

# Public Document Pack

**Democratic Services Section  
Legal and Civic Services Department  
Belfast City Council  
City Hall  
Belfast  
BT1 5GS**



**Belfast  
City Council**

9th October, 2025

## **PLANNING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in hybrid format, both in the Lavery Room, City Hall and remotely, via Microsoft Teams, on Tuesday, 14th October, 2025 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

## **AGENDA:**

### **9. Miscellaneous Reports**

- (a) Scheme of Delegation for Planning (Pages 1 - 14)

### **10. Planning Applications**

- (d) **LA04/2024/1159/F** - Extensions and alterations to former Lidl building and change of use to builders merchants premises with external stock yard, acoustic fence and associated site works - 41 Montgomery Road (former Lidl supermarket) (Pages 15 - 26)





Subject:	Renewal of the Scheme of Delegation for Planning
Date:	14 <sup>th</sup> October 2025
Reporting Officer:	Kate Bentley, Director of Planning and Building Control
Contact Officer:	Ed Baker, Planning Manager (Development Management)

## Restricted Reports

Is this report restricted?

Yes

☐

No

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If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Some time in the future

Never

☐  
☐  
☐  
☐

## Call-in

Is the decision eligible for Call-in?

Yes

☒

No

☐

1.0	Purpose of Report or Summary of main Issues
1.1	The Council must prepare a Scheme of Delegation for planning which sets out which decisions on Local and minor applications are delegated to officers. The current Scheme of Delegation was implemented in December 2022. In accordance with legislation, the Council is required to review its Scheme of Delegation every 3 years, i.e. it is next due to be renewed by 31 <sup>st</sup> December 2025.
1.2	The recommendation is to renew the existing Scheme of Delegation subject to several small changes.
1.3	The report is to be noted by the Planning Committee ahead of consideration by the Strategic Policy and Resources Committee. Under the legislation, the Scheme of Delegation must be agreed by the Department for Infrastructure (DfI).

<b>2.0</b>	<b>Recommendations</b>
2.1	The Planning Committee is asked to note the proposed minor changes to the Scheme of Delegation ahead of consideration by the Strategic Policy and Resources Committee.
<b>3.0</b>	<b>Main report</b>
	<u>Background</u>
3.1	Section 31 of the Planning Act (Northern Ireland) 2011 requires a Council to prepare a Scheme of Delegation which enables a person appointed by the Council to determine applications for Local development, consents, agreements or approvals required by condition. All Major applications must by law be considered by the Planning Committee.
3.2	Article 9 of the Planning (Development Management) Regulations (Northern Ireland) 2015 states that a council must not adopt a Scheme of Delegation until it has been approved by the Department for Infrastructure. Article 11 states that a council must prepare a Scheme of Delegation at intervals of no greater than three years.
3.3	<a href="#"><u>Development Management Practice Note 15: Councils Schemes of Delegation</u></a> provides Departmental guidance. It advises that the main benefits of delegation are: <ul style="list-style-type: none"> <li>• to enable the Planning Committee to devote its finite time to determining applications that present issues that the Committee are best served to determine;</li> <li>• delegation of planning applications to officers is critical to affecting the overall performance of the development management process as it helps to ensure that decisions are taken at the most appropriate level, costs are minimised and members have more time to concentrate on the most complex cases.</li> </ul>
3.4	The Council first published a Scheme of Delegation in March 2015 ahead of becoming a Planning Authority in April that year. It was then amended in June 2017 following a review (and updated in March 2019 to take account of the Council's new departmental structure). Further amendments were made in January 2020 and December 2022.
3.5	The Scheme of Delegation sets out a range of planning functions which are delegated to officers. These include: <ul style="list-style-type: none"> <li>• Decisions on certain types of Local application;</li> <li>• Decisions on other forms of consent and approval;</li> <li>• Preservation of trees;</li> <li>• Determinations under the Environmental Impact Assessment Regulations;</li> <li>• Enforcing planning regulations;</li> <li>• Temporary listing of buildings;</li> <li>• Responding to € and planning application consultations from neighbouring Planning Authorities;</li> <li>• Conducting of appeals and public examinations;</li> <li>• Responding to planning related consultations from other agencies;</li> <li>• Negotiating financial developer contributions of less than £30k.</li> </ul>
	<u>Renewal of the Scheme of Delegation</u>
3.6	The Scheme of Delegation was last amended in December 2022 and was essentially a refinement of the Scheme adopted in 2017.

3.7

The current Scheme is considered to be working well, and it is not proposed to make any significant changes.

3.8

Delegation rates since 2020/21 are set out in Table 1, below. Historically, the rate of delegated decisions in Belfast comparable with the regional average.

Year	2020/21	2021/22	2022/23	2023/24	2024/25
Belfast Delegation Rate (%)	92.5%	93.2%	94.5%	96.7%	94.7%
Regional Delegation Rate (%)	92.8%	93.1%	Unavailable	Unavailable	Unavailable

Table 1: % delegated decisions by year

3.9

The proportion of officer recommendations overturned by the Planning Committee has also been historically substantially lower than the regional average as shown in Table 2, below. This is positive indicator of Members’ confidence in officer decisions in Belfast.

Year	2020/21	2021/22	2022/23	2023/24	2024/25
Belfast Overturn Rate (%)	3.8%	9.9%	3.5%	5.7%	2.8%
Regional Overturn Rate (%)	13.9%	15.8%	N/A	N/A	N/A

Table 2: % officer recommendations overturned by Committee

Proposed adjustments to the Scheme of Delegation

3.10

It is recommended that the current Scheme of Delegation is renewed subject to the following relatively minor alterations.

1. Paragraph 3.8 – removal of sub-delegation by the Strategic Director of Place and Economy to the Operational Directors for Economic Development and City, Regeneration and Development. This recognises that planning functions should only be sub-delegated to the Operational Director of Planning and Building Control (the Strategic Director may also sub-delegate below that within the Planning Service).

