning history, and other material considerations above, the proposal is deemed to be acceptable and recommended for approval.</p>
11.0	<p>Summary of Recommendation</p> <p>Approval subject to conditions.</p>
12.0	<p>Conditions</p> <ol style="list-style-type: none"> 1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: Time Limit 2. The materials to be used in the construction of the external surfaces of the church hereby permitted, shall be as detailed on approved drawings 12C, date stamped 26 July 2017, and 13B, date stamped 03 July 2017. Reason: In the interest of visual amenity. 3. Prior to operation/occupation as a church, hereby permitted, all boundary treatments shall be completed in accordance with the approved drawing 02D, date stamped 26 July 2017, and 19B, date stamped 03 July 2017, and permanently retained thereafter. Reason: To safeguard the privacy and amenity for neighbouring residents and business premises. 4. The church, hereby permitted, shall be not become operational/occupied until provision has been made for bin storage in accordance with the approved drawings

02D, 08B and 12C, date stamped 26 July 2017. These facilities shall be enclosed and permanently retained thereafter.

Reason: To ensure an acceptable waste storage provision.

5. No equipment, machinery or materials are to be brought on the site for the purpose of the development including demolition and site clearance until all trees to be retained have been protected by fences or other suitable means of enclosure as per recommendations of BS 5837 'Trees in relation to design, demolition and construction' 2012 section 6.2 (or equivalent British Standard current at time of works).
Within the fenced area no activities associated with building operations shall take place, and the ground levels within those areas shall not be altered. All means of protection shall be retained in situ for the duration of the development.

Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

6. Any excavation within tree protection areas shall be carried out using non mechanised hand tools only. All roots that are uncovered during excavation in preparation for laying foundations etc., which are in excess of 2.5cm in diameter shall be retained and shall be treated in accordance with BS 3998, 2010 Recommendations for Tree Work [or appropriate British Standard current at time of works] and foundations bridged around them. Any tree roots exposed, which are in excess of 5cm in diameter, shall be surrounded in sharp sand before replacing soil or other material in the vicinity.

Reason: To respect the topography of the site and to ensure the protection of existing landscape features.

7. All hard and soft landscape works shall be completed in accordance with the approved drawing 15A, date stamped 28 February 2017, the appropriate British Standard, the relevant sections of the National Building Specification NBS [Landscape] and plant material with the National Plant Specification NPS prior to the expiration of the first planting season following occupation of any part of the development hereby permitted.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

8. All plant stock supplied shall comply with the requirements of British Standard 3936, 'Specification for Nursery Stock'. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 'Code of Practice for General Landscape Operations [excluding hard surfaces]'.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

9. Should any tree, shrub or hedge be removed, uprooted or destroyed or dies or becomes, in the opinion of Belfast City Council seriously damaged or defective, it shall be replaced within the next planting season by trees, shrubs or hedges of the same species, variety and size to those originally planted, unless Belfast City

Council gives its written consent to any request for variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

10. The noise mitigation measures and recommendations with respect to the façade structure, roof structure, wall structure and glazing as outlined in the submitted F.R. Mark & Associates, Noise Impact Assessment, Proposed Church Development, Lisburn Road, Belfast *dated November 2016* shall be fully implemented within the specified areas of the development.

Reason: Protection of Residential Amenity

11. Prior to and during operation/occupation of the church the rating level (dBLar) of noise from all combined external building plant services shall not exceed the background sound level (for both daytime and night time) at the nearest noise sensitive properties when measured in accordance with the assessment methodology outlined in BS4142:2014-Methods for rating sound and assessing industrial and commercial sound.

Reason: Protection of Residential Amenity

12. Prior to commencement of operation/occupation of the church a verification report shall be submitted to and approved by Belfast City Council confirming the plant and equipment installed complies with condition 11 above.

Reason: Protection of Residential Amenity

13. No commercial collections or deliveries shall take place between 11pm to 7am.

Reason: Protection of Residential Amenity

14. No entertainment/music noise shall take place during night time hours (23.00-0700hrs).

Reason: Protection of Residential Amenity

15. Prior to the commencement of the operation of the café within the building a proprietary odour abatement system shall be installed to suppress and disperse odours created from cooking operations on the premises. The outlet from the kitchen extraction ducting shall terminate at a height not less than 1metre above the eaves of the return building housing the kitchen, and it should be directed away from nearby premises, in accordance with approved drawing 12B, date stamped 03 July 2017.

Reason: Protection of Residential Amenity

16. Tree numbers 22 and 24 as shown on approved drawing 15A, date stamped 28 February 2017, shall be retained and protected in accordance with the tree protection measures as set out in "The Tree Survey Report" date stamped 23 December 2016.

Reason: To protect bats.

17. The church hereby approved shall not become operational until hard surfaced areas

	<p>have been constructed in accordance with approved drawing 02D, date stamped 26 July 2017 to provide a minimum of seven disabled/mobility impaired parking spaces and ten cycles within the boundary of the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.</p> <p>Reason: To ensure adequate in-curtilage parking in the interests of road safety and the convenience of road users.</p>
12.0	<p>Notification to Department (if relevant)</p> <p>N/A</p>
13.0	<p>Representation from elected member:</p> <p>A request was made by Councillor Boyle for a Tree Preservation Order (TPO) on the trees.</p>

ANNEX	
Date Valid	18 January 2017
Date First Advertised	03 February 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, Floralearth,222B Lisburn Road, Malone Lower, Malone Lower,Belfast,Antrim,BT9 6GD, The Owner/Occupier, 1 - 12 Derryvolgie Mews, Malone Lower,Belfast,Antrim,BT9 6TQ, The Owner/Occupier, 1,206A Lisburn Road, Malone Lower, Malone Lower,Belfast,Antrim,BT9 6GD, The Owner/Occupier, 1,222 Lisburn Road, Malone Lower, Malone Lower,Belfast,Antrim,BT9 6GD, The Owner/Occupier, 2 Derryvolgie Avenue, Malone Lower,Belfast,Antrim,BT9 6FL, The Owner/Occupier, 2,206 Lisburn Road, Malone Lower, Malone Lower,Belfast,Antrim,BT9 6GD, The Owner/Occupier, 2,222 Lisburn Road, Malone Lower, Malone Lower,Belfast,Antrim,BT9 6AA, The Owner/Occupier, 206, Flat 10 -15, Lisburn Road, Belfast, The Owner/Occupier, 206A Lisburn Road, Malone Lower, Malone Lower,Belfast,Antrim,BT9 6EJ, The Owner/Occupier, 208-224b,Lisburn Road, Malone Lower, Malone Lower,Belfast,Antrim,BT9 6GD,</p>	

The Owner/Occupier, Apartment 1,363 Lisburn Road, Malone Lower The Owner/Occupier, Apartment 1-20,363 Lisburn Road, Malone Lower The Owner/Occupier, Lisburn Road, Malone Lower, Malone Lower The Owner/Occupier, Rose House, Derryvolgie Avenue, Malone Lower	
Date of Last Neighbour Notification	26 January 2017
Date of EIA Determination	N/A
ES Requested	N/A