

**Representations to Belfast City Council Draft
Plan Strategy**

On behalf of Royal Belfast Academical Institute

November 2018

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Our reference

ROYB3001

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Executive Summary

1. This representation is submitted on behalf of Royal Belfast Academical Institute (RBAI) and in respect to the promotion of land for housing at three sites: -
 - Junction of Cranmore Park and Malone Road;
 - Immediately south of 79 – 81 Bawnmore Road; and
 - West of Broomhill Lane, Belfast.
2. We welcome the opportunity to submit our comments on the draft plan strategy. Full details of the prevailing site and policy context are attached at **Appendix 1**.
3. We consider the draft Plan Strategy (dPS) to be unsound as the legal compliance tests have not been met and the following policies contained within the dPS are unsound. The table below summarises the changes sought.

Schedule of Key Comments

Policy	Comment	Cross ref.
HOU 4	<p><i>Density of Residential Development</i></p> <p>Change required:</p> <p><i>Policy reworded to promote increased density in housing and mixed use developments in city centre locations and other locations which benefit from high levels of accessibility</i></p> <p><i>Removal of density bands from draft Plan Strategy</i></p>	<p><i>Section 3 paragraphs 3.1 – 3.5</i></p>
HOU 5	<p><i>Affordable Housing</i></p> <p>Change required:</p> <p><i>Further evidence should be prepared to support the policy. Its policy thresholds need to be justified together with an assessment of viability on an identified sample of sites across housing market areas within the city. Information on reasonable alternatives needs to be provided</i></p>	<p><i>Section 3 paragraphs 3.6 to 3.31</i></p>
HOU 6	<p><i>Housing Mix</i></p> <p>Change Required</p> <p><i>Policy should be deleted as it duplicates policy provisions set out in HOU 5</i></p>	<p><i>Section 3 paragraphs 3.30 to 3.37</i></p>
HOU 8	<p><i>Specialist Residential Development</i></p> <p>Change Required</p> <p><i>That the policy is reworded to reflect Council’s evidence base, that criterion (a) of the policy is deleted and that Council collates evidence to inform consideration of exemptions to</i></p>	<p><i>Section 3 paragraphs 3.38 to 3.48</i></p>

<i>the second strand of the policy</i>		
<i>DES 3</i>	<i>Tall Buildings</i> Change Required <i>Policy reconsidered in tandem with comments at HOU 4 and Council clarifies whether a locational or criteria based policy is being proposed</i>	<i>Section 3</i> <i>paragraphs</i> <i>3.52 to 3.57</i>
<i>CGR 1</i>	<i>Community Cohesion & Good Relations</i> Change Required <i>Policy is redrafted</i>	<i>Section 3</i> <i>paragraphs</i> <i>3.58 to 3.62</i>
<i>TRAN 9</i>	<i>Parking Standards within areas of parking restraint</i> Change Required <i>Council prepares an up to date evidence base to support the policy</i>	<i>Section 4</i> <i>paragraphs</i> <i>4.1 to 4.6</i>
<i>OS 1</i>	<i>Protection of Open Space</i> Change Required <i>Council prepares an up to date evidence base to support the policy and on the basis of the evidence collated reassesses whether there is sufficient evidence to support the policy</i>	<i>Section 5</i> <i>Paragraphs</i> <i>5.1 to 5.6</i>
<i>OS 3</i>	<i>Ancillary Open Space</i> Change required <i>Council prepares an up to date evidence base to support the policy and on the basis of the evidence collated reassesses whether there is sufficient evidence to support the policy</i>	<i>Section 5</i> <i>paragraphs</i> <i>5.7 to 5.11</i>
<i>TRE 1</i>	<i>Trees</i> Change required <i>Policy should be deleted</i>	<i>Section 5</i> <i>Paragraph</i> <i>5.11 to 5.14</i>

1. Introduction

- 1.1 Turley submit this representation on behalf of Royal Belfast Academical Institute (RBAI), and welcomes the opportunity to return comments on the Belfast Draft Plan Strategy.
- 1.2 RBAI are in ownership of a range of assets both educational and non-educational in Belfast City. This representation is submitted in relation to the promotion of land for housing at three sites: -
 - Junction of Cranmore Park and Malone Road;
 - Immediately south of 79 – 81 Bawnmore Road; and
 - West of Broomhill Lane, Belfast.
- 1.3 Full details of the sites and the prevailing site and policy context are attached at **Appendix 1**.
- 1.4 Our response has been structured to reflect the template provided by Council.
- 1.5 In line with Council’s procedures, each representation is set out on a separate page within each of the Chapter headings with the policy clearly identified.
- 1.6 The structure of the submission is as follows:
 - **Chapter 2:** Provides an assessment of how the draft Plan Strategy addresses the legislative compliance tests;
 - **Chapter 3:** Details our representations to Shaping a Liveable Place (Questions 12 & 15 -17);
 - **Chapter 4:** Details our representations to Building a Smart Connected and Resilient Place (Questions 12 & 15 – 17); and
 - **Chapter 5:** Details our representations to Promoting a Green and Active Place (Questions 12 & 15 - 17).
- 1.7 **Appendix 2** sets out our response to the preliminary questions posed in Council’s questionnaire regarding Data Protection, information on the planning agent who has prepared this suite of representations and the organisation represented. We have also outlined our preferred procedure for hearing our representations.

2. Legislative Compliance

- 2.1 In preparing their Draft Plan Strategy (dPS), Belfast City Council (BCC) is required to adhere to the provisions of the Planning Act (Northern Ireland) 2011 ('Act') and the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 ('Regulations').
- 2.2 This section identifies weaknesses in the compliance of the draft Plan Strategy (dPS) with the Act and the Regulations.

Planning Act (Northern Ireland) 2011

- 2.3 Under Part 2 (8) of the Act the Plan Strategy must set out:
- the Council's objectives in relation to the development and use of land in its district;
 - its strategic policies for the implementation of those objectives; and
 - such other matters as may be prescribed.
- 2.4 We note that the dPS does identify a number of strategic objectives under the themes of shaping a liveable space; creating a vibrant economy; promoting a green and active place; and building smart connected and resilient place. Furthermore the dPS includes proposed strategic policies under the same themes. Whilst this information is included within the dPS the remainder of this representation sets out our comments on the soundness of the proposed objectives and policies.
- 2.5 The Act also stipulates that the Plan Strategy should be prepared in accordance with the Council's Timetable, as approved by the Department and in accordance with Council's Statement of Community Involvement.
- 2.6 The BCC Timetable, as approved and published on Council's website is dated, March 2018. We note that Council has published its dPS within the broad timeframe that they provided (i.e. Spring –Autumn 2018). However, we would highlight that the timeframe proposed was to include:
- A period of 4 weeks for the viewing of the document;
 - An 8 week statutory public consultation period followed by an 8 week statutory consultation on counter representations;
 - Publication of Sustainability Appraisal (inc. SEA) and Public Consultation Report; and
 - Publication of EqIA and HRA where required.