2. Paragraph 3.8.1 – confirmation that the 28 day period for an Elected Member to request that an application is referred to the Committee is also from the date that an application is re-advertised or re-notified to neighbours. This change is intended to provide further clarity to the referral process and provides a larger window for Members to request that an application is referred to the Committee.

3. Paragraph 3.8.1 – parts of the administration of the referral process is proposed to be dealt with by the Planning Service rather than Democratic Services to reduce “hand-offs”. This change is intended to improve efficiency and handling of referral requests.

4. **Paragraph 3.8.1 – change to the definition of City Centre to include as defined by the draft Belfast Local Development Plan: Local Policies Plan 2035 once published.** Any Elected Member may request that an application in the City Centre is referred to the Committee. The boundary of the City Centre is currently defined by the draft Belfast Metropolitan Area Plan 2025; the proposed change reflects that this is to be replaced by the new draft Policies Plan once published.
5. **Paragraph 3.8.2 – incorporation of the provision under paragraph 3.8.2 (f) of the current Scheme of Delegation that gives officers delegated authority to refuse applications (other those for Major development) where all the necessary supporting documentation has been reasonably requested but not provided within 28 days of the request.** It is proposed to move this provision from paragraph 3.8.2 (f) to paragraph 3.8.2 because in its current position, this provision potentially conflicts with the other provisions of paragraph 3.8.2. The intention of this provision has always been that the decision on the application is delegated if reasonably requested supported documentation is not provided within 28 days, irrespective of whether other provisions of the Scheme of Delegation under paragraph 3.8.2 require the application to be referred to the Committee. The objective is to ensure the quality of applications and that they are supported by the right information. For this provision to be effective, it should be moved to paragraph 3.8.2.
6. **Paragraph 3.8.2 (a) ii. and v. – increasing the threshold for delegated decisions on applications for retail and community relates uses from up to 500 sqm to below 1,000 sqm.** The proposed increase to the threshold reflects the adoption of the Belfast Local Development Plan: Plan Strategy 2035 and Policy RET2 that requires a retail impact assessment to be submitted for town centre uses of 1,000 sqm gross or above.
7. **Paragraph 3.8.2 (i) – removal of “partial” demolition so that only applications for full demolition of a Listed Building are required to be determined by the Committee.** The proposed removal of “partial” reflects the fact that many relatively minor proposals technically involve “demolition”, such as the removal of the small area of roofing to make way for a rooflight or creation of a new internal doorway. The change would avoid applications for minor demolition proposal having to be referred to the Committee. Elected Members have the reassurance that the provisions of paragraph 3.8.5 require an application to be referred to the Committee where the officer recommendation is to approve and there is an objection from DfC Historic Environment Division.
8. **Paragraph 3.8.2 (i) – correction of terminology to “Proposal of Application Notice”.** The proposed change corrects the terminology in the current Scheme of Delegation which incorrectly refers to “Pre-application Notice”.
9. **Paragraph 3.8.4 (i) – clarification that this provision concerning the delegation of Developer Contributions of a value not exceeding £30k relates to “Financial” Developer Contributions.** The proposed change is to avoid any ambiguity that the provision also relates to the value of “in-kind” Developer Contributions, which is not the intention of this provision.

	<p><b>10. Paragraph 3.8.5 – re-ordering of the sub provisions; change to the grading definition in paragraph 3.8.5 (d); clarification that the provisions only relate to applications for full or outline planning permission (and not other forms of consent); and clarification that paragraph 3.8.5 that requires applications for Major development to be determined by the Committee does not apply to associated applications such as a Non-Material Change to a Major permission or Discharge of Condition.</b> The proposed changes are intended to generally tidy up the provisions, reflecting legislation that states the types of application that cannot be delegated and must be determined by a Committee, as well as clarification of some of the other provisions.</p>
3.11	These changes are shown as “track changes” in the proposed amended Scheme of Delegation at <b>Appendix 1</b> , highlighted yellow for ease of reference. The current adopted Scheme of Delegation is provided at <b>Appendix 2</b> for comparison.
3.12	<p>By way of context, the report to the 18<sup>th</sup> November 2022 Strategic Policy and Resources Committee, which set out the proposed changes to the previous Scheme of Delegation can be viewed at <a href="#">this link</a> (item 19).</p> <p><u>Other Schemes of Delegation</u></p>
3.13	<p>Members previously requested examples of other Schemes of Delegation. Hyperlinks to other examples are provided again below.</p> <p>Derry and Strabane Council (bottom of webpage):  <a href="https://www.derrystrabane.com/getmedia/de1c6642-ab21-481d-b7a6-ae058a567f82/Approved-Delegated-Scheme.pdf">https://www.derrystrabane.com/getmedia/de1c6642-ab21-481d-b7a6-ae058a567f82/Approved-Delegated-Scheme.pdf</a></p> <p>Newry, Mourne and Down Council:  <a href="https://www.newrymournedown.org/media/uploads/planning_scheme_of_delegation.pdf">https://www.newrymournedown.org/media/uploads/planning_scheme_of_delegation.pdf</a></p> <p>Horsham District Council (pages 37 and 38 of the Council’s Constitution):  <a href="https://www.moderngov.co.uk/Document-Constitution-of-Horsham-District-Council">Horsham District Council : Document Constitution of Horsham District Council (moderngov.co.uk)</a></p> <p><u>Administration of the Elected Member application referral process</u></p>
3.14	Changes are proposed to the process for Members to refer an application to Committee given that current practices resulted in a referral request being missed.
3.15	<p>Where Members would like to request that an application is referred to Committee, they should email the Director of Planning and Building Control and the Planning mailbox setting out:</p> <ul style="list-style-type: none"> <li>- The reference number of the application</li> <li>- Site address and proposal</li> <li>- Planning grounds for referral to Committee.</li> </ul>
3.16	On receipt of the request, the Planning Portal will be updated to ensure that the decision is changed to a Committee decision pending consideration of the referral request. This should ensure that no decisions are issued when a referral request has been made.
3.17	The Director of Planning and Building Control will consider the request in consultation with the City Solicitor (where necessary) and will confirm the decision on the request to the Elected Member. Where the referral request is agreed, the Committee report will detail that

