

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



**Belfast
City Council**

8th March, 2023

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 March, 2023 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

1. **Routine Matters**
 - (a) Apologies
 - (b) Minutes
 - (c) Declarations of Interest
2. **Schedule of Meetings Update 2023 (Pages 1 - 2)**
3. **Committee Site Visits (Pages 3 - 4)**
4. **Planning Appeals Notified (Pages 5 - 6)**
5. **Planning Decisions Issued (Pages 7 - 16)**
6. **Restricted Items**
 - (a) Update on the Regional Improvement Report
 - (b) Quarter 3 Finance Report (Pages 17 - 24)

7. **Restricted Planning Applications**

- (a) Part Restricted Item: LA04/2019/2653/F Demolition of existing property and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas: and 8 floors of Grade A office accommodation. (Amended plans and updated technical information). Chancery House, 88 Victoria Street, Belfast. (Pages 25 - 132)
- (b) Restricted Item: LA04/2022/1503/F Proposed erection of a freestanding 6.8-metre high screen erected on steel structural supports (9 metres in total height) with associated site works. Lands within Musgrave Police Station 60 Victoria Street, Belfast. (Pages 133 - 174)

8. **Planning Applications**

- (a) LA04/2022/1284/F - Deferred Item returning to committee. Erection of Purpose Built Managed Student Accommodation (PBMSA) development comprising 795 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including cafe and retail, and associated bin stores and plant and public realm improvements to surrounding footpaths. Lands bounded by Library Street (to south); Stephen Street (to west); Little Donegall Street (to north); and Union Street (to east) (Pages 175 - 224)
- (b) LA04/2021/2815/F - Deferred Item returning to committee. Erection of Discount supermarket, drive through cafe, landscaping, car parking, and associated site works. Vacant lands at access road to Olympia Leisure Centre directly opposite and approx. 70m East of nos. 9-15 Boucher Road Belfast. (Pages 225 - 266)
- (c) LA04/2022/1479/F - Deferred Item returning to committee. Partial redevelopment of former Kennedy Way Waste Water Treatment Works to include the development of new Mechanical & Electrical (M&E) workshops, storage, changing facilities and ancillary offices (development to include three new buildings 1) the main hub building; 2) a store to hold an alternative bottled water supply; and 3) a generator store), access improvements, parking, service yards, storage areas, contractors compound, boundary fencing, cesspool, solar PV panels and landscaping. Former NI Water Ltd Sewage Treatment Works, Blackstaff Road (Pages 267 - 294)
- (d) LA04/2022/0311/F - Erection of 40 no. residential units and 2 no. commercial units with associated car parking, cycle storage servicing, landscaping with access off Balmoral Avenue. The King's Hall and RUAS site south of Upper Lisburn Road/Balmoral Avenue west of Harberton Park and north-east of Balmoral Golf Club Belfast (Pages 295 - 328)
- (e) LA04/2021/0319/F - (Addendum Report, withdrawn from February Committee) Proposed use of hard standing area as overflow car park with a free draining surface and soft landscaping scheme, to serve existing approved uses on-site. 115 Blacks Road - Lands to north of square golf training area east of the 3G Dome, south of 45 and 46 Garnock Hill. (Pages 329 - 338)