- 2.7 Given that the first period of statutory consultation will end on 15 November, the remaining consultation will not take place in accordance with the published Timetable. Furthermore the published Timetable proposes that the Independent Examination in to the dPS will take place in Late 2018. This will not be the case. Should there be any information relating to a revised timetable or agreement for an extension from the Department this should be made public.
- 2.8 In preparing a plan strategy, the council must take account of:
- “the regional development strategy;
 - the council's current community plan
 - any policy or advice contained in guidance issued by the Department;
 - such other matters as the Department may prescribe or, in a particular case, direct, and may have regard to such other information and considerations as appear to the council to be relevant.”
- 2.9 These representations consider all of the above requirements which form part of the soundness test. Please refer to individual policy comments for our consideration on whether this requirement is met.
- 2.10 The Act also requires that the Council:
- (a) carry out an appraisal of the sustainability of the plan strategy; and
 - (b) prepare a report of the findings of the appraisal.”
- 2.11 We note that this information has been prepared and is provided as part of the consultation information, however our detailed comments on the findings of the SA are provided in response to individual policies.

The Planning (Local Development Plan) Regulations (Northern Ireland) 2015

- 2.12 In addition to the Act, Parts 4 & 5 of the Regulations set out the requirement for the preparation of the Plan Strategy DPD. Part 4 set out the requirements for the Form and Content of Development Plan Document
- 2.13 Part 4 Regulation (1) establishes that a development plan document must contain:
- (a) a title which must give the name of the council district for which the development plan document is prepared and indicate whether it is a plan strategy or a local policies plan, and
 - (b) a sub-title which must indicate the date of the adoption of the development plan document.

- 2.14 We note that the title required by Part 4 (1)(a) is provided as required, however the date of adoptions of the development plan documents is not provided. The date provided is 2035. We do however acknowledge the draft status of the documents at this stage but request that this is corrected prior to formal adoption of the DPD.
- 2.15 Part 4 Regulations (2)& (3) set out that a development plan document must contain a reasoned justification of the policies contained in it and that the policy and justification text should be readily distinguishable. We note that the Council has provided justification text associated with each of the proposed policies, however this should be considered alongside detailed comments on the soundness of the proposed policies, contained within the remainder of this representation.
- 2.16 Regulation 13 refers to the requirement for a proposals map/s to be provided within the DPD. The BCC dPS provides a range of maps, however the Regulations stipulate that the map *“is sufficiently detailed so as to enable the location of proposals for the development and use of land to be identified”*. Whilst the dPS includes a number of maps, the legibility of the information provided is questionable and little further information is provided in the supporting information to provide clarity.
- 2.17 Part 5 of the Regulations relates to the procedures for the preparation of the Development Plan Documents. Regulations 15 and 16 relate to the preparation of the dPS. Regulation identifies a schedule of the information that should be made available alongside the publication of the dPS. This includes:
- “such supporting documents as in the opinion of the council are relevant to the preparation of the local development plan.”*
- 2.18 It is our view that insufficient supporting information is available to support a number of the proposed policies in the dPS. Reference is made within the dPS and supporting documents to a range of reports and information that has informed the DPD, however the information is not available for consideration. We have identified these concerns within the remainder of these representations.

3. Shaping a Liveable Place

Housing HOU4 – Density of Residential Development

HOU 4 is unsound as the policy fails the test of CE 2- Coherence and Effectiveness

The policy is incoherent and is at odds with other housing policies in Section 7 of the draft plan strategy

We seek that the density bands are removed from the policy and included in the appendices to the Local Policies Plan (LPP) as a guide, in tandem with the policy being reworded

Full Response

3.1 HOU4 sets out density ranges for new developments across Belfast. The opening sentence of the policy sets out a positive stance in that *planning permission will be granted for residential developments which are brought forward in accordance with the following density bands*. The latter part of the policy text directs that the density bands are to be used as a guide to inform proposed developments.

3.2 The policy fails to satisfy the test of CE2 in that:

- The policy is not founded on evidence which demonstrates that the density ranges are realistic and achievable having taking account of other policies within the draft Plan Strategy, in particular policy RD1.
- There is a tension within the policy. The opening paragraph jars with the final paragraph insofar as the opening paragraph directs that development proposals *should accord* with the density bands, but later it states that the *density ranges are guide*.
- The position set out for Tall Buildings within the Density Table is at odds with the Tall Buildings policy (DES3). The table notes that the location of tall buildings within the city centre will be identified. This is not the position set out within DES3. DES3 makes no reference to a locational based policy. Rather, that the policy will apply to buildings over 35 metres in height and such buildings will be assessed against a criteria based assessment.

Recommendation

3.3 RBAI fully supports the intent behind the policy and acknowledges that the Strategic Planning Policy Statement (SPPS) advocates the need for a housing strategy which provides for increased housing density without cramming in town and city centres and in other locations that benefit from high accessibility to public transport facilities (paragraph 6.137).

3.4 We would support the policy being reworded to read:

'An increase in the density of housing and mixed use developments will be promoted in town and city centres and other locations which benefit from high accessibility to public transport facilities.'