3.18	<p>the application is before the Committee as a result of a Member request and it will detail the Member who made the request.</p> <p>Following ratification of the Scheme of Delegation, new guidance will be issued to all Elected Members setting out the detail of the new application referral process.</p>
<b>4.0</b>	<b>Financial &amp; Resource Implications</b>
4.1	The renewal of the current Scheme of Delegation, subject to minor modifications, will enable the Council to continue to determine planning functions in an efficient and cost-effective manner.
<b>5.0</b>	<b>Equality or Good Relations Implications / Rural Needs Assessment</b>
5.1	No adverse impacts have been identified.
<b>6.0</b>	<b>Appendices – Documents Attached</b>
	<p>Appendix 1 – proposed amended Scheme of Delegation</p> <p>Appendix 2 – current adopted Scheme of Delegation (December 2022)</p>



# DRAFT SCHEME OF DELEGATION FOR PLANNING

**XXXXX 2025**

## 3.8 Strategic Director of Place and Economy

The exercise of the following functions, **in line with relevant Council policies**, is delegated to the Strategic Director of Place and Economy, who may delegate his/her relevant powers to his/her deputy unless otherwise stated, namely Planning and Building Control and Director (Operational).

### Planning

3.8.1 An elected Member of the Council may request that an application that relates to a site within their District Electoral Area or within an adjoining District Electoral Area or within the City Centre<sup>1</sup> is referred to the Planning Committee provided that the request is made in writing or by email to **the Planning Service** within 28 days of either: the date that the application is publicly advertised **(or re-advertised)** in the newspaper; or the date of Neighbour Notification **(or re-Neighbour Notification)**, whichever is the later. The Member shall clearly state their reason/s for requesting referral of the application to the Planning Committee, which must be material planning considerations. The Strategic Director of Place and Economy shall determine whether the reason/s are material planning consideration/s and of sufficient importance for consideration by the Planning Committee. **The Planning Service** will advise the relevant Member of their decision. If the decision is not to refer the application to the Planning Committee, then the decision shall be delegated to the Strategic Director of Place and Economy. **The Planning Service** will notify the Member that made the request of the outcome of their request to refer the application to the Planning Committee. Where the application is to be referred to the Planning Committee, Democratic Services will notify all Members. Where an application is referred to the Planning Committee under this provision the **Planning Service** shall notify **elected Member/s that requested the referral and** the applicant at least five calendar days before the application is discussed by the Planning Committee.

**3.8.2** The functions listed below in relation to the legislation set out in Appendix C and legislation made thereunder for which the Planning Committee has responsibility. The thresholds set out at paragraph 3.8.2 (a) only apply where a representation<sup>2</sup> has been received which conflicts with the Planning Officer's recommendation. Where no representations have been received that conflict with the Planning Officer's recommendation, the thresholds do not apply and the decision is delegated to the Strategic Director of Place and Economy. **Notwithstanding the provisions below, in respect of applications, where additional or revised plans and/or information has been**

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<sup>1</sup> City Centre as defined by the Draft Belfast Metropolitan Area Plan 2015 **and as replaced by the draft Belfast Local Development Plan: Local Policies Plan 2035 once published.**

<sup>2</sup> Representation means a consultation response received during the consultation period including, but not limited to, responses from technical consultees, neighbours and the public. Conflict must be related to material planning considerations. Correspondence from an applicant is not deemed to be a Representation.

reasonably requested and not provided within 28 days of the request, the decision is delegated to the Strategic Director of Planning and Place.

- (a) determining applications for the following categories of local developments<sup>3</sup>, including building, engineering and other operations and material changes of use:
  - i. housing schemes up to and including 12 units other than proposals for change of house type on an approved scheme below 50 units;
  - ii. retailing below 1,000 square metres gross floor space outside the City Centre or District Centres; or below 2,500 square metres gross floor space within the City Centre or District Centres;
  - iii. office space below 5,000 square metres gross floor space;
  - iv. business, light industry, general industry and storage and distribution below 2,500 square metres gross floor space;
  - v. community-related below 1,000 square metres gross floor space;
  - vi. recreation and culture below 1,000 square metres gross floor space outside town centres or below 5,000 square metres gross floor space within town centres;
  - vii. hotels and hostels below 30 beds.
- (b) determining applications for landscaping, car parking and minor works ancillary to the main use of the land which they are to be located; works required for the purposes of providing disability access; the erection of smoking shelters etc.;
- (c) determining applications for alterations and extensions to residential property and ancillary and incidental residential development within the curtilage of residential property;
- (d) determining applications for change of use but excluding those relating to student accommodation; and amusement arcades;
- (e) varying **or** removing conditions except when the variation **or** removal relates to, or constitutes, a major development;
- (f) determining applications for discharge of conditions;
- (g) determining applications for a non-material change;
- (h) determining applications for works to, or demolition of, buildings or structures in conservation areas and areas of townscape character, except where it involves full demolition of a main building (excluding buildings which are ancillary or incidental) and the officer recommendation is to grant demolition consent or planning permission;
- (i) determining applications for listed building consent, excluding full demolition
- (j) determining applications for the display of advertisements;
- (k) determining applications for certificates of lawful development (existing and proposed);
- (l) **determining Proposal of** Application Notices;
- (m) exercising the Council's powers in relation to the preservation of trees;

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<sup>3</sup> The definition of local development is provided for by section 25 of the Planning Act (Northern Ireland) 2011

