Planning Appeals Commission

# Appeal Decision

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| **Appeal References:** | 2025/A0090 |
| **Appeal by:** | Cregagh Developments Ltd. |
| **Appeal against:** | The refusal of full planning permission |
| **Proposed Development:** | Proposed demolition of existing building and construction of a residential development consisting of 14No. units (9No. apartments within a three storey building and 5No. two storey terraced dwellings) with associated landscaping and car parking (amended description) |
| **Location:** | 18 Annadale Avenue, Belfast, BT7 3JH |
| **Planning Authority:** | Belfast City Council |
| **Application Reference:** | LA04/2022/1046/F |
| **Procedure:** | Informal Hearing on 30th April 2026 |
| **Decision by:** | Commissioner Kevin Gillespie, dated 14th August 2026 |

## Decision

1. The appeal is allowed, and full planning permission is granted.

## Reasons

2. The main issues in the appeal are whether or not:
   - the existing architectural features will be incorporated into the design of the new development; and
   - the proposed development would erode the character and appearance of the area.

3. Section 45(1) of the Planning Act (NI) 2011 (Act) requires the Commission, in dealing with an appeal, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

4. Belfast City Council adopted its Plan Strategy (PS) in May 2023. In line with the transitional arrangements as set out in the Schedule to the Local Development Plan Regulations 2015 (as amended), the LDP now becomes a combination of the Departmental Development Plan (DDP) and the PS read together. In this appeal the Belfast Urban Area Plan 2001 (BUAP) is the relevant DDP. In accordance with the subject legislation, any conflict between a policy contained in the DDP and those of the PS must be resolved in favour of the PS.

5. The Belfast Metropolitan Area Plan (BMAP) was declared unlawful by the Courts in 2017. Draft BMAP, whilst not a DDP, remains a material consideration in certain circumstances.

6. Regional planning policy is set out in the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' - Edition 2 (SPPS). It is material to all decisions on individual planning applications and appeals and it sets out the transitional arrangements which will operate until the local authority has adopted a PS for the whole of their council area. In accordance with the SPPS, as the Council has now adopted a PS, the previously retained regional policies such as Planning Policy Statements, have now ceased to have effect within this Council district.

7. In the DDP, the appeal site is located within the development limit of Belfast on un-zoned 'whiteland'. There are no policies within the DDP that are applicable to the appeal development, so no conflict arises. In its evidence, the Council state that regard must be had to the land-use zonings, designations and proposal maps in the BUAP and both versions of BMAP (2004 and 2014). However, the operational policies within the PS take precedence over those of dBMAP.

8. Policy ENV2 'Mitigating Environmental Change' of the PS states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce GHG by promoting sustainable patterns of development. Paragraph 9.5.23 of the Justification and Amplification (J&A) to the Policy states that the policy aims to address greenhouse gas emissions to mitigate environmental change and to build resilient communities such that this will ultimately help to minimise the impact of the development on the wider environment and ensure that buildings and spaces endure. It refers to a number of key design measures which include (but are not limited to) sustainable design and the sustainable reuse of existing buildings and sustainable use of new materials. Paragraph 9.5.26 of the J&A states that a statement of sustainability may be required to demonstrate how the proposal has considered sustainable patterns of development and sustainable design.

9. The appeal site, which is broadly 'L' shaped in form, measures some 0.2 hectares in area and is generally flat across its extent, lies on the southern side of Annadale Avenue. It is not within a Conservation Area or an Area of Townscape Character. It is accessed from an existing entrance that serves both the appeal site and No. 18a Annadale Avenue, a two-storey detached apartment building. The existing building on the appeal site, which is not listed, comprises a detached two storey, red brick, Victorian-style former dwelling, last used as a nursery (Known as The Bees Knees). There is detached metal garage and soft play area centrally located on site. There is also an area of tarmacadam surface level car parking positioned to the north and south of the host building and a further garage and a grassed/garden area positioned to the south-east. The host building is currently vacant.