Housing HOU5 – Affordable Housing

HOU 5 is unsound as the policy fails the tests of CE 1, 2 and 3- Coherence and Effectiveness

The policy is not founded on a robust evidence basis which explains the rationale behind the policy triggers and provides a clear understanding of the implications arising from the policy

RBAI requests that Council reconsiders its evidence basis to support the Affordable Housing policy

Full Response

- 3.5 Council's proposed policy for securing affordable housing is set out at Policy HOU5. The policy states that: *"Planning permission will be granted for residential development on sites greater than 0.1 hectares and/or containing 5 or more dwelling units where a minimum of 20% of units are provided as affordable."*
- 3.6 The draft policy then goes on to clarify that:
- Affordable housing will comprise social and/or intermediate housing.
 - The size, type and tenure of provision will be determined by an up to date analysis of demand.
 - A tenure blind approach is proposed.
 - Where it can be demonstrated that it is not sustainable or viable for a proposal to meet the requirements, Council will consider suitable alternatives on a case-by-case basis.
 - Provision will be secured via a Section 76 Legal Agreement.
- 3.7 The justification and amplification text proposed goes on to set out that:
- The 20% requirement is a minimum and Council could seek more where it is considered necessary and viable. In this instance, the applicant will be required to provide the relevant amount. This will be secured through key site requirements.
 - Council will seek to secure the affordable housing element through the use of a Section 76 Agreement.
 - Affordable Housing is defined as social rented housing and intermediate housing.
 - Intermediate housing is currently defined as a shared ownership housing product provided by registered housing associations. It is acknowledged that other intermediate products do exist in other jurisdictions.
 - The definition of intermediate housing may be further expanded in the future to include these products.

- Viability assessments will be required where an applicant is proposing to provide less than the policy requirement.
- 3.8 RBAI fully supports and welcomes the intent of the policy which flows from the Regional Development Strategy 2035 and the SPPS. However, in its current format the policy does not meet the tests of Soundness for the following reasons:
- The proposed threshold approach does not fully align with the approach set out in the SPPS (soundness test C3);
 - The proposed approach does not align with the Council’s own evidence base (soundness test CE2);
 - A more robust evidence base is required (soundness test CE2);
 - The proposed approach will not be effective as it does not reflect the mechanisms for the provision of social and intermediate housing in Northern Ireland (soundness test CE2 and CE3); and
 - It has not been demonstrated that the policy is coherent with other policies proposed (soundness test CE1).
- 3.9 These aspects are considered further below, along with recommendations for actions that could be undertaken to ensure that the policy will pass the Soundness test when subject to an independent examination.
- 3.10 The policy as proposed is a threshold policy that applies across the Council area. The SPPS is clear at paragraph 6.143 that:
- “The development plan process will be the primary vehicle to facilitate any identified need by zoning land or indicating, through key site requirements, where a proportion of a site may be required for social/affordable housing.”*
- 3.11 The approach set out in the SPPS directs us towards a locational policy approach where affordable housing is catered for through zonings and key site requirements. Whilst Councils can depart from the approach set out in the SPPS, they should only do so where the evidence exists to justify such a departure. We note that the feedback received from the Preferred Options Paper (POP) showed that a move to social housing zonings would not be welcome, however Council’s evidence for underpinning a varied approach is lacking and therefore there is no evidential case for a departure from the SPPS in this case and as such fails soundness test C2.
- 3.12 Council alludes to the Developer Contributions for Affordable Housing framework which was published for consultation by DSD in 2015. It is reliant upon a document which is subject to representations, and has not been the subject of a thorough assessment and is not policy. Furthermore, the document does not reflect the current and most up to date position and evidence within the draft framework should be relied upon with caution.

- 3.13 In order to comply with soundness test CE2 it is recommended that Council should undertake their own assessment and consideration of affordable housing to reflect the baseline and future requirements for Belfast. This should also include a robust assessment of various thresholds for provision.
- 3.14 The Council has published a number of evidence base documents in support of their proposed policies in the Draft Plan Strategy, including:
- Size and Type of Housing Needed (December 2017); and
 - Housing Market Analysis Update (September 2017);
- 3.15 These reports, prepared by external bodies, have been used to inform technical supplement 2 – Housing (August 2018) and form part of the evidence base for Policy HOU5.
- 3.16 While Council acknowledges that the areas identified as being in highest need of social housing are the areas where land is in short supply, it fails to consider the intricacies of the housing markets within Belfast, the political and community backdrop and the impact on the delivery of social housing. The proposed policy does not reflect this position but instead it is proposed that this will be considered through the Local Policies Plan. As such Council has not duly considered the implementation of the policy and therefore fails against soundness test CE3.
- 3.17 We would suggest that this cannot be dealt with in isolation as it goes to the heart of ensuring the deliverability of social and affordable housing and as Council has already set out, there is insufficient land within areas of high need.
- 3.1 Paragraph 7.1.25 of the Draft Plan Strategy sets out that the purpose of the LDP is to ensure the delivery of a range of housing types and tenures and more specifically minimise the disadvantage often associated with large areas of social housing. In relation to the effectiveness of a policy which proposes a 20% contribution, we would firstly identify that Council's evidence identifies that 75% of the proposed housing requirement (23,550 units) is needed to meet affordable housing need across the plan period. Whilst, it is recognised that a 75% contribution would undoubtedly harm the housing market, its goes to demonstrate that 20% may not be effective.
- 3.2 Council acknowledges that 75% is an unrealistic requirement, yet provides little evidence to support a 20% requirement. Council assert that the justification for a 20% requirement is set out within the Housing Market Analysis (HMA) prepared by the Northern Ireland Housing Executive (NIHE) in 2017 and the Developer Contributions for Affordable Housing in Northern Ireland – Report of Study in 2015. Whilst the NIHE HMA identifies areas where affordability is an issue for the sales and rental market this report does not consider the levels of requirement needed.
- 3.3 The Report prepared by Three Dragons in 2015 is not available as part of the evidence base supporting the Draft Plan Strategy and therefore cannot be commented upon. In any event, whilst the report may have considered a 10-20% requirement appropriate in this location, it did not consider the viability of site development in the city which takes account of the other policy requirements being put forward within the Draft Plan

Strategy. This incoherent approach to assessing policies is unsound (soundness test CE2). Council has chosen a 20% requirement without any robust assessment to discount 10% as suggested in the 2015 report.

- 3.4 The HMA amongst other things considers house prices and affordability, intermediate housing and social housing. Disappointingly the paper does not make recommendations, however it does state in the conclusion that:

“Land availability is a key issue for the future delivery of social housing in Belfast. There was insufficient land zoned for social housings within BMAP and it is hoped that the new LDP will address this. The predominant of single person and small family households on the waiting list will mean that smaller units and higher densities will be required. Such developments can be problematic from management and maintenance viewpoints. It is therefore important that larger scale developments deliver mixed tenure, mixed income communities to avoid large concentrations of social housing, deprivations and social inequality.”