- (n) the making of a screening opinion or scoping opinion in relation to Environmental Impact Assessment<sup>4</sup>; Strategic Environmental Assessment/Sustainability Appraisal<sup>5</sup>; Habitats Regulations Assessment<sup>6</sup>; and Rural Needs Impact Assessment<sup>7</sup>
  - (o) enforcing all regulations and orders made under the said legislation and issuing and serving of notices;
  - (p) executing works in default of compliance with any notice or order and in an emergency where empowered by statute and recovering the costs of so doing;
  - (q) temporary listing of buildings including the issuing of building preservation notices and listing in urgent cases;
  - (r) instituting legal proceedings, in consultation with the City Solicitor, on behalf of the Council;
  - (s) authorising officers pursuant to relevant legislation for the purpose of exercising statutory powers;
    - (t) lodging representations including objections, in consultation with the City Solicitor, in relation to planning applications where the Council has been notified as part of the statutory process or where the Council's interests are likely to be affected;
  - (u) responding to consultations from neighbouring authorities in relation to their Local Development Plan;
  - (v) administering statutory registers;
  - (w) registering and removing notices and charges in the Statutory Charges Register, in consultation with the City Solicitor;
  - (x) conducting of planning related appeals to the Planning Appeals Commission; Public Examinations and other planning related public inquiries;
    - (y) responding to planning related consultations from Government Agencies unless the Strategic Director of Place and Economy considers that the consultation raises a significant planning issue for the Council, relates to a matter which is controversial or likely to be of significant public interest.
- 3.8.3 In relation to planning related Public Examinations, the Strategic Director of Place and Economy may, in consultation with the City Solicitor / Chief Executive where it is considered necessary, carry out the following functions:
- (a) agree minor, typographical or factual changes or modifications to the Council's Local Development Plan Documents; and
  - (b) agree changes to the wording (but not the trigger points) of the operational policies which may change the emphasis but not the overall objectives of the policy.
- 3.8.4 Negotiating **Financial Developer Contributions** in respect of those agreements in which the contribution is equal to or less than £30,000.

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<sup>4</sup> Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017

<sup>5</sup> Planning (Local Development Plan) Regulations (Northern Ireland) 2015 and Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004 (EAPP)

<sup>6</sup> Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended)

<sup>7</sup> Rural Needs Act (Northern Ireland) 2016

3.8.5 The delegated functions set out above do not apply to the following planning applications<sup>8</sup>:

- (a) Those made by the Council;
- (b) Those in which the Council has an estate;
- (c) Those made by elected members of the Council;
- (d) Those made by Council staff at senior management grade (Grade 14 or above) and all staff in Place and Economy Department and Legal Services;
- (e) Proposals for major development<sup>9</sup>;
- (f) There is an objection from a statutory consultee and the recommendation of the Planning Officer is to approve
- (g) Purpose built student accommodation

3.8.6 All other applications, permissions or provisions of the legislation which are not specifically listed above shall be deemed to be delegated unless otherwise provided for within this Scheme.

3.8.7 Where a function is normally delegated but raises issues which the Strategic or Operational Director believes should be considered by the Committee, that matter will be referred to the Committee.

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<sup>8</sup> This provision relates to applications seeking planning permission for development and does not refer to other forms of approval such as applications for Advertisement Consent, Listed Building Consent, Conservation Area Consent and Certificates of Lawful Use or Development.

<sup>9</sup> Excludes applications associated with a planning permission for Major development such as applications for a Non-Material Change or Discharge of Condition

# SCHEME OF DELEGATION FOR PLANNING

## ADOPTED DECEMBER 2022

### 3.8 Strategic Director of Place and Economy

The exercise of the following functions, **in line with relevant Council policies**, is delegated to the Strategic Director of Place and Economy, who may delegate his/her relevant powers to his/her deputies unless otherwise stated, namely Director (Operational) of Economic Development, Director (Operational) of Planning and Building Control and Director (Operational) of City Regeneration and Development:

#### Planning

3.8.1 An elected Member of the Council may request that an application that relates to a site within their District Electoral Area or within an adjoining District Electoral Area or within the City Centre<sup>1</sup> is referred to the Planning Committee provided that the request is made in writing or by email to Democratic Services within 28 days of either: the date that the application is publicly advertised in the newspaper; or the date of Neighbour Notification, whichever is the later. The Member shall clearly state their reason/s for requesting referral of the application to the Planning Committee, which must be material planning considerations. The Strategic Director of Place and Economy shall determine whether the reason/s are material planning consideration/s and of sufficient importance for consideration by the Planning Committee. Democratic Services will advise the relevant Member of their decision. If the decision is not to refer the application to the Planning Committee, then the decision shall be delegated to the Strategic Director of Place and Economy. Democratic Services will notify the Member that made the request of the outcome of their request to refer the application to the Planning Committee. Where the application is to be referred to the Planning Committee, Democratic Services will notify all Members. Where an application is referred to the Planning Committee under this provision the planning service shall notify the applicant at least five calendar days before the application is discussed by the Planning Committee.

3.8.2 The functions listed below in relation to the legislation set out in Appendix C and legislation made thereunder for which the Planning Committee has responsibility. The thresholds set out at paragraph 3.8.2 (a) only apply where a representation<sup>2</sup> has been received which conflicts with the Planning Officer's recommendation. Where no representations have been received that conflict with the Planning Officer's recommendation, the thresholds do not apply and the decision is delegated to the Strategic Director of Place and Economy.

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<sup>1</sup> City Centre as defined by the Draft Belfast Metropolitan Area Plan 2015

<sup>2</sup> Representation means a consultation response received during the consultation period including, but not limited to, responses from technical consultees, neighbours and the public. Conflict must be related to material planning considerations. Correspondence from an applicant is not deemed to be a Representation.