- (f) LA04/2021/2396/F - Conversion, alteration and demolition of rear return of former office building to 6No. apartments and construction of 30No. apartments, parking and associated developments, Land to the west and including No. 81 University Street (Pages 339 - 348)
- (g) ITEM WITHDRAWN: LA04/2022/1861/F, LA04/2022/1869/DCA, LA04/2022/1860/A - Replacement facade to active facade to facilitate the display of internally illuminated moving images, 1-3 Arthur Street.
- (h) LA04/2021/2846/F - Change of use of ground floor of No. 23 to amusement arcade including extension and frontage alterations to allow for amalgamation with No22, 22/23 Shaftesbury Square. (Pages 349 - 356)
- (i) LA04/2022/2137/F - Proposed detached modular temporary classroom and toilet unit with ramp for access at Gael-Ionad Mhic Goiland. Relocation of existing temporary classroom (ref LA04/2021/2577/F) and existing palisade fencing on boundary moved 10.5m south to facilitate the new temporary unit. (Pages 357 - 364)
- (j) LA04/2022/2220/F - It is proposed to erect an art installation of 10 no. printed diabond panels of 2400mm x 1200mm, which will be attached to the existing metal boundary fence of the premises using appropriate fixings. The work is to be undertaken as part of a Business Cluster Support Project funded by Belfast City Council, 10-14 York Road (Pages 365 - 370)
- (k) LA04/2023/2458/F - Demolition of existing garage and conservatory and erection of single storey extension to side and rear of dwelling, 61 Belmont Park. (Pages 371 - 374)

9. **Miscellaneous Items**

- (a) Delegation of Local Applications with NIW Objections (Pages 375 - 380)

This page is intentionally left blank



Subject:	Schedule of Meetings Update 2023
Date:	14th March, 2023
Reporting Officer:	Carolyn Donnelly, Democratic Services Officer
Contact Officer:	Carolyn Donnelly, Democratic Services Officer

Restricted Reports	
Is this report restricted?	Yes ☐ No ☒
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	To advise the Committee of a change to the dates of the April and June meetings of the Planning Committee.
2.0	Recommendations
2.1	The Committee is requested to approve the following changes to the dates of the Committee Meetings: - Monthly meeting from Tuesday, 13th April to Tuesday, 18th April; - Monthly meeting from Tuesday, 13th June to Tuesday, 20th June; and

	• Reserve meeting/workshop from Thursday 15th June to Thursday 22nd June (if required).
--	---

3.0	Main report
3.1	<u>Key Issues</u> It had previously been agreed that the April monthly meeting of the Committee would be held on Tuesday, 13th April, the June monthly meeting would be held on Tuesday, 13th June , and the reserve meeting/workshop would be held on Thursday, 20th June. However, due to a change in the date of the Local Government Elections it has been necessary to move the meetings to later in the month.
3.2	Accordingly, the meetings will now be held on Tuesday, 18th April, Tuesday, 20th June , and the reserve meeting/workshop, on Thursday, 22nd June.
3.3	<u>Financial and Resource Implications</u> None associated with this report.
3.4	<u>Equality or Good Relations Implications/Rural Implications</u> None associated with this report.
4.0	Appendices – Documents Attached None associated with this report.

Planning Committee

Friday, 24th February, 2023

PLANNING COMMITTEE SITE VISITS – NOTE OF MEETINGS

- i) **LA04/2020/2105/F** - Residential development comprising 55no. apartments comprising 6 no social, 6 no intermediate, and 43 no private apartments and associated site works, 1-5 Gaffikin Street, Belfast.

Members Present: Alderman Rodgers; and
Councillors Douglas and Spratt.

Officer in Attendance: Mr. P. Fitzsimons, Principal Planning Officer.

The Members and the officer convened at Gaffikin Street (12:30p.m.to 12.48 p.m.) for the purpose of undertaking the site visit in respect of the above application and to allow the Members to acquaint themselves with the locations and the proposals at first hand.

The Members viewed the site with the proposed plans.

- ii) **LA04/2022/1249/F** - Partial redevelopment of former Kennedy Way Waste Water Treatment Works to include the development of new Mechanical & Electrical (M&E) workshops, storage, changing facilities and ancillary offices (development to include three new buildings 1) the main hub building; 2) a store to hold an alternative bottled water supply; and 3) a generator store), access improvements, parking, service yards, storage areas, contractors compound, boundary fencing, cesspool, solar PV panels and landscaping, Former NI Water Ltd Sewage Treatment Works, Blackstaff Road; and
- iii) **LA04/2022/1280/F** – Proposed social housing led, mixed tenure residential development comprising of 52 no. dwellinghouses and 87 no. apartments with public open space, children's play park, landscaping, car parking, associated site works and infrastructure and access arrangements from Blackstaff Road (139 no. units in total). Former Kennedy Enterprise Centre (north of Westwood Shopping Centre) Blackstaff Road Belfast BT11 9DT

Members Present: Alderman Rodgers; and
Councillors Carson and Garrett.