- 3.5 This statement would suggest a conflict with the 0.1 hectare or 5 unit threshold proposed in the draft Plan Strategy. The policy approach does not therefore reflect the delivery and management of social and intermediate housing and the wider vision about delivering quality homes and creating sustainable and thriving communities. It appears from the proposed policy that the delivery of affordable housing is dependent upon registered social housing providers. However, given the statement above, providers may not or need to partner up with private developers on small schemes and as such this could impact of the effectiveness of the policy. Council has also failed to consider the practical implementation of the policy and therefore fails against soundness test CE2 and CE3.

- 3.6 In order to have robustly and coherently assessed the effectiveness of the policy it would have been appropriate to:

- Identify a sample of sites of varying scales and types across the housing markets within the city;
- Undertake a feasibility appraisal to understand the residential capacity of the sites;
- Identify the other policy requirements and developer contributions that would be applied to the development;
- Identify a series of affordable housing requirements (e.g. 5, 10 and 20% - ‘reasonable alternatives’);
- Undertake a strategic viability appraisal of each requirement level for each site to understand the threshold for viability; and
- Apply the findings of the viability assessment to inform a proposed policy approach.

- Invited social housing providers to have been part of the stakeholder group considering the make up of the local Development Plan and help them shape the policies around the delivery of social and affordable housing.
- 3.7 This approach is well established within other jurisdictions and without such a robust approach it is not possible to:
- ascertain the effectiveness of such a policy;
 - understand the operational implications of such a policy; and
 - understand the cumulative impact of policies on the delivery of housing numbers within the city.
- 3.8 In relation to the proposed site threshold, Council has no substantive evidence to
- to justify the proposed threshold; and
 - to justify a 20% requirement across all site sizes.
- 3.9 We would suggest that the steps identified above should be undertaken by Council to ensure that reasonable alternatives have been considered and that the proposed policy is founded on robust evidence.
- 3.10 At this stage no reasonable alternatives have been considered within the supporting SEA and would dispute the Council's position that there are no reasonable alternatives to assess.

Housing HOU6 – Housing Mix

HOU 6 is unsound as the policy fails the tests of CE 1 and 2 - Coherence and Effectiveness

The policy should be deleted as it duplicates provisions already set out in HOU 5 and places unnecessary restrictions on private housing developers

Full Response

3.11 HOU 6 sets out that planning permission will be granted for new residential development on sites greater than 0.1 ha and /or containing 5 units or more where the proposed development provides a suitable mix of house types and sizes to promote choice and assist in meeting community needs.

3.12 Specific reference is made to providing smaller homes across all tenures to meet future household requirements. The policy clearly directs that the exact mix of house types and sizes will be negotiated with developers on a case by case basis.

The policy fails to satisfy the tests of Soundness in that:

- It has not been demonstrated that the policy is coherent with other proposed residential and design policies (soundness test CE1).
- The policy is not founded on evidence which demonstrates how Council has tested the viability implications arising from the policy (soundness test CE2).

3.13 Council has published a number of evidence base documents in support of their proposed policies in the Draft Plan Strategy, including:

- Size and Type of Housing Needed (December 2017); and
- Housing Market Analysis Update (September 2017).

3.14 It is important to note that within the Size and Type of Housing Need report it clearly states that a housing mix policy *should not be applied on a site by site basis, as there needs to be flexibility to respond to the local market context, viability, demand and local market need* (paragraph 3.3, page 15).

3.15 Notwithstanding the above, RBAI has concerns that information regarding housing need is set out in the Housing Needs Assessment prepared by the NIHE. This is specific to social rented housing and does not provide any justification for the type of houses which should be developed by private developers.

3.16 There are a number of ways that mixed tenure developments can be delivered. Housing Associations themselves could develop mixed tenure schemes or they may, depending on scale and risk want to work in partnership with private developers to deliver mixed tenure developments, such developers will want to deliver a housing product which is bespoke to and likely to be successful in that housing market area i.e. a product that home owners want to buy. There is no evidence within the plan

documents which sets out how viability has been considered and justifies why the policy should be applied to all housing developments irrespective of tenure.

Recommendation

- 3.17 RBAI fully supports the intent behind the policy and acknowledges that the Strategic Planning Policy Statement (SPPS) advocates the need for a variety of house types and sizes and tenure to meet different needs in order to support balanced communities (page 70, SPPS). We disagree however with Council's approach on this aspect and contend that the issue of housing type and size should only apply to affordable housing (as defined within the SPPS) and be considered as an integral part of a revised version of HOU 5.
- 3.18 Policy HOU 6 should be deleted.

HOU 8 – Specialist Residential Development

HOU 8 is unsound as the policy fails the test of CE 2 & 3 - Coherence and Effectiveness

The policy is incoherent when read in tandem with the policy justification and amplification. There is no evidence to support the criteria based assessment proposed

Clarification is sought as to why a need assessment is required for specialist accommodation when the policy justification clearly acknowledges the need for such developments and there is no policy basis within the SPPS to support the approach advocated

Full Response

- 3.19 Policy HOU 8 sets out a positive policy position in that planning permission will be granted for specialist residential accommodation providing applications are accompanied by a statement of specialist housing need and that proposals will deliver convenient access to local services and facilities.
- 3.20 RBAI welcomes the identification of the policy; however, we have concerns about how the policy would operate in practice.
- 3.21 The policy fails to satisfy the tests of soundness as:
- There is no evidence to support the policy position adopted by Council regarding the requirement for a Needs Assessment and the requirement to deliver convenient access to local services and facilities (soundness test CE 2).
 - Due to the lack of an evidence basis Council has not appreciated the range of uses which could be provided within a specialist housing development which has implications for the implementation of the policy (soundness test CE 3).
- 3.22 The SPPS requires Local Development Plans to make provision for the full range of specific housing needs, including supported housing. The requirement for supported housing will be identified within the HNA undertaken by the NIHE. Any proposal by a public body to deliver supported housing will only be pursued if there is an identified need which responds to a specific user group.
- 3.23 The SPPS does not contain similar policies for retirement villages/developments, assisted living and care home developments, or developments which consist of a mix of these elements.
- 3.24 In formulating the policy, Council has applied the same policy context that applies to supported housing schemes delivered by a public sector body to all specialised residential accommodation proposals despite there being no policy basis for this approach. What's more within the policy justification and amplification, Council acknowledges that there will be an increase in the proportion of people over the age of 65 which will create a demand for specialised housing developments.