10. The appeal development seeks full planning permission for the demolition of the existing building and the erection of a three-storey frontage building comprising 9No. apartments which would be broadly positioned on the footprint of the existing building and a two-storey rear return comprising 5No. terraced dwellings. The overall development would be finished in a materials palette which would include a

blue/black slate roof, red brick walls, Upvc windows, powder coated aluminium rainwater goods and reconstituted sandstone cills, pillars between windows and chimney cap.

11. Each apartment would comprise a kitchen/dining/living area, a store, 2No. bedrooms (1No. en-suite) and a separate bathroom. Apartment Nos. 2, 3, 5, 6, 7, 8 and 9 range between 61m$^2$ – 72m$^2$ in area. Apartment Nos. 1 and 4, both of which are wheelchair accessible, measure some 82m$^2$ and 78m$^2$ in area respectively. The 5No. terraced dwellings, all of which measure some 83m$^2$ in area, comprise a kitchen/dining/living area and separate bathroom at ground floor level and 2No. bedrooms (1No. en-suite) and a separate bathroom at first floor level. In respect of private amenity space, a shared amenity space comprising a landscaped garden/hard standing areas and seating and measuring some 210m$^2$ in area is positioned at the north-west (roadside) boundary of the appeal development. In addition, Apartment Nos. 1 and 2 incorporate a dedicated private amenity space of 19m$^2$ and 40m$^2$ and Apartment Nos. 7 and 8 provide a dedicated private amenity space (balcony) of 6m$^2$ respectively. In respect of the terraced dwellings, Dwelling Nos. 1 – 4 provide some 44m$^2$ – 51m$^2$ of private amenity space and Dwelling No. 5 provides some 116m$^2$ of private amenity space.

12. The overall development would be served via the existing site entrance onto Annadale Avenue by a private road which would range between 3.2m – 4m in width. A 4No. bay (1No. disabled) in-curtilage car parking area is positioned adjacent to the aforementioned site entrance. A separate 14No. bay (1No. disabled) in-curtilage car parking area is positioned at the south-east corner of the appeal site. A covered Sheffield bike stand and a refuse storage area are positioned along the southern boundary of the site. In respect of landscaping, all existing mature boundary vegetation would be retained and supplemented. The appeal development would also provide a number of bat boxes.

13. The planning history of the appeal site includes the demolition of the existing building and the erection of a residential development comprising 14No. units and associated landscaping and surface car parking granted planning permission under Z/2008/0421/F on 8th December 2009. Development did not commence and the permission expired in December 2014.

14. Policy ENV2 of the PS states that development proposals that include the demolition of existing buildings should demonstrate that reuse is not appropriate or feasible. Where demolition is proposed, measures should be included to minimise any waste through the reuse of as much building material as possible.

15. As detailed above, the appeal development comprises the demolition of the existing building. At application stage, the appellant submitted a Viability Appraisal (VA) which set out 7No. options to retain and convert the existing building as part of a wider redevelopment scheme and 1No. option to demolish the existing building and redevelop the appeal site (the appeal development). The Council appointed Naylor Devlin, an independent viability assessor, to review the VA. Following assessment, Naylor Devlin concluded that none of the 7No. options to retain and convert the existing building to residential or office use, including the option for façade retention only, were economically viable. As the Council has not provided any robust persuasive evidence to dispute Naylor Devlin's independent conclusions, I am therefore satisfied that the appellant has demonstrated that the

reuse of the existing building is not appropriate or feasible. Accordingly, this element of Policy ENV2 is satisfied.

16. Policy ENV2 goes on to state where demolition is proposed, measures should be included to minimise any waste through the reuse of as much building material as possible. At application stage, the appellant submitted a Climate Change Statement (CCS) and a Demolition Justification Statement (DJS) which detailed a number of key sustainable design features which would be incorporated within the appeal development.