Officer in Attendance: Mr. P. Fitzsimons, Principal Planning Officer.

The Members and the officer convened at Blackstaff Way (1.06 p.m.to 1.30 p.m.) for the purpose of undertaking the site visits in respect of the above two applications and to allow the Members to acquaint themselves with the locations and the proposals at first hand.

The Members viewed the sites with the proposed plans.

- iv) **LA04/2022/1046/F** - 18 Annadale Avenue, Proposed demolition of existing building and construction of a residential development consisting of 14 No. units (9 No. apartments and 5 No. terraced dwellings) with associated landscaping and car parking (amended plans received).

Members Present: Alderman Rodgers.

Officer in Attendance: Mr. P. Fitzsimons, Principal Planning Officer.

The Member and the officer convened at Annadale Avenue (1.40 p.m. to 1.50 p.m.) for the purpose of undertaking the site visit in respect of the above application and to allow the Member to acquaint himself with the location and the proposals at first hand.

The Member viewed the site with the proposed plans.

Agenda Item 4

PLANNING COMMITTEE – 14 MARCH 2023

APPEALS NOTIFIED

COUNCIL: BELFAST

None

APPEAL DECISIONS NOTIFIED

14 MARCH 2023

ITEM NO	1	PAC REF:	2021/A0242
PLANNING REF:	LA04/2020/0493/F		
RESULT OF APPEAL:	ALLOWED		
APPLICANT:	Mr Lawrence Bannon		
LOCATION:	23 Glandore Avenue and 2 Glanworth Gardens, Belfast		
PROPOSAL:	Alteration and extension of existing building to provide 4 No 1 bed apartments replaced (amended description)		
ITEM NO	2	PAC REF:	2022/A0030
PLANNING REF:	LA04/2021/2808/F		
RESULT OF APPEAL:	ALLOWED		
APPLICANT:	Michael and Barbara Egan		
LOCATION:	9 Ravenhill Park, Belfast, BT6 0DE		
PROPOSAL:	Single storey side extension to west and 2 storey side extension to the east containing ensuites and single storey rear extension containing living, bedroom and ensuite		