- 3.25 There is a degree of tension between Council's policy intent and the supporting information to the plan. Little consideration has also been given to the market criteria that a private developer would consider. Without an identified market demand, a private operator will not pursue such a specialist product.
- 3.26 The second strand of the policy focuses on the requirement for proposals to deliver convenient access to local services and facilities on the basis that such developments would be developed in established residential areas. The policy has failed to set out any exemptions to this component whereby proposals may be progressed which encompass a mix of specialist housing products and associated ancillary facilities (local shops, health care facilities – e.g. GP Practice) within the itself which is often the case with this form of development proposal.
- 3.27 We recommend that Council should collate evidence on the range of products that could be delivered in order to support an exemption being introduced to this policy interlinked with the understanding that there may be instances when developing a specialist residential development within an existing residential development may not be appropriate due to the medical/care requirements of the residents.

Recommendation

- 3.28 RBAI requests that the policy is reworded to reflect Council's evidence base and accordingly that criterion (a) of the policy is deleted.
- 3.29 We respectfully ask that Council collate evidence on the range and nature of specialist residential developments to inform consideration for exemptions to the second strand of the policy.
- 3.30 We would welcome the opportunity to be part of a stakeholder group to consider the evidence and help shape this policy for Council.

DES 3 – Tall Buildings

DES 3 is unsound as the policy fails the test of CE1- Coherence and Effectiveness

The policy is incoherent when read across the draft plan strategy

Clarification is sought on the position of the policy within the context of HOU4 and whether the policy context for determining applications in the future is criteria or locational based

Full Response

- 3.34 DES 3 Tall Buildings is a specific policy to be used in the assessment of tall buildings within the Council area. The policy is founded on a gateway test in that only proposals over 35 metres will be assessed against the policy provisions which is a criteria based assessment.
- 3.35 The policy fails to satisfy the test of CE2 in that:
- The policy is at odds with HOU 4 as the density ranges of the policy jar with the policy provisions of DES 3.
 - There is tension between the policy and its supporting technical supplements which suggest that further policies may be through forward at Local Plan Policies stage based on clusters.
- 3.36 With respect to the tension between HOU 4 and DES 3, please refer to our specific comments on pages 3 and 4.
- 3.37 The policy text within the draft Plan Strategy makes no reference to any locational based assessment in the future, however, information detailed in technical supplement 6 - Urban Design & Built Heritage (page 14) states that within these broad clusters (as shown in Appendix 2) further detailed analysis will be carried out during the local policies stage of the LDP. Clarification is sought as to whether there is an intention to identify clusters or locations as locations for tall buildings to be developed.

Recommendation

- 3.38 RBAI fully supports the development of tall buildings and their assessment on a case by case basis. Such proposals provide opportunities for new residential or mixed use development proposals which can include an element of residential development.
- 3.39 We support our recommendations as per HOU 4 and respectfully request that should Council intend to introduce a locational based assessment for tall buildings that evidence to support this change is provided.

CGR 1 – Community Cohesion and Good Relations

CGR 1 is unsound as the policy fails the test of C 3: Consistency and CE 2: Coherence and Effectiveness

The policy fails to take account of legislative provisions in the Planning Act regarding pre application community consultation nor is evidence provided to support the policy

Full Response

- 3.40 CGR 3 sets out the policy requirements for assessing development proposals at interfaces or within close proximity to peace infrastructure, or proposals which are judged to impact upon contested community space. If proposals fall within one of the locations cited, proposal must demonstrate how the development proposals comply against set criteria.
- 3.41 The policy fails to satisfy the tests of Soundness:
- There is no evidence within the technical supplements to support the policy position or information that alternatives were considered (soundness test CE2).
 - The proposed policy jars with the pre application community consultation requirements set out in The Planning Act (Northern Ireland) 2011 (soundness test C3).
- 3.42 RBAI fully supports the promotion of community cohesion and the importance of developing good community relations. However, having reviewed the technical supplements which support the plan we cannot find any evidence to support this policy or an acknowledgement that other relevant alternatives were considered.

Recommendation

- 3.43 That the policy be amended.
- 3.44 Criterion (a) and (b) should be deleted. Criterion (c) reworded to state that *where the opportunity exists to improve future connectivity across peace infrastructure and create permeable neighbourhoods* that this should be incorporated into design proposals. No change to criterion (d) and (e).
- 3.45 These changes would assist in making the policy sound as the revised criteria is found on good planning principles and paragraph 4.17 of the SPPS.

4. Building a Smart Connected and Resilient Place

TRAN 9 – Parking Standards within areas of parking restraint

TRAN 9 is unsound as the policy fails the test of CE 2

The policy has been formulated on the basis of evidence which has not been provided as part of the plan nor is it supported by an up to date evidence basis

A robust, up to date evidence basis should be prepared to support the this policy

Full Response

4.1 TRAN 9 sets out the parking standards within areas of parking restraint for residential and non-residential developments.

4.2 The policy fails to satisfy the test of CE2 in that:

- The evidence base prepared to support the policy is not provided within the technical supplements and the recommendations following from Council’s Car Parking Strategy (published in May 2018) have not been provided.
- The policy is largely based on the draft BMAP and fails to take account of recent planning permissions.

4.3 RBAI fully support a reduced level of car parking within areas of parking restraint and welcomes the evidence basis for this policy being reevaluated. We note that technical supplement 14 acknowledges that:

The draft Plan Strategy has been developed in the absence of an up to date transport plan for the city, however it makes reference to the Department’s extant transport plan (BMTP) within the transport policy section (page 19, paragraph 4.3).

4.4 Information on the approach taken to formulate the car parking policies largely flows from Council’s Car Parking Strategy (published in May 2018). This document has not been provided as part of the evidence basis, but can be located on Council’s website. Paragraph 2.46 of technical supplement 14 notes that *the Car Parking strategy has informed the development of policies in the draft plan strategy relating to transport and car parking.* Paragraph 3.30 goes to say that *the recommendations from the parking strategy have been used as evidence for drafting policies relating to car parking in the draft plan strategy.*

4.5 We note that recommendations from the Car Parking Strategy have not be published nor has any recent analysis of parking demand within areas of parking restraint been provided.