17. Whilst there was no dispute between the parties that the CCS and DJS stated detailed a number of measures to minimise waste and reuse existing building materials including, for example, the re-use of salvageable red brick, stone cills and roof tiles; the segregation and recycling of demolition waste including timber, glass, metals etc. and that rubble from the demolition will be crushed on-site and used as aggregate during construction, the Council's asserts that the existing building also contains a number of other important architectural features, such as stone headers, coursing and roof finials and the front door/glazing, which are neither addressed within the CCS/DJS nor incorporated within the appeal development. For this reason, the Council argue that the appeal development does not use 'as much building material as possible', as the policy envisages.

18. At the hearing, the Council failed to define or provide a quantum to qualify what the policy envisages 'as much building material as possible' to mean. Accordingly, and in my judgement, it must therefore be read in its ordinary meaning.

19. As detailed previously, the existing building is not listed. In that regard, there is no legal requirement upon the appellant to retain any or all of the existing architectural features within the redevelopment proposal. Notwithstanding this, and as also detailed above, the appellant has set out within the uncontested CCS/DJS, those existing architectural/design features which are to be incorporated within the appeal development. At the hearing, the appellant stated that the roof finials are significantly damaged and are beyond repair and that some stone headers are cracked such that, in their current condition, they may not be able to withstand any increase in structural loadings arising from the appeal development. This was not disputed by the Council. Accordingly, in this evidential context, combined with my assessment of the appeal drawings and my on-site observations, I am therefore satisfied that the appeal development would minimise waste through the reuse of as much existing building material as possible. I also agree with the appellant that a planning condition could be attached to any grant of planning permission to require the implementation of an audit of materials arising from the demolition of the existing building to identify those which could be salvaged and subsequently reused. Such a condition would provide a further safeguard that the reuse of existing building materials would be maximised as far as practicably possible within the appeal development.

20. Policy ENV2 goes on to require that all new development proposals will maximise opportunities to incorporate sustainable design features where feasible (such as grey water recycling, green roofs, maximising use of recycled materials, orientating buildings to optimise solar gain, energy efficiency). It concludes by stating that development proposals should, where appropriate, demonstrate the highest feasible and viable sustainability standards in the design, construction,

operation and ‘end of life’ phases of development in line with the ‘nearly zero carbon buildings’ strategy set out in the EU energy performance and buildings directive, where all new buildings are required to be ‘nearly zero carbon’ by 2020.

21. In this case, the CCS states that the appeal development will comprise a number of key sustainable design features to maximise sustainable development. These include the orientation of the building and window glazing to optimise solar gain, natural light and natural ventilation; the use of high specification insulation and the maximisation of air tightness, the provision of a permeable grasscrete sustainable drainage system; the provision of a covered cycle bay; the promotion of recycling by providing segregated waste storage area and the implementation of a Site Waste Management Plan to set out how materials will be managed efficiently and disposed of during the construction phase including how the reuse and recycling of materials will be maximised.

22. From the evidence, I note that the design of the appeal development progressed iteratively from the initial Pre-Application Discussion (PAD) stage to the application submission. During this time, I note that the Council raised no objection to the proposal’s resource or energy efficiency credentials.

23. Having regard to the above and given that I was not provided with any robust persuasive evidence from the Council to refute the appellant’s case, I am therefore satisfied that the appeal development demonstrates the highest feasible and viable sustainability standards in the design, construction and operation phases of development in line with prevailing statutory Regulations in accordance with Policy ENV2 of the PS.

24. For all the reasons detailed above, and in the evidential context, I conclude that the Council has not sustained the first refusal reason in relation to Policy ENV2 of the PS read as a whole.