- (a) determining applications for the following categories of local developments<sup>3</sup>, including building, engineering and other operations and material changes of use:
  - i. housing schemes up to and including 12 units other than proposals for change of house type on an approved scheme below 50 units;
  - ii. retailing below 500 square metres gross floor space outside the City Centre or District Centres; or below 2,500 square metres gross floor space within the City Centre or District Centres;
  - iii. office space below 5,000 square metres gross floor space;
  - iv. business, light industry, general industry and storage and distribution below 2,500 square metres gross floor space;
  - v. community-related scheme up to 500 square metres gross floor space;
  - vi. recreation and culture below 1,000 square metres gross floor space outside town centres or below 5,000 square metres gross floor space within town centres;
  - vii. hotels and hostels below 30 beds.
- (b) determining applications for landscaping, car parking and minor works ancillary to the main use of the land which they are to be located; works required for the purposes of providing disability access; the erection of smoking shelters etc.;
- (c) determining applications for alterations and extensions to residential property and ancillary and incidental residential development within the curtilage of residential property;
- (d) determining applications for change of use but excluding those relating to student accommodation; and amusement arcades;
- (e) varying **or** removing conditions except when the variation **or** removal relates to, or constitutes, a major development;
- (f) refusing any application, other than an application for major development, where all of the necessary supporting documentation has been reasonably requested but not provided to the Council within 28 days from the date of the request;
- (g) determining applications for discharge of conditions;
- (h) determining applications for a non-material change;
- (i) determining applications for works to, or demolition of, buildings or structures in conservation areas and areas of townscape character, except where it involves full demolition of a main building (excluding buildings which are ancillary or incidental) and the officer recommendation is to grant demolition consent or planning permission;
- (j) determining applications for listed building consent, excluding partial or full demolition
- (k) determining applications for the display of advertisements;
- (l) determining applications for certificates of lawful development (existing and proposed);
- (m) determining Pre-Application Notifications;
- (n) exercising the Council's powers in relation to the preservation of trees;

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<sup>3</sup> The definition of local development is provided for by section 25 of the Planning Act (Northern Ireland) 2011

- (o) the making of a screening opinion or scoping opinion in relation to Environmental Impact Assessment<sup>4</sup>; Strategic Environmental Assessment/Sustainability Appraisal<sup>5</sup>; Habitats Regulations Assessment<sup>6</sup>; and Rural Needs Impact Assessment<sup>7</sup>
- (p) enforcing all regulations and orders made under the said legislation and issuing and serving of notices;
- (q) executing works in default of compliance with any notice or order and in an emergency where empowered by statute and recovering the costs of so doing;
- (r) temporary listing of buildings including the issuing of building preservation notices and listing in urgent cases;
- (s) instituting legal proceedings, in consultation with the City Solicitor, on behalf of the Council;
- (t) authorising officers pursuant to relevant legislation for the purpose of exercising statutory powers;
- (u) lodging representations including objections, in consultation with the City Solicitor, in relation to planning applications where the Council has been notified as part of the statutory process or where the Council's interests are likely to be affected;
- (v) responding to consultations from neighbouring authorities in relation to their Local Development Plan;
- (w) administering statutory registers;
- (x) registering and removing notices and charges in the Statutory Charges Register, in consultation with the City Solicitor;
- (y) conducting of planning related appeals to the Planning Appeals Commission; Public Examinations and other planning related public inquiries;
- (z) responding to planning related consultations from Government Agencies unless the Strategic Director of Place and Economy considers that the consultation raises a significant planning issue for the Council, relates to a matter which is controversial or likely to be of significant public interest.

3.8.3 In relation to planning related Public Examinations, the Strategic Director of Place and Economy may, in consultation with the City Solicitor / Chief Executive where it is considered necessary, carry out the following functions:

- (a) agree minor, typographical or factual changes or modifications to the Council's Local Development Plan Documents; and
- (b) agree changes to the wording (but not the trigger points) of the operational policies which may change the emphasis but not the overall objectives of the policy.

3.8.4 Negotiating financial contributions from developers in respect of those agreements in which the contribution is equal to or less than £30,000.

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<sup>4</sup> Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017

<sup>5</sup> Planning (Local Development Plan) Regulations (Northern Ireland) 2015 and Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004 (EAPP)

<sup>6</sup> Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended)

<sup>7</sup> Rural Needs Act (Northern Ireland) 2016

- 3.8.5 The delegated functions set out above do not apply to the following planning applications:
- (a) Those made by elected members of the Council;
  - (b) Those made by Council staff at senior management grade (PO12) or above and all staff in Place and Economy Department and Legal Services;
  - (c) Those made by the Council;
  - (d) Those in which the Council has an estate;
  - (e) Proposals for major development;
  - (f) There is an objection from a statutory consultee and the recommendation of the Planning Officer is to approve
  - (g) Purpose built student accommodation
- 3.8.6 All other applications, permissions or provisions of the legislation which are not specifically listed above shall be deemed to be delegated unless otherwise provided for within this Scheme.
- 3.8.7 Where a function is normally delegated but raises issues which the Strategic or Operational Director believes should be considered by the Committee, that matter will be referred to the Committee.



## Development Management Officer Report

Summary	
<b>Committee Meeting Date:</b> 14 <sup>th</sup> October 2025	
<b>Application ID:</b> LA04/2024/1159/F	
<b>Proposal:</b>  Extensions and alterations to former Lidl building and change of use to builders' merchant premises with external stock yard, acoustic fence and associated site works	<b>Location:</b>  41 Montgomery Road (former Lidl supermarket), Belfast BT6 9HL
<b>Referral Route:</b> Para 3.8.2 (a)(ii) of the Scheme of Delegation	
<b>Recommendation:</b>	Approval subject to conditions
<b>Applicant Name and Address:</b>  Heron Property Ltd 2 St Patricks Street Draperstown BT45 7AL	<b>Agent Name and Address:</b>  MBA Planning 4 College House Citylink Business Park Belfast BT12 4HQ
<b>Executive Summary:</b>  <p>This application seeks full permission for extensions and alterations to former Lidl building and change of use to builders' merchant premises with external stock yard, acoustic fence and associated site works.</p> <p>Permission was granted to extend and subdivide the application building to form 4no Class B4 Units on 4<sup>th</sup> March 2022 as part of a wider mixed use regeneration scheme under planning application LA04/2020/1211/F for a mixed-use regeneration scheme involving: demolition of vacant buildings at the Hughes Christensen site; erection of 8No. Class B2 (light industrial) and Class B4 (storage/distribution) units; extension to and subdivision of existing supermarket building to form 4no. Class B4 units (existing retail use to be discontinued); erection of replacement supermarket; provision of new accesses from Montgomery Road and Castlereagh Road; road improvements; car parking, landscaping and associated site works. (Lynas Food Outlet building to be retained). The site included No 46 Montgomery Road also.</p> <p>The current application pertains to 41 Montgomery Road only. The proposed extension is smaller than that of the previously approved. JP Corry intend to relocate from their current Grove Street East site to benefit from larger premises.</p> <p>The key issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Design</li> <li>• Impact on neighbouring amenity</li> <li>• Climate change</li> <li>• Contamination risk</li> <li>• Access and parking</li> </ul>	

The site is zoned as white land in both versions of BMAP as well as BUAP however is directly abutting an area of Existing Employment/Industry under designation MCH 13 in the 2004 version of draft BMAP 2015; and an area of Existing Employment under designation MCH 10 in the 2014 version of draft BMAP 2015.