This page is intentionally left blank

PLANNING APPLICATIONS ISSUED BETWEEN 1.02.23 and 28 .02.23

<u>Application number</u>	<u>Category</u>	<u>Location</u>	<u>Proposal</u>	<u>Decision</u>
LA04/2020/1158/F	MAJ	1-5 Redcar Street Belfast BT6 9BP.	Demolition of existing building and erection of 65No Apartments including 20% social housing.	Permission Granted
LA04/2020/1656/F	LOC	11 Lower Crescent Belfast BT7 1NR.	Proposed change of use from offices and conversion of building to 3 no. residential apartments, including new conservation rooflights on front elevation and improvements to listed building (Amended description and drawings)	Permission Granted
LA04/2020/2333/F	LOC	West Belfast Sports and Social Club 370 Falls Road BT12 6DG	Variation of condition 3 of Z/2011/1362/F to reduce number of on-site car parking spaces from 18no. to 14no.	Permission Granted
LA04/2021/0604/O	LOC	Lands approx. 2m South east of 112 Orangefield Road Belfast BT5 6DD.	Erection of a detached dwelling in side garden area.	Permission Granted
LA04/2021/0686/F	LOC	28 Piney Lane Belfast BT9 5QS	Replacement of existing dwelling with 2no detached dwellings with associated landscape works. The proposal will be utilizing the existing accesses on Newforge Lane and Piney Lane	Permission Granted
LA04/2021/0992/F	LOC	Land adjacent to 15 Donegall Parade Belfast BT12 6NW	Erection of a two storey dwelling and alterations to roof of No 15 Donegall Parade.	Permission Granted
LA04/2021/1800/F	LOC	Mercy College 1 Bilston Rd Belfast BT14 7Q.	New Modular Manufacturing Suite.	Permission Granted
LA04/2021/2158/F	LOC	Approximately 15m North and directly Adjacent to No.282 Falls Road, Belfast. BT12 6AN	Installation of a 15m High Telecoms Streetpole C/W Wraparound Cabinet, with Integrated Antenna, and 3no. additional Equipment Cabinets and Ancillary Equipment.	Permission Refused
LA04/2021/2647/F	LOC	155 Bloomfield Avenue Belfast BT5 5DZ.	Change of use from offices to two self contained apartments (1no. one bed & 1no. three bed). Amended Description	Permission Granted
LA04/2021/2704/F	LOC	Land adjacent to No. 54 Cavehill Road Belfast BT15 5BT.	Proposed development of 2No. dwellings (semi-detached).	Permission Granted
LA04/2021/2714/F	LOC	1 Millennium Way Springvale Business Park Springfield Road Belfast BT12 7AL.	Proposed Change of Use from Office to Packaging Manufacturing Plant (B2) with minor external works to building. Provision of new service yard and retaining walls to facilitate lowered ramped access and loading bay.	Permission Granted
LA04/2021/2861/A	LOC	140 Stewartstown Road Belfast BT17 0HN	Signage to the facade of the building, including illuminated overhead and vinyl. Illuminated forecourt canopy and totem pole sign at petrol filling station	Consent Partially Granted
LA04/2022/0006/DCA	LOC	10-12 Crown Entry Belfast.	Demolition of existing central building to facilitate a new public bar along Crown Entry	Consent Granted
LA04/2022/0009/F	LOC	10A Ann Street and 10-12 Crown Entry Belfast BT1 4EF	Creation of public bar along Crown Entry involving replacement of existing roof covering, proposed outdoor seating area within Crown Entry, internal alterations to form private function rooms, kitchen areas, creating of roof terraces and food court areas including food units. Creation of an additional storey to the rear along Crown Entry.	Permission Granted
LA04/2022/0278/F	LOC	Site adjacent to Ardleeven 180 Upper Malone Road Belfast BT17 9JZ.	New 2 storey dwelling, detached garage and new garden room, with new entrance from private laneway, gate pillars and driveway and associated parking.	Permission Granted