25. Policy DES1 ‘Principles of urban design’ of the PS states that ‘planning permission will be granted for new development that is of a high quality, sustainable design that makes a positive contribution to placemaking subject to compliance with a number of criteria. Paragraph 4.27 of the SPPS also refers to the need for good design and states that Planning Authorities will reject poor designs, particularly proposals that are inappropriate to their context, including schemes that are clearly out of scale or incompatible with their surroundings. In this case, both the Council and Third Parties’ concerns relate to criteria (a) and (b) of Policy DES1.

26. Criterion (a) of the policy requires that the development responds positively to local context and character through architecture and urban form that addresses matters such as height, scale, massing proportion, plot width, building lines, rhythm, roofscape, materials and any impact on built and natural heritage whilst criterion (b) requires that it positively reinforces a sense of place by demonstrating that locally distinctive features have been identified, incorporated and enhanced where appropriate. This is supported by Paragraph 7.2.8 of the Justification and Amplification (J&A) to Policy DES1 of the PS which states that local distinctiveness encompasses the unique physical, social and economic characteristics of a place. It goes on to state that it encapsulates those elements that set a place apart from others and includes those elements that contribute to its character, individual sense of place and local identity.

27. In its evidence, the Council confirm that the appeal site is in a sustainable location within an established residential area such that the principle of housing is acceptable in accordance with Policies HOU1 and HOU2 of the PS. In this case, however, both the Council and Third Parties' consider that the existing Victorian building makes an important material contribution to the locality, such that its subsequent demolition and replacement with a building of modern design which fails to incorporate important architectural features and lacks the architectural finesse of the original building combined with its inappropriate height, scale and gable depth would be uncharacteristic of the area and thereby erode the Victorian character and appearance of the area.

28. I have previously concluded that the appellant has demonstrated that the reuse of the existing building is not appropriate or feasible and that the appeal development would minimise waste through the reuse of as much existing building material as possible such that it complies with Policy ENV2 of the PS read as a whole.

29. From my on-site observations, I agree with the Council that the appeal site lies within an established residential area although this is interspersed with some commercial and ecclesiastical uses. In respect of residential development in the immediate area, I observed that Annadale Avenue is primarily characterised by large detached red brick Victorian buildings, as in this case, or modern apartment blocks with a Victorian design influence which front onto Annadale Avenue set within generous plots and typically two and a half/three stories in height. I also noted that back-land development is also characteristic within this part of Annadale Avenue with mews-style housing positioned to the rear of Nos. 16 and 20 Annadale Avenue.

30. The Council and Third Parties concerns in respect of height however primarily relate to the fact that when viewed from the west along the southern side of Annadale Avenue, the appeal development, which at its highest is 39.13m AGL, would rise above the existing buildings, and in particular the adjacent building at No. 18a Annadale Avenue such that it would appear dominant and disrupt the established rhythm of the roofscape along this side of Annadale Avenue. The Council go on to argue that the appeal development's contextual and visual dominance in Annadale Avenue is further compounded in long distance views because of the proposal's deeper gable length particularly when compared to that of the existing dwelling, 16.4m proposed compared to the existing at 9.2m.

31. The appellant provided a contextual elevation along this part of Annadale Avenue (Drawing Number AAB-210 Rev. C.) which shows the appeal proposal, in respect of its height, scale, design and appearance, within its local context. I note that this was not disputed by the Council or Third Parties.

32. Having regard to this and also from my on-site observations, I do not consider that the scale, form and massing of the appeal building would represent a discordant feature in the local streetscape context. Whilst I agree with the Council that it is taller that some neighbouring buildings, namely the adjacent building at No. 18a. Nevertheless, it is flanked and read in views and approaches with Nos. 16 and 20 Annadale Avenue both of which are of a similar height to the appeal development. Moreover, I noted that the form and type of development at Nos. 16 and 20 Annadale Avenue, that is, an apartment building fronting onto Annadale Avenue

with mews-style housing to the rear, is broadly similar to that of the appeal proposal in terms of height, scale and massing. Given also that the mature roadside trees which line the full extent of Annadale Avenue combined with the mature intervening curtilage vegetation would screen the full extent of the appeal development in both short and long-range views from the east and would filter views from the west, I am not persuaded that the appeal development would represent an uncharacteristic or dominant feature in the immediate or wider streetscene.