Consultees have offered no objections, subject to conditions. One representation has been received regarding amenity and noise and is assessed in the report below.

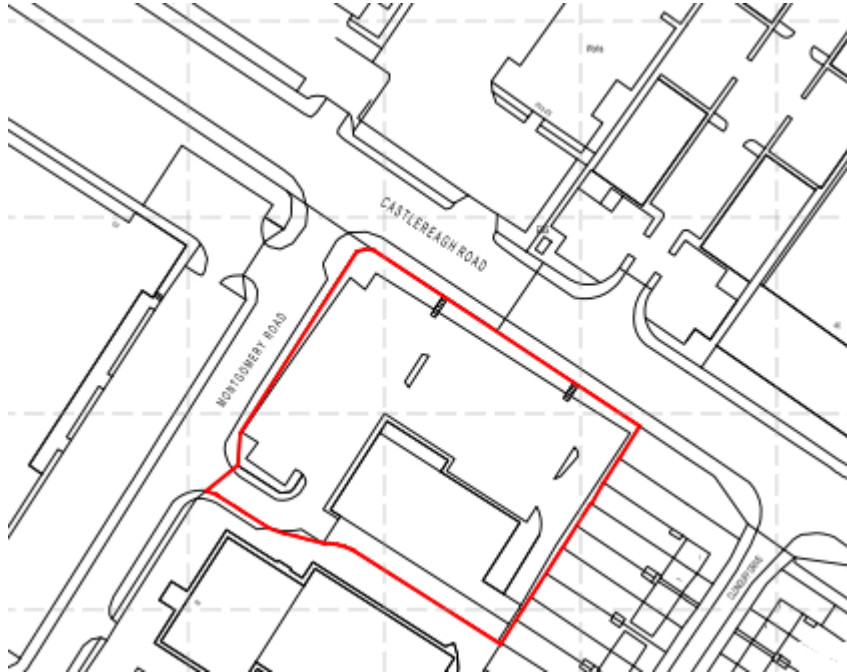
Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise provided that they are not substantive.

## Case Officer Report

### 1.0 Drawings

#### Site Location Plan



#### Aerial image



<b>2.0</b>	<b>Characteristics of the Site and Area</b>
2.1	The site is located at No 41 Montgomery Road, adjacent to the Castlereagh Road. The site consists of a previous free-standing supermarket (Lidl) which is single-storey in height and finished in render with a mono pitch roof finished in tiles. There are hard standing parking areas located to the east and north of the building with a landscaped buffer area around the site periphery. Two-storey dwellings are located adjacent to the site to the south, with two-storey business units adjacent to the site to the west.
<b>3.0</b>	<b>Background and Description of Proposed Development</b>
3.1	In March 2022, full planning permission was granted under application LA04/2020/1211/F for a mixed use regeneration scheme involving: demolition of vacant buildings on the Hughes Christensen site; erection of 8No. Class B2 (light industrial) and Class B4 (storage/distribution) units; extension to and subdivision of, existing supermarket building to form 4no. Class B4 units (existing retail use to be discontinued); erection of replacement supermarket; provision of new accesses from Montgomery Road and Castlereagh Road; road improvements; car parking, landscaping and associated site works. (Lynas Food Outlet building to be retained). This permission remains extant.
3.2	The current application proposes to extend the former Lidl building and change its use to builders' merchant premises with external stock yard, acoustic fence and associated site works as well as other alterations. The proposed use is that of Class B4 (storage or distribution) as detailed within The Planning (Use Classes) Order (NI) 2015.
<b>4.0</b>	<b>Planning Policy</b>
4.1	<p><b>Development Plan – local development plan</b></p> <p><u>Belfast Local Development Plan, Plan Strategy 2035</u></p> <p><i>Strategic Policies:</i>  Policy SP2: Sustainable development  Policy SP3: Improving health and wellbeing  Policy SP5: Positive placemaking  Policy SP6: Environmental resilience  Policy SP7: Connectivity</p> <p>Policy EC3, Major employment and strategic employment locations.</p> <p>Policy TRAN 2: Creating an accessible environment  Policy TRAN6: Access to public roads  Policy TRAN8: Car parking and servicing arrangements</p> <p>Policy ENV2: Mitigating environmental change  Policy ENV3: Adapting to environmental change  Policy ENV5: Sustainable drainage systems (SuDS)</p> <p><u>Supplementary Planning Guidance</u></p> <p>Sustainable Urban Drainage Systems  Transportation</p>