LA04/2022/0301/F	LOC	Old See House 603 Antrim Road Belfast BT15 4DX.	Proposed demolition of southern boundary wall with replacement boundary structure and fence to match eastern boundary. Felling of trees along the southern boundary wall to allow for new retaining structure and pruning of remaining trees.	Permission Granted
LA04/2022/0391/F	LOC	78 Maryville Park Belfast BT9 6LQ	Single storey rear and side extension with rear terrace and patio area	Permission Granted
LA04/2022/0413/F	LOC	5 Clara Park Belfast BT5 6FD	Demolition of existing sunroom. Attic conversion with increase in roof height. Single and two storey rear extension.	Permission Granted
LA04/2022/0509/F	LOC	32 Rosemary Park Belfast BT9 6RG.	Demolition of existing dwelling, to be replaced with 2 storey detached dwelling, double detached garage, landscaping and associated site works (amended plans)	Permission Granted
LA04/2022/0552/F	LOC	104 Malone Road Belfast BT9 5HP.	Change of use from a dwelling house to a religious teaching and training centre, with long and short term accommodation also provided for those associated with the work of the charity- retrospective application (Change of Description)	Permission Granted
LA04/2022/0746/A	LOC	24 metres south west of 20 Erris Grove Belfast BT11 9LE	Advertisement Panel on Bus Shelter.	Consent Granted
LA04/2022/0934/LDE	LOC	Apartment 18 Citygate 2 Sussex Place Belfast BT2 8LN	Change of use from residential to short term holiday let accommodation	Permitted Development
LA04/2022/0956/F	LOC	Site at junction of Academy Street Exchange Street and Hector Street Belfast BT1	Retention of temporary car park	Permission Refused
LA04/2022/0960/F	LOC	17 Adelaide Park Belfast BT9 6FX	Demolition of the existing store and the construction of a new single storey extension, renovation and remodelling of existing single storey extension, replacement windows, new entrance gates and the rebuilding of a chimney stack.	Permission Granted
LA04/2022/1125/F	LOC	3 Cleaver Gardens Belfast BT9 5HZ	Single and two storey side extension with chimney stack. Detached store to rear. Alterations to existing vehicular access. (Amended desc)	Permission Granted
LA04/2022/1135/DCA	LOC	3 Cleaver Gardens Belfast BT9 5HZ	Existing garage and wall to be demolished. Part demolition of side elevation to facilitate extension.	Consent Granted
LA04/2022/1229/F	LOC	Land adjacent to Queens University Belfast Playing Fields Dub Lane Upper Malone Road Belfast	Change of house type of 8 detached dwellings from that approved under LA04/2019/2817/F	Permission Granted
LA04/2022/1320/F	LOC	1 Marlborough Park Belfast BT9 6XS	Erection of plant room and bin store.	Permission Granted
LA04/2022/1383/F	LOC	64 Woodvale Road Belfast BT13 3BN	Retrospective change of use from offices to ground floor hot food carryout with toilet facilities on first floor.	Permission Granted
LA04/2022/1412/F	LOC	23 Graymount Road Belfast BT36 7DR	2 Storey extension to rear of existing dwelling	Permission Granted
LA04/2022/1474/F	LOC	1 Castlemore Park Belfast BT6 9RP.	Proposed lift installation to side of dwelling and balcony to first floor side. Extension to existing front porch.	Permission Granted
LA04/2022/1482/LDE	LOC	Apt 5 Cromwell Court 110 Cromwell Road Belfast BT7 1NE.	This property has been for short term holiday let accommodation for more than 5 years.	Permitted Development
LA04/2022/1484/F	LOC	12 Ashbrook Crescent Belfast BT4 2FH.	Two Storey Side Extension.	Permission Granted
LA04/2022/1487/A	LOC	1 Marlborough Park Belfast Antrim BT9 6XS.	2 no. non-illuminated totem signs and 1 no 'halo' lit lettered sign to eastern elevation.	Consent Granted
LA04/2022/1599/F	LOC	485 & 487 Lisburn Road Belfast BT9 7EZ	Change of use from vacant shop to estate agents office amalgamating with existing estate agents office. Change of shop front.	Permission Granted