33. In respect of the appeal building's design and appearance, I consider that the use of overall architectural features including stepped elevational profiles, varying rooflines, proportionate solid to void ratios and emphasised vertical fenestrations and detailing, when set against a materials palette which takes its cues from the surrounding streetscape, when considered as a whole, would create a building design which would respond positively to the local context and character. Whilst the proposal does include architectural design elements such as decorative brick panels, sandstone pillars between windows, soldier course arches and brick capping vertical headers which are not found in the existing building or the adjacent building at No. 18a, nonetheless when read against the aforementioned contextual elevation detailed on Drawing Number AAB-210 Rev. C, I consider that the appeal proposal would be both proportionate to its location and sensitive to its surroundings in so far as it represents overall, in my judgement, a modern interpretation of the 19th Century Victorian style.

34. The intention of Policy DES1 of the PS is to create a high-quality sustainable design that makes a positive contribution to placemaking quality residential environments. For all these reasons and in the aforementioned evidential context, as I do not consider that the appeal development would be a dominant structure of inappropriate height, scale, mass, design or appearance, I am satisfied that the appeal development would not erode the character and appearance of the area. Accordingly, the proposal therefore complies with criteria (a) and (b) of Policy DES1 of the PS and the related provisions of the SPPS in so far as stated. The Council's second reason for refusal is therefore not sustained. The related concerns of the Third Parties are also not sustained.

35. The Third Parties raised concerns in relation to harm to biodiversity. However, I was given no persuasive evidence that the appeal development would be likely to lead to the loss of trees other than those shown on the drawings or that it would harm bats and birds. As shown on Drawing No. AAB-003 Rev. J., the appeal development would provide a number of new bat boxes. The Third Parties were also of the view that the appeal development would have an unacceptable impact on residential amenity by loss of light, overshadowing, overlooking/loss of privacy and from construction noise. Given a combination of the separation distance to adjacent buildings, the layout of the appeal development and the enclosure afforded to the appeal site by the existing mature landscaping, I am not persuaded that the appeal development would have a detrimental impact upon the residential amenity of any adjacent occupiers from overlooking/loss of privacy, overshadowing or loss of light. I was given no persuasive evidence that construction noise would have an unacceptable negative impact on residential amenity and in any event, this would be a temporary inconvenience during the construction phase and would not justify refusing planning permission.

36. The Third Parties also raised concerns that approval of the appeal development could establish an unwelcome precedent for other sites along Annadale Avenue and surrounding streets. I disagree because each application is assessed on its individual planning merits and in its own evidential context. Furthermore, and for the reasons previously stated, I am not persuaded that the appeal development represents an over-intensification of the site, that it does not sit comfortably in its surroundings or that it would result in an overbearing form of development. For all these reasons, the Third Parties concerns are not sustained to the extent specified.

37. As the Council's two reasons for refusal and the various concerns of the Third Parties have not been sustained, the appeal shall succeed. The matter of conditions remains to be considered below.

38. A condition is required for the submission of a sample of the external facing materials to be used in the construction of the development and the depth and detailing of the window recesses and reveals in the interests of the character and appearance of the development. Conditions are required for the provision of a final window schedule detailing the sound reduction specification and the alternative means of ventilation in the interests of residential amenity. A condition is also required for the provision of obscure glazing specifications in respect of the ensuite and bathroom windows in the west elevation of the apartment block, details of the obscure glazing specification to safeguard the privacy of adjacent properties. Conditions are required for the provision of Verification Reports in respect of the installation of the windows, alternative means of ventilation and the acoustic fence to be submitted to and approved in writing by the Council in the interests of residential amenity.