Recommendation

4.6 We respectfully suggest that Council prepares an up to date evidence base to support this policy and on the basis of the evidence collated reassesses whether the evidence supports this policy position.

5. Promoting a Green and Active Place

OS1 – Protection of Open Space

OS 1 is unsound as the policy fails the test of CE 2

There is insufficient evidence within the technical supplement to support the policy proposed

A robust, up to date evidence basis should be prepared to support the this policy

Full Response

- 5.1 OS 1 sets out Council's approach to the retention and improvement of existing open space. The policy provides that there will be a general presumption in favour of retaining all such lands and uses , including protecting any character and amenity value, whether specifically identified in the LDP or not, unless the lands are identified within the LDP for an alternative use.
- 5.2 The policy goes on to note that development resulting in the loss of open space on lands specifically identified for these uses in the LDP and/or Council's Open Space Strategy and/or GBIP will only be considered in exceptional circumstances where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of open space.
- 5.3 The policy sets out two exceptions as currently detailed in PPS 8 and concludes by stating that Council must be satisfied that the loss of open space would not result in detriment to the overall green infrastructure provision.
- 5.4 The policy fails to satisfy the test of Soundness - CE2 in that there is insufficient evidence within the technical supplement to support the policy as it is currently worded. Specifically, there is no evidence to support an improvement of existing open spaces when there is no audit which assesses the quality and quantity of open space. Technical supplement 8 identifies the location of open spaces and their associated typologies but no information is provided on the quality of the space and how current provision addresses space standards. Evidence needs to be provided to justify this element of the policy.
- 5.5 Without a robust evidence basis it is difficult to understand the rationale for the penultimate aspect of the policy which introduces a catch all approach to considering the loss of the open space when applicants will already have had to demonstrate that the redevelopment of the site provides substantial community benefits.
- 5.6 RBAI are in ownership of playing fields in South Belfast which are used in support of the sporting offer of the School. The playing fields are in the private ownership of the School and are not utilised or available for use by the general public.
- 5.7 There are small pockets of land attached to the existing playing fields at Bawnmore Road, Cranmore Park and Broomhill Lane which are not used in the general operation

of the playing fields and are surplus to the School's requirements. A means of vehicular access is available to these sites and the land would be suitable for residential development. Further details of these sites are attached at **Appendix 1**.

Recommendation

5.8 We respectfully suggest that:

- Council prepares an up to date evidence basis to support this policy and on the basis of the evidence collated reassesses whether the evidence supports this policy position; and
- Considers as a suitable alternative the development potential of existing surplus/underused open spaces which could support the Council's growth strategy.

OS 3 Ancillary Open Space

OS 3 is unsound as the policy fails the test of CE 2

There is insufficient evidence within the technical supplement to support the policy proposed

A robust, up to date evidence basis should be prepared to support the this policy

Full Response

5.9 OS 3 requires all new development proposals to include appropriate provision for open space, including hard and soft landscape areas and outdoor amenity areas, to serve the needs of the development.

5.10 The policy largely mirrors the current policy provisions set out in Planning Policy Statement 8 (PPS8): Open Space, Sport and Outdoor Recreation, policy OS 2 par a few notable changes Council proposes to introduce:

- The provisions of the policy will apply to all new developments, not just residential development.
- In instances where public open space is required regard should be had to providing complementary and ancillary equipment and facilities, including for active or passive enjoyment of residents or occupants should be incorporated into the design of the development.

5.11 The policy fails to satisfy the test of Soundness – CE 2

- It is unclear when the requirement to provide public open space for non-residential developments will apply.

- No evidence has been provided to demonstrate why complementary and ancillary equipment and facilities are required in providing public open space. In addition no consideration has been given to the impact such a requirement has on the overall viability of a project and the implications arising out the maintenance and management of such areas.

Recommendation

5.12 We respectfully suggest that:

- Council prepares an up to date evidence basis to support this policy; and
- defines what is meant by *complementary and ancillary equipment*.

5.13 On the basis of the evidence collated Council should reassess whether they have sufficient evidence to support this policy position.

TRE 1 Trees

TRE 1 is unsound as the policy fails the tests of CE 2 and C 33

There is insufficient evidence within the technical supplement to support the policy proposed

The policy should be deleted

Full Response

- 5.14 TRE 1 – trees seeks 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.
- 5.15 RBAI fully supports the careful integration of the natural and built environments, but considers that policy TRE 1 fails soundness test CE 2 as there is no evidence basis to support this policy.
- 5.16 The policy also fails soundness test C3 in that there are already legislative provisions within the Planning Act (Northern Ireland) 2011 for the protection of trees by way of Tree Preservation Orders. In absence of any evidence it appears that Council’s approach duplicates current planning legislation.

Recommendation

5.17 That the policy be withdrawn from the draft plan strategy.

Appendix 1: Site Specific Details

Planning Statement

RBAI, Belfast

Contents

1.	Introduction	1
2.	Prevailing Local Planning Policy Context	2
3.	Bawnmore Road	3
4.	Cranmore Park	5
5.	Broomhill Lane	7
6.	Summary	9

Appendix 1: Bawnmore Road – Layout Plan

Appendix 2: Cranmore Park – Layout Plan

Appendix 3: Broomhill Lane – Layout Plan

1. Introduction

1.1 This statement is prepared on behalf of Royal Belfast Academical Institution (RBAI) and to inform a representation to the Belfast City Council Draft Plan Strategy (dPS). The statement provides details of the three surplus land parcels attached to existing playing fields at:

- I. Junction of Cranmore Park and Malone Road;
- II. Immediately south of 79 – 81 Bawnmore Road; and
- III. West of Broomhill Lane, Belfast.

1.2 These lands are currently zoned as existing open space in dBMAP. RBAI would request that Council considers in accordance with Policy OS1 of dPS suitable alternatives to deliver the growth strategy and specifically the development potential of existing surplus/underused open spaces which could support the Council's growth strategy.

1.3 The above lands are not a public asset and the development of this small portion of land will not give rise to a loss of an amenity which is enjoyed for general recreation by local residents. It is recognised that there may be a visual amenity value associated with this land and this is qualified within the following sections of the report.

1.4 The statement is set out as follows:

Section 2	Prevailing Local Planning Policy Context
Section 3	Lands at Bawnmore Road
Section 4	Lands at Cranmore Park
Section 5	Lands East of Broomhill Lane
Section 6	Summary

2. Prevailing Local Planning Policy Context

- 2.1 The planning policy context with respect to the principle of development is set out and discussed below. The prevailing local policy context with respect to site specific designations is detailed for the individual sites at sections 3, 4 and 5 of the report.