LA04/2022/1617/DC	LOC	Site at 6 Suffolk Road Belfast BT11 9PE. Vacant land bounded by the Colin River Suffolk Road 6-15 Riverside Mews and 2-30 Larkspur Rise.	Discharge of condition 12 LA04/2016/1856/F.(construction management plan)	Condition Discharged
LA04/2022/1629/F	LOC	348 Stranmillis Road Belfast BT9 5ED	Two storey rear extension to dwelling to allow kitchen/living/dining with bedroom and en suite above.	Permission Granted
LA04/2022/1642/A	LOC	BT Riverside Tower 5 Lanyon Place Belfast BT1 3BT	Externally mounted at high level illuminated sign. Built-up face-illuminated aluminum letters finished white all over. Pixel line to be built up aluminum painted 8no. colours and with translucent coloured vinyl to face.	Consent Granted
LA04/2022/1646/DCA	LOC	4 Knockdene Park Belfast BT5 7AD	New Opening to Side Elevation.	Consent Granted
LA04/2022/1651/F	LOC	354 Lisburn Road Belfast BT9 6GJ	Change of use from existing medical practice to office use.	Permission Granted
LA04/2022/1658/DCA	LOC	Beaufort House 31 Wellington Place Belfast BT1 6GS.	Demolition of glazed sections and windows to front facade and windows to rear and side elevations.	Consent Granted
LA04/2022/1693/F	LOC	140 Donegall Avenue Belfast BT12 6LY.	Change of use from dwelling to House in Multiple Occupancy (HMO)	Permission Refused
LA04/2022/1723/RM	LOC	2 Gortgrib Drive Belfast BT5 7QX.	New 1.5 storey house in side garden of existing dwelling.	Permission Granted
LA04/2022/1761/F	LOC	7 Finaghy Park Central Belfast BT10 OHP.	Single Storey Extension to side rear. Two Storey Extension to side.	Permission Granted
LA04/2022/1805/DC	LOC	Lands north west of 1-6 Linen Mill Grove Edenderry Village Belfast.	Discharge of conditions 18, 20, 22, 23 of LA04/2018/1795/F.	Condition Discharged
LA04/2022/1850/A	LOC	Tesco Express 56-58 Dublin Road Belfast BT2 7HE.	Illuminated box fascia sign, 2 no. illuminated projecting signs, Window vinyls, ATM surround.	Consent Granted
LA04/2022/1865/F	LOC	37 Grangeville Gardens Belfast BT10 0HL.	Single-storey extension to rear of existing semi-detached dwelling and raised patio to rear.	Permission Granted
LA04/2022/1959/F	LOC	85 Sandown Road Belfast BT5 6GU	Two storey extension to rear of dwelling.	Permission Granted
LA04/2022/1975/F	LOC	10 Glenshesk Park Dunmurry Belfast BT17 9BA	Proposed single storey extension to rear of dwelling.	Permission Granted
LA04/2022/1986/F	LOC	16 Willowbank Park Belfast BT6 0LL	Demolition of side hipped roof replaced with a new pitched roof to facilitate attic conversion with rear dormer. External alterations to rear elevation.	Permission Granted
LA04/2022/2006/F	LOC	12 Somerton Park Belfast BT15 4DP.	Single storey rear/side extension and minor internal alterations. (Amended plans)	Permission Granted
LA04/2022/2008/F	LOC	33 Vauxhall Park Belfast BT9 5HB.	Demolition of garage with new single storey side and rear extension. First floor extension to rear.	Permission Granted
LA04/2022/2013/LDE	LOC	Flat 1 42 Wellington Park Belfast BT9 6DN	House in multiple occupancy (HMO)	Permitted Development
LA04/2022/2022/LDE	LOC	Unit 5 21 Old Channel Road Belfast BT3 9DE.	Development consisting of the sub-division of Unit 5 to create 2no. self contained (Unit 5A & 5B) class B1 (a) offices in breach/non compliance with condition 3 attached to Z/2005/0771/F.	Permitted Development
LA04/2022/2042/F	LOC	24 Eglantine Avenue Belfast BT9 6DX.	Change of Use from Existing HMO to Dwellinghouse (Use Class C1).	Permission Granted
LA04/2022/2043/F	LOC	87 Springfield Park Belfast. BT13 3PZ.	Proposed new single storey family room extension to rear of existing dwelling.	Permission Granted