4.2	<b>Planning Assessment of Policy and Other Material Considerations</b>
4.3	<b>Development Plan – operational policies</b> Belfast Local Development Plan, Plan Strategy 2035
4.4	<b>Development Plan – zoning, designations and proposals maps</b> Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)  <b>Regional Planning Policy</b> Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.5	<b>Relevant planning history</b> The most relevant planning history is summarised below.  LA04/2025/0193/DC – Discharge of conditions 3 and 4 of LA04/2023/4397/F – verification report – Partially discharged 25 <sup>th</sup> March 2025.  LA04/2023/4397/F – Variation of Condition 3 of LA04/2020/1211/F relating to the submission of a Verification Report for Phase 4 of the approved development – Approved 2 <sup>nd</sup> May 2024.  LA04/2023/3493/DC – Discharge of Condition 8 – Condition not discharged 18 <sup>th</sup> July 2023  LA04/2022/1016/DC – Discharge of Condition 7 – Condition not discharged 17 <sup>th</sup> October 2022  LA04/2022/1015/DC – Discharge of Condition 5 – Condition discharged 20 <sup>th</sup> July 2022.  LA04/2020/1211/F - Mixed use regeneration scheme involving: demolition of vacant buildings Hughes Christensen site; erection of 8No. Class B2 (light industrial) and Class B4 (storage/distribution) unit; extension to, and subdivision of, existing supermarket building to form 4no. Class B4 units (existing retail use to be discontinued); erection of replacement supermarket; provision of new accesses from Montgomery Road and Castlereagh Road; road improvements; car parking, landscaping and associated site works. (Lynas Food Outlet building to be retained) – Permission granted 4 <sup>th</sup> March 2022.
5.0	<b>Consultations and Representations</b>
5.1	<b>Statutory Consultees</b> DAERA Natural Environment Division – No objection NI Water – No objection DfI Roads Service – No objection subject to conditions
5.2	<b>Non Statutory Consultees</b> BCC Environmental Health – No objection subject to conditions
5.3	<b>Representations</b> The application has been neighbour notified and advertised in the local press. One representation was received which will be considered in the assessment below.

<b>6.0</b>	<b>PLANNING ASSESSMENT</b>
<b>6.1</b>	<b>Development Plan Context</b>
6.2	Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
6.3	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
6.4	The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.
6.5	<b>Operational policies</b> – the Plan Strategy contains a range of operational policies relevant to consideration of the application. The main policies for consideration in this case are Policies
6.6	<p><b>Proposals Maps</b> – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious. The relevant zonings/designations are set out below. The site is within the development limits of Belfast in the BUAP, and both versions of draft BMAP 2015.</p> <p>The site is zoned as white land in both versions of BMAP as well as BUAP however it is directly abutting an area of Existing Employment/Industry under designation MCH 13 in the 2004 version of draft BMAP 2015; and an area of Existing Employment under designation MCH 10 in the 2014 version of draft BMAP 2015.</p>
<b>7.0</b>	<b>Key issues</b>
7.1	<p>The key issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Design</li> <li>• Impact on neighbouring amenity</li> <li>• Climate change</li> <li>• Contamination risk</li> <li>• Access and parking</li> </ul>

<b>8.0</b>	<b>Principle of development</b>
8.1	Permission was granted to extend and subdivide the former supermarket building to form 4no Class B4 units in March 2022 as part of a wider, mixed-use regeneration scheme. The principle of B4 use (storage and distribution) has therefore been established on the site. In the intervening period between the extant approval and the current proposal, the Belfast Local Development Plan (LDP) Plan Strategy was adopted in May 2023. Policy EC3: Major employment and strategic employment locations applies and as the proposal complements the adjacent zoning and given the extant permission, the proposed change of use is considered acceptable
<b>9.0</b>	<b>Design</b>
9.1	Two extensions are proposed to the front of the building (facing Castlereagh Rd). One, predominantly glazed whilst the other facilitates a new roller shutter door to the warehouse. The works will visually enhance the appearance of the building whilst retaining the current character.
9.2	The proposed extension will result in a gross internal area of 1,281sqm whereas the existing internal floor area of the former supermarket is 1,184sqm. The warehouse element of the building is 831 sqm approx with a retail element of 348 sqm approx. The retail element is considered complementary but ancillary to the main use. A condition is recommended to restrict the floorspace accordingly.
<b>10.0</b>	<b>Impact on neighbouring amenity</b>
10.1	A representation was received from a resident at No 3 Clonduff Drive, to the east of the site. The resident detailed noise from the resultant development as a concern as well as concerns regarding the operating hours of the proposal. A Noise Impact Assessment (NIA) was submitted as part of the application and forwarded to BCC Environmental Health for comments.
10.2	The representation raises concern relating to the 7-day operation of the business namely 0630hrs to 2100hrs, Monday to Saturday and 1300hrs to 1800hrs on Sundays. It is noted that the proposed tenant for the development identified within the submitted documentation that they typically operate their sites as follows: - Mon - Thur 07:30 - 17:00, Fri 07:30 - 16:00, Sat 08.00 - 12.00 and closed on Sunday
10.3	These hours are considered to be a significant reduction compared to those indicated in the NIA. Furthermore, it is noted that there is an extant planning permission for the site for Class B4 storage and distribution via LA04/2020/1211/F which limits operations and deliveries to between 07:00 to 21:00 hours Monday to Saturday, and 12:00 to 18:00 hours on a Sunday only. It is considered that whilst the currently proposed commencement time of 06.30 is within the 23:00-07:00 nighttime period, the permitted operational hours within permission for four Class B4 units does not differ significantly from those in the NIA for the current proposal.
10.4	Having considered the data presented in the NIA, within which fewer vehicle movements have been assessed and modelled within in the nighttime period, EHO were content to recommend that the operating hours for the premises be limited by planning conditions to the times assessed by the applicant's consultant namely opening hours for public and trade customers as well as loading/unloading of deliveries (goods received and dispatched) to take place between the hours 07:00-21:00 daytime and loading and unloading of deliveries (goods received and dispatched) only to take place between the hours 06.30-7:00.