Local Policy – draft Belfast Metropolitan Area Plan 2015

- 2.2 The lands are located within the development limit of Belfast City and designated as existing public open space within draft Belfast Metropolitan Area Plan 2015 (dBMAP).

3. Bawnmore Road

Site Context

- 3.1 This site is located immediately south of 79 and 81 Bawnmore Road and extends to approximately 0.2 hectares. The land is flat and was historically used by the school for cricket practice.
- 3.2 The site is bounded by two storey detached dwellings on three sides and is an awkwardly shaped piece of land beyond an otherwise rectilinear playing field defined by Osborne Park, Malone Road and Cranmore Park.
- 3.3 The compliment of playing fields at RBAI extends to approximately 13.6 hectares. The area proposed for redevelopment is approximately 1.5% of the total land area.
- 3.4 The site is accessed from Bawnmore Road and via an existing access serving the playing fields. Mature hedgerows define the northern, southern and western boundaries and the eastern boundary remains open. There are two lime trees to the north-eastern corner of the land.

Local Planning Policy Context

- 3.5 The land is located within the development limit of Belfast City in dBMAP and as referenced in section 2 is zoned as existing open space and located within Malone Conservation Area and a wider area designated as a local landscape policy area.

Proposed Development

- 3.6 A layout plan has been prepared (Appendix 2) demonstrating how the land could be developed for three detached dwellings which create a back to back relationship with dwellings at 26, 28 and 30 Osborne Gardens.
- 3.7 A private driveway is proposed from the existing access to the playing fields at Bawnmore Road and is arranged to create the minimum impact on the existing use and function of the wider playing fields.
- 3.8 The dwellings have a separation distance of between 14.5 metres and 16 metres to the common boundary with dwellings fronting onto Osborne Gardens. Whilst a stage beyond this PAD for outline planning permission it is envisaged that the gable elevations of the outside dwellings to be blank in order to mitigate the potential for overlooking into neighbouring dwellings which front Bawnmore Road and Osborne Park.
- 3.9 The dwellings have been located in order that existing trees and mature boundaries to the north, south and west are retained which will enhance integration. The dwellings are proposed to be served by private driveways and rear gardens are generous averaging approximately 293 square metres in size.
- 3.10 The emphasis is on quality and the proposed development is entirely consistent with the existing building form which defines the local context. The land forms a natural rounding off of the open space, is served by an existing access, will not result in the loss of any trees or vegetation and will form an appropriate relationship to adjacent residential properties.

Critical Views

- 3.11 There are limited views into the site as a result of its location and the vegetated boundaries which delineate the playing fields. The only critical views into the site are when travelling westbound on Osborne Park. These views are however only glimpsed as a result of the dense hedgerow which defines the boundary of the playing field with this public road.
- 3.12 The dwellings from this viewpoint will read in the context of existing dwellings at Bawnmore Road and Osborne Gardens and will not therefore have a detrimental impact on the setting of the Conservation Area.

4. Cranmore Park

Site Context

- 4.1 This piece of land extending to 0.4 hectares and located at the junction of Cranmore Park and Malone Road is rectangular in shape and is defined by a 1.5 metre high wooden fence to the north and east, the mutual boundary of the land with 75 Cranmore Park.
- 4.2 The southern boundary of the site is open. Trees punctuate the northern and eastern boundaries of the land which provides screening from critical views along Cranmore Park and Malone Road.
- 4.3 The land falls to the south and is located in a corner of the existing Cranmore Playing Fields and is surplus to requirements. The land adjacent to the site is used for rugby games and training. Whilst there is no existing means of vehicular access to the land there is an extended frontage with Cranmore Park, a public road.
- 4.4 The area proposed for redevelopment is approximately 3% of the total extent of the playing fields which extend to approximately 13.6 hectares.

Local Planning Policy Context

- 4.5 The land is located within the development limit of Belfast City in dBMAP and as referenced in section 2 is zoned as existing open space and located within Malone Conservation Area and a wider area designated as a local landscape policy area.

Proposed Development

- 4.6 A proposed site layout plan has been prepared (Appendix 3) which demonstrates how the land can be developed for 7 dwellings.
- 4.7 The dwellings are positioned to respect the established building line along Cranmore Park and to repeat the pattern of development which is made up of detached and semi-detached two storey dwellings with private driveways set back from the edge of the public road.
- 4.8 The proposed scheme will effectively repeat the existing built form along this side of Cranmore Park.
- 4.9 The dwellings are designed to front onto Cranmore Park and are set within generous plots and proposed to be served by a private driveway adjacent to the eastern boundary of 75 Cranmore Park. This facilitates the retention of all existing trees along the northern boundary of the site which will assist in promoting integration.
- 4.10 The layout seeks to promote a positive gable relationship with 75 Cranmore Park. The dwellings will not have a back to back relationship with any properties and there is therefore no potential for overlooking or adverse impact on existing residential amenity.
- 4.11 The proposed development will not affect the function and usability of the playing fields as the land proposed to be developed is surplus to requirements.

Critical Views

- 4.12 The critical viewpoints of this land are primarily when travelling north and south bound on Malone Road and east and westbound on Cranmore Park. The views of the land are however limited due to the dense nature of the vegetation which delineates the northern and eastern boundaries.
- 4.13 The view of dwellings as proposed will be glimpsed through the existing vegetation which is proposed to be retained. The only point at which one dwelling and the gable of the second will be visible is when travelling westbound on Cranmore Park and towards the junction with Malone Road. Cranmore Park is lined with detached and semi-detached dwellings and the proposed dwellings will read in this context.

5. Broomhill Lane

- 5.1 The site is located on lands immediately west of the existing Broomhill Lane development. The land is uniformly rectangular in shape formerly functioning as gravel hockey pitches but now significantly overgrown due to nil use over the last 10 years.
- 5.2 The site is accessed from a driveway off the internal carriageway serving Broomhill Lane and the land extends to approximately 0.7 hectares.
- 5.3 The land is bounded to the north by the mutual boundary with dwellings fronting onto Hillside Park and to the south by the mutual boundary with dwellings fronting onto Bladon Drive.
- 5.4 A two metre high security fence delineates the boundary of the site with Broomhill Lane to the east with landscaping beyond. There is no structure or treatment that defines the extent of the site to the west with the playing field at Bladon Park beyond.
- 5.5 The local context is comprised of two storey detached and semi-detached dwellings and three storey townhouses served by private driveways with front and generous rear gardens.
- 5.6 The area proposed for redevelopment is approximately 5% of the total extent of the playing fields (approximately 13.6 hectares).