39. A condition is necessary for the provision of communal open space and private gardens and for continuing maintenance to ensure that the open space and gardens are properly managed and maintained. I also consider that a planning condition requiring the provision of a Materials Recovery Plan to include a full audit of materials from the demolition of the existing building, a schedule of salvage of those materials and a reuse and destination plan including verification measures to be agreed in writing by the Council prior to or during demolition (as appropriate), would be necessary to secure the maximum reuse of existing materials during construction of the appeal development. The imposition of such a condition was agreed by all parties at the hearing.

40. Whilst the Council tabled a draft condition requiring approval of a travel plan, travel plans are only required for major residential developments, which this development is not. A travel plan is therefore not required. A condition is necessary for the provision of hard surfaced parking areas to ensure acceptable parking facilities and also a condition is required to ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

41. A condition is necessary for the provision of landscaping and for continuing maintenance and replanting where necessary in the interest of visual amenity. A condition is also necessary for the provision of an area for the storage and disposal of waste. A condition is necessary to ensure appropriate foul and surface water drainage of the site.

At the hearing, the Appellants indicated no objection to these conditions.

**Conditions:**

1. No external facing panels or materials shall be constructed or applied unless in accordance with a written specification and a physical sample panel, details of which shall have first been submitted to and approved in writing by the Council.

   The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works.

   The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external facing materials.

2. The depth and detailing of the window recesses and reveals shall be as shown on the approved drawings.

3. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any Order revoking and/or re- enacting that order), the ensuite and bathroom windows in the west elevation of the approved apartment block shall be obscure glazed to at least Privacy Level 3 (or equivalent) and non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the floor that the window serves.

4. The development hereby approved shall not be occupied until the communal open space and private gardens have been provided in accordance with the approved plans. The open space shall be retained as such at all times.

5. Prior to the occupation of any dwellings hereby approved, a landscape management and maintenance plan shall be submitted to the Council and approved in writing by the Council. The plan shall set out the period of the plan, long term objectives, management responsibilities for all areas of landscaping and communal areas of open space. The landscape management plan shall be carried out as approved.

6. No demolition works shall commence until a Demolition Materials Recovery Plan (DMRP) has been submitted to and approved in writing by the Council.

   The DMRP shall include:

   i) A full audit of all materials arising from the demolition, identifying materials capable of reuse, recycling or recovery;
   ii) A schedule of salvage, detailing quantities of materials to be salvaged and the methods for their careful removal;
   iii) A reuse and destination plan, specifying how each category of salvaged material will be reused within the development or, where reuse on site is not practicable, the proposed destination and method of recycling or recovery; and
   iv) Verification measures, including how compliance will be

recorded and reported to the Council. T

The demolition shall thereafter be carried out strictly in accordance with the approved DMRP, and all salvage, reuse and recycling measures shall be fully implemented prior to, or during, demolition as appropriate.

7. No dwelling shall be occupied until weather protected cycle parking has been fully provided in accordance with the approved plans.

8. No dwelling shall be occupied until hard surfaced parking areas have been provided and permanently marked in accordance with the approved plan. The parking areas shall be permanently retained.

9. The access gradient shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

10. No windows shall be installed unless a final window schedule detailing the sound reduction specification has been submitted to and approved in writing by the Council. The windows shall be designed in line with the recommendations in the Noise Impact Assessment dated 16th December 2022. The windows shall not be installed unless in accordance with the details so approved.

11. Prior to occupation of the development hereby permitted, a Verification Report that demonstrates that the windows have been installed as required by Condition No. 11 shall be submitted in writing to the Council. The Verification Report shall include a written declaration from the suppliers and installers of the windows confirming that the alternative means of ventilation have been installed as approved.