10.5	In addition, following negotiation by officers, an acoustic barrier has been added along the boundary closest to No 3 Clonduff Drive.
10.6	The proposal is therefore acceptable in terms of Policy ENV1, in that it protects communities from materially harmful development.
<b>11.0</b>	<b>Climate change</b>
11.1	Policy ENV2, (Mitigating Environmental Change) states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gas by promoting sustainable patterns of development. Policy ENV3, (Adapting to environmental change) states that planning permission will be granted for development that incorporates measures to adapt to environmental change, in order to support sustainable and enduring development.
11.2	Various measures are proposed to promote this, for example low water usage fittings will be used throughout the building, low energy LED lighting used throughout the building, new glazing proposed in order to increase natural light entering the building and therefore reduce reliance on artificial lighting. Most notably the existing structure is to be reused, not demolished and rebuilt. The proposal is considered to comply with policies ENV2 and 3.
11.3	The submission states that the potential for soft SuDS measures are limited since the site is covered by the existing building or hard surfacing already. There are existing strips of landscaping adjacent to Montgomery Road and Castlereagh Road however. Whilst this is not ideal, it is acknowledged this is a change of use of an existing building and there are constraints due to access and parking, it is considered that on balance the proposal meets the requirements of ENV5.
<b>12.0</b>	<b>Contamination risk</b>
12.1	The Planning Statement refers to a Contaminated Land Environmental Site Assessment and Generic Quantitative Risk Assessment (GQRA) entitled 'Mixed Use Regeneration Scheme, Montgomery Road, Belfast, referenced 602253– R2 (02)' and dated October 2020 which was previously submitted and assessed as part of permission LA04/2020/1211/F. This permission permitted a wider and larger development however this included works within the currently proposed development site. Whilst the planning statement advises that the GQRA submitted in relation to the previous approval found that no unacceptable risks are involved in developing the subject site, the GQRA itself qualifies this finding as being as a result of the minor nature of the proposed works.
12.2	Environmental Health considered this and stated whilst the current application will require slightly greater ground breaking and demolition works to the Castlereagh Road side of the former supermarket building than the previously permitted development, that they were content to accept the findings of the 2020 GQRA document as presented in the applicant's Planning Statement and stated that no further assessment is required. They requested that conditions be attached should approval be granted.
<b>13.0</b>	<b>Access and Parking</b>
13.1	Policies Tran 2, 6 and 7 apply, as well as SP7. The proposal has been designed to ensure it creates an accessible environment, for example, a level access to the building, DDA spaces in close proximity to the entrance and cycle stands provided. The proposed site is in close proximity to bus stops on the Castlereagh Road also.



13.2	The existing access from Montgomery Rd will be retained. Montgomery Rd is not a protected route. The access previously as a supermarket had a much higher flow of traffic than that of the proposed use according to the Planning Statement.
13.3	A Transport Assessment Form was submitted as part of the application initially. Following internal discussions with DfI Roads Service a Technical Note from K McShane Ltd was submitted and forwarded for comment. DfI Roads Service has considered the proposed development and raise no objection subject to conditions.
<b>10.0</b>	<b>Recommendation:</b>
10.1	Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.
<b>11.0</b>	<b>Draft Conditions:</b>
11.1	<p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. Prior to the commencement of site occupation and operation of the hereby approved development, a 2m high acoustic barrier shall be erected as presented on associated drawings 2214-MCA-XX-ZZ-DR-A-1007 dated 19.02.2025 and 2214-MCA-XX-ZZ-DR-A-1002 - Rev. P01 dated 22.02.2024 with project reference A2214. The barrier shall be constructed as per section 6.2.4 'other model inputs' of the submitted Noise Impact Assessment report entitled Montgomery Road, referenced Rp001N 2024093 (Montgomery Road) dated 1<sup>st</sup> July 2024 and retained at all times.</p> <p>Reason: Protection of residential amenity</p> <p>3. The hereby permitted development shall not be open to members of the public and trade customers outside of the following permitted operating hours:  Monday to Friday 07:00-21:00  Saturday 07:00-21.00  Sunday 13:00-18:00</p> <p>Deliveries to and from the hereby permitted development shall not take place outside the following permitted delivery and dispatch hours:  Monday to Friday 06:30-21:00  Saturday 06:30-21.00  Sunday 13:00-18:00</p> <p>Reason - Protection of residential amenity</p> <p>4. The roller shutter door to the warehouse of the with the hereby permitted development shall be kept closed at all times other than for access and egress of loading vehicles as presented in section 6.2.3 'External Noise Levels' and section 8.0 'Noise Management Plan' of the submitted Noise Impact Assessment report entitled Montgomery Road, referenced Rp001N 2024093 (Montgomery Road) and dated 1st July 2024, the broadband reversing alarms shall be retained at all times.</p>

	<p>Reason: Protection of residential amenity</p> <p>5. If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related development works shall cease, and the Council shall be notified immediately in writing. No further related development works shall proceed until this new contamination has been fully investigated in accordance with current Environment Agency and CIRIA guidance and British Standards.</p> <p>Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.</p> <p>6. In the event of unacceptable human health risks being identified, a Remediation Strategy shall be submitted to and agreed in writing by the Council. The Remediation Strategy shall be implemented and subsequently a Verification Report shall be submitted to and agreed in writing by the Council prior to the development being occupied or operated. The Verification Report shall be completed by competent persons and demonstrate the successful completion of the remediation works and that the site is now fit for end-use. The Verification Report shall be in accordance with current Environment Agency and CIRIA guidance and British standards.</p> <p>Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.</p> <p>7. The existing vehicular access, including visibility splays and any forward sight distance (as approved under LA04/2020/1211/F), shall be retained.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>8. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway, prior to the operation of any other works or other development hereby permitted, and such splays shall be retained and kept clear thereafter.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>9. The development hereby permitted shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with Drawing No.03 uploaded to the Planning Portal 16th September to provide for parking, servicing and traffic circulation within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles in connection with the approved development, and shall be available for use during all hours of operation of the development.</p> <p>Reason: To ensure adequate provision has been made for parking, servicing and traffic circulation within the site.</p> <p>10. The net sales floor space of the unit hereby permitted, and hatched yellow on approved drawing no 06, published on the public planning portal on 16<sup>th</sup> September 2024 shall not exceed 348.62 square metres when measured internally.</p> <p>Reason: To enable the Council to retain control of the scale of development on the site.</p> <p>11. No internal operations increasing the floor space available for retail use, including the</p>
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	<p>installation of mezzanine floors (other than that hereby permitted and indicated on the approved plans), shall be carried out without the prior consent of the Council.</p> <p>Reason: To enable the Council to retain control over the nature, range and scale of retailing activity to be carried out at this location so as not to prejudice the continued vitality and viability of existing centres.</p>
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