Local Planning Policy Context

- 5.7 The land is located within the development limit of Belfast City in dBMAP and as referenced in section 2 is zoned as existing open space and located within Malone Conservation Area and a wider area designated as a local landscape policy area.

Proposed Development

- 5.8 A proposed site layout plan has been prepared (Appendix 4) which demonstrates how the land can be developed for 6 detached dwellings. The existing access to the land is utilised and upgraded to adoptable standards and the layout shows how this can be tied into the existing access and carriageway serving the Broomhill Lane development.
- 5.9 The proposed scheme will be served by an independent driveway which will run parallel to the existing carriageway serving Broomhill Lane. The dwellings are arranged to front onto the carriageway creating a conventional front to front street arrangement with the existing dwellings at Broomhill Lane. The gardens serving Broomhill Lane properties are located to the rear and the proposed dwellings will not give rise to overlooking or have an adverse impact on the amenity of the existing properties.
- 5.10 The dwellings are in detached form and served by generous private rear gardens placing an emphasis on quality which respects the established built context. The proposal seeks to retain all existing vegetation to the boundaries of the site.
- 5.11 The proposed development has been designed to respect the function and usability of the playing fields to the rear and will have nil impact on the operation of Bladon Park to

the extent that it is currently used for the benefit and enjoyment of RBAI on the basis that the land proposed to be developed is surplus to requirements.

Critical Views

- 5.12 The lands proposed for development are located at a lower level to the main Bladon Park playing fields. The land is bounded on three sides by development and there are therefore no critical views into the site from surrounding roads.
- 5.13 The primary views of the site are achieved from existing properties at Broomhill Lane which front and gable onto the proposed site and existing properties at Hillside Park and Bladon Drive which back onto the land.
- 5.14 The development of this land for housing will not have a detrimental impact on the setting of the Conservation Area.

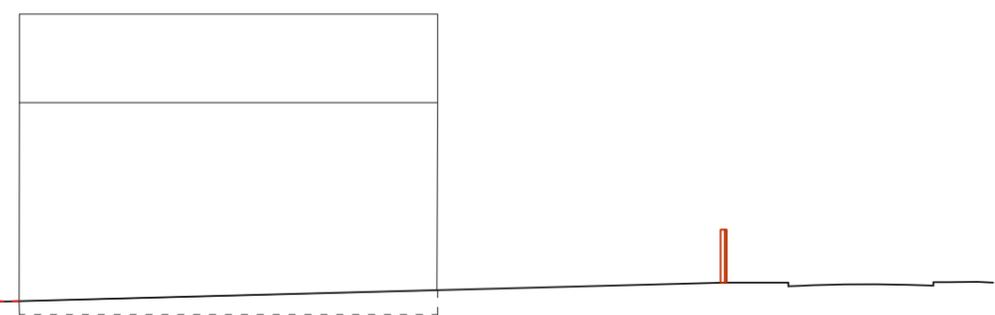
6. Summary

- 6.1 This statement is prepared to demonstrate that the development of the proposed sites will not result in the loss of an existing public amenity asset and will not have a detrimental impact on the environment.
- 6.2 The zoning of these lands for housing is consistent with the Council's proposed growth strategy and specifically Policy SP2 Sustainable Development.
- 6.3 Proposed site layout plans have been provided to demonstrate how the land could be developed for housing whilst protecting the character of the local area and existing and future operation of the playing fields.

Appendix 1: Bawnmore Road – Layout Plan



Proposed level for level rear gardens
 Section 1:200 (A3)



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Area per plot = 611 sq.m
Total proposed mix accommodation = 2745 sq.ft

Client:
RBAI

Project:
Bawnmore Road,

Drawing:
Indicative Sketch Layout (Draft)

Project Number:
ROYB3001

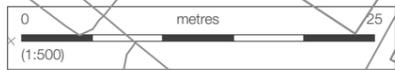
Drawing Number:
3200

Revision: **A** Status: **Draft**

Date: **July 2017** Scale: **1:500 (A3)**

Appendix 2: Cranmore Park – Layout Plan

In



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Client:
RBAI

Project:
Malone Road,

Drawing:
Indicative Sketch Layout (Draft)

Project Number:
ROYB3001

Drawing Number:
3200

Revision:
B

Status:
Draft

Date:
July 2017

Scale:
1:500 (A3)

Appendix 3: Broomhill Lane – Layout Plan



Area per plot = 447 sq.m
 Total proposed mix accomodation = 5166 sq.ft

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Client:
RBAI

Project:
Broomhill Lane,

Drawing:
Indicative Sketch Layout (Draft)

Project Number:
ROYB3001

Drawing Number:
3200

Revision: **01** Status: **Draft**

Date: **December 2017** Scale: **1:500 (A3)**

Turley Office
Hamilton House
3 Joy Street
Belfast
BT2 8LE

T [REDACTED]

Appendix 2: Background Information: Council's LDP Template

This section responds to Sections A, B, E and I of Council's template.

Section A

We confirm that we have read and understand the privacy notice detailed at Question 1 and give consent for Belfast City Council to hold our data for the purposes outlined.

We understand that Council are required to publish responses received in response to the Plan Strategy. We consent to Council publishing this information with our name and organisation detailed.

Sections B & E

This response has been prepared by a planning agent whose contact details are:

Name: Sam McKee

Practice: Turley

Email Address: [REDACTED]

Telephone: [REDACTED]

This representation is submitted on behalf of:

Name: Royal Belfast Academical Institution

Address: College Square East, Belfast, BT1 6DL

Client Contact: Alan Wilson

Telephone: [REDACTED]

We confirm that RBAI did not submit a response to the Preferred Options Paper and all correspondence relating to the draft Plan Strategy are to be sent to Turley.

Section I

Question 19 of Council's template requests that participants indicate the method by which their representation is to be heard.

We respectfully ask that our representations are heard by way of an oral hearing.

Turley Office
Belfast