12. Prior to installation of any alternative means of ventilation, the sound reduction specification of the alternative means of ventilation shall be submitted to and approved in writing by the Council. The specification shall demonstrate that internal noise levels in habitable rooms will be achieved in line with BS8233:2014 ‘Guidance on sound insulation and noise reduction for buildings’. The means of ventilation shall be installed in accordance with the approved details and retained as such at all times.

13. Prior to occupation of the development hereby permitted, a Verification Report that verifies that demonstrates that the alternative means of ventilation has been installed in line with details approved pursuant to Condition No. 13 shall be submitted in writing to the Council. The Verification Report shall include a written declaration from the suppliers and installers of the alternative means of ventilation confirming that the alternative means of ventilation have been installed as approved.

14. Prior to occupation of the development hereby permitted, a Verification Report that verifies that an acoustic fence has been constructed in line with the recommendations in the Noise Impact Assessment dated 16th

December 2022 shall be submitted to and approved in writing by the Council. The acoustic fence shall be permanently retained in accordance wit the approved details at all times.

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

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

17. The development hereby permitted shall not be occupied until the waste storage areas have been provided in accordance with the approved plans and shall be permanently retained as such at all times.

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

19. The development shall be begun before the expiration of five years from the date of this permission.

This decision is based on the following drawings:

| Drawing Number | Title | Scale |
|---|---|---|
| 01A<br>AAB-001 Rev A | Location Plan | 1:1250 |
| 02A<br>AAB-002 Rev B | Block Plan – Existing & Proposed | 1:500 |
| 03C<br>AAB-003 Rev J | Site Plan – Existing & | 1:200 |

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| | Proposed | |
| 04<br>AAB-200 Rev A | Existing Elevations | 1:100 |
| 05B<br>AAB-210 Rev C | Proposed North & East Facing Elevations | 1:100 |
| 06A<br><br>AAB-211 Rev B | Proposed South & West Facing Elevations | 1:100 |
| 07C<br>AAB-100 Rev E | Proposed Ground & First Floor Plans | 1:100 |
| 08B<br>AAB-101 Rev D | Proposed Second Floor & Roof Plans | 1:100 |
| 09B<br>AAB-004 Rev C | Landscape Masterplan | 1:200 |
| 10<br>AAB-150 Rev A | Refuse Storage Plan | Scale Varies |
| 11A<br>AAB-220 Rev B | Detail Elevations | 1:50 |
| 12A<br>Mr Cousins<br>20-159-A1b | Proposed Parking Layout | 1:250 |
| 13<br>Mr Cousins<br>20-159-A1b | Tracking of Site 4.6T Panel Van – IN | 1:250 |
| 14A<br>Mr Cousins<br>20-159-AT2b | Tracking of Site 4.6T Panel Van – IN | 1:250 |

**COMMISSIONER KEVIN GILLESPIE**

**List of Appearances**

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|---|---|
| **Planning Authority:-** | **Mr Ed Baker**<br>**Mr Mathew McBride** |
| **Appellants:-** | **Mr William Orbinson KC**<br>**Mr. Eoin Morgan (agent)**<br>**Mr. Declan Rooney (agent)**<br>**Mr. Kieran Campbell (appellant)**<br>**Mr. Jamie Campbell (ENTOP Architects)**<br>**Mr. Stephen Crozier (Macro Property Solutions)**<br>**Mr. Michael Donnelly (MJ Donnelly Quant. Surveying)**<br>**Mr. Tim Cousins (Lisbane Consultants)**<br>**Prof. Alan Jones (Jones Architects)**<br>**Ms. Johann Muldoon (Manor Architects)** |

**List of Documents**

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| **Planning Authority:-** | **Belfast City Council - Statement of Case** |
| **Appellants:-** | **Planning Permission Experts (Agent)**<br>**- Statement of Case** |
| **Third Parties:-** | **Ms Paula Bradshaw MLA – Statement of Case** |
| | **Ms Helen Warner/Residents of No. 20 Annadale Avenue**<br>**- Statement of Case** |