LA04/2022/2053/A	LOC	Gable wall of 164 Albertbridge Road Belfast BT5 4GS.	Change of orientation of existing back lit led sign from landscape to portrait position and new back lit digital led sign.	Consent Granted
LA04/2022/2057/F	LOC	6 Belfield Heights Belfast. BT12 7GN.	Proposed new single storey detached garden room to rear garden of existing dwelling.	Permission Granted
LA04/2022/2096/F	LOC	333 Belmont Road Belfast BT4 2NH.	2 Storey Side & Rear Extension. Erection of Single Storey Extension to Rear. Single Storey Front Porch Extension. Elevational Changes & Associated Site Works.	Permission Granted
LA04/2022/2101/F	LOC	34 Dalebrook Park Belfast BT11 9EW.	Single storey side extension.	Permission Granted
LA04/2020/1657/LBC	LOC	11 Lower Crescent Belfast BT7 1NR.	Internal and External restoration works to existing listed building to facilitate change of use from offices and conversion to 3 No. residential apartments, including alteration of roof to provide conservation rooflights on front elevation (Amended description and drawings)	Consent Granted
LA04/2020/2199/F	LOC	68-72 Great Victoria street Belfast BT2 7SL	Proposed change of use of part first floor, complete second, third and fourth floors from offices to 26 No. residential apartments, including new window openings and balconies, provision of 2 No. new apartments on the existing roof, provision of ground floor extension for bin store and associated works (28 No. apartments total) (Amended site boundary)	Permission Granted
LA04/2021/0687/F	LOC	Lands at Nos 2, 8, 10, 12 & 14 Piney Hills, Belfast (including lands adjacent and south of Nos 11-23 Newforge Lane, Belfast)	Proposed demolition of 5no dwellings (nos2,8,10,12 & 14 Piney Hills) to facilitate proposed residential development of 11no detached dwellings and garages, new access road and all associated site works (Amended plans)	Permission Granted
LA04/2021/1188/F	LOC	425 Springfield Road Belfast BT12 7DJ	Provision for a 24 no. space car park, access road with lay-by and turning head. 2.4m Perimeter Fence	Permission Granted
LA04/2021/1285/F	LOC	26 Rugby Avenue Belfast BT7 1RG	Demolition with retention of front facade and erection of 3no. apartments.	Permission Granted
LA04/2021/2711/F	LOC	1 Ballygomartin Industrial Estate Ballygomartin Road Belfast BT13 3LZ.	Application to vary condition 10 of LA04/2016/0563/F to allow the departure of HGV's from 06:00-09:00 Mondays to Saturdays and to allow the departure and return of HGV's between the hours of 10:00-17:00 on Sundays.	Permission Refused
LA04/2021/2862/F	LOC	Lands approximately 700m north of 28 Colinglen Road Dunmurry Belfast BT17 0LR.	Proposed Battery Energy Storage System (BESS) with storage capacity up to 50MW, associated electricity substation/transformer compound, improvement to the existing access, landscaping and associated ancillary development/site works.	Permission Granted
LA04/2022/0185/DCA	LOC	Old See House 603 Antrim Road Belfast BT15 4DX.	Proposed demolition of southern boundary wall	Consent Granted
LA04/2022/0379/F	LOC	14 Broomhill Park Belfast BT9 5JB.	Single storey extension to side and rear. New gate to existing access.	Permission Granted
LA04/2022/0380/DCA	LOC	14 Broomhill Park Belfast BT9 5JB.	Partial demolition of single storey sheds, and removal of section of the rear wall of the dwelling to facilitate a single storey extension.	Consent Granted
LA04/2022/0390/DCA	LOC	78 Maryville Park Belfast BT9 6LQ	Demolition of existing single storey extension. Partial demolition of rear/ side walls and garage to facilitate extension and conversion.	Consent Granted
LA04/2022/0464/F	LOC	On the Public Footpath Directly Adjacent to and Approximately 7m from 101 Bloomfield Road Belfast BT5 5LS	The installation of a 17.5m Apollo Street works column , 6no. antenna (3no. enclosed within a shroud). 2No. equipment cabinets, 1no. meter cabinet and ancillary development.	Permission Refused
LA04/2022/0600/F	LOC	Lands on public footpath opposite no. 66 Beechmount Avenue and its junction with Beechmount Street Belfast BT12 6NA	The installation of a 20m high Apollo streetworks pole on new root foundation, 3no. (VF) kathrein antenna within shroud, 3no. (VF0 air antennas, 1no, (VF) gps module, 1no, 1no. Lancaster cabinet, 1no. side pod, 1no. meter cabinet and ancillary development thereto.	Permission Granted

LA04/2022/0630/F	LOC	Farset Enterprises Park 638 Springfield Road Belfast BT12 7DY	Replacement of Existing 18m Lattice Structure with a 20m Lattice Structure. Additional Ancillary works to include New Headframe supporting 18 no. Antenna with internal works to Existing Cabin.	Permission Granted
LA04/2022/0850/F	LOC	65-67 Boucher Centre Boucher Road Belfast BT12 6HR	Change of use from retail to hot food/restaurant	Permission Granted
LA04/2022/0876/F	LOC	Footpaths along Donegall Road Broadway A12 Westlink and Grosvenor Road Belfast	Proposed upgrade of existing footways to provide thermoplastic wayfinding markers and ground mounted wayfinding street furniture such as finger posts & information panels.	Permission Granted
LA04/2022/0890/F	LOC	57 Castlereagh Street Belfast BT5 4NF	Conversion of Existing Dwelling to a HMO	Permission Granted
LA04/2022/0961/DCA	LOC	17 Adelaide Park Belfast BT9 6FX	Demolition of existing store	Consent Granted
LA04/2022/1139/A	LOC	Gable end wall of 326 Ormeau Road Belfast.	LED digital display (Amended site description)	Consent Refused
LA04/2022/1315/F	LOC	16 Cambourne Park Belfast BT9 6RL.	Proposed 2 storey rear and side extension including first floor rear balcony, single storey side and rear extension, provision of internal alterations to suit. Alterations to existing front porch, replacement of existing windows.	Permission Granted
LA04/2022/1323/F	LOC	Land adjacent to Queens University Belfast Playing Fields Dub Lane Upper Malone Road Belfast.	Propose change of house type to 1No. detached dwelling to that previously approved under LA04/2021/0348/F with associated car parking, landscaping, garden room and new vehicular access. (amended plans & description)	Permission Granted
LA04/2022/1338/F	LOC	7 metres east of No. 12-22 Glengall Street Belfast. BT12 SAB.	Proposed Insignia 3 Bay MK1 Ad Bus Shelter.	Permission Granted
LA04/2022/1339/A	LOC	7 metres east of No. 12-22 Glengall Street Belfast. BT12 SAB.	Advertisement Panel on side elevation of bus shelter.	Consent Granted
LA04/2022/1454/F	LOC	30 Andersonstown Crescent Belfast BT11 8FJ	Two storey rear and side extension to allow kitchen/dining on ground floor, with bedroom and bathroom on first. (AMENDED PLANS)	Permission Granted
LA04/2022/1471/F	LOC	250 Donegall Road Belfast.	The Erection of a retail extension to the existing Eurospar Supermarket and change of parking layout.	Permission Granted
LA04/2022/1489/A	LOC	8 Blackstaff Way Kennedy Way Industrial Estate Belfast BT11 9DT.	Individual letters for signage to south east and south west elevations (Amended Plans)	Consent Granted
LA04/2022/1497/F	LOC	On grass verge adjacent to Millennium Way approximately 22m West of No. 48 Forfar Street Belfast BT12 7BD.	Proposed 20m telecommunications column, with 6No. antennae, 3No. radio units and 2No. radio dishes. Proposal includes the provision of 1No. new equipment cabinet and ancillary development.	Permission Granted
LA04/2022/1558/DC	LOC	150 Knock Road Belfast BT5 6QD.	Discharge of condition 11 LA04/2021/2144/F relating to final drainage assessment	Condition Not Discharged
LA04/2022/1585/F	LOC	Lands at and immediately north west of 13-29 Hazel View and 21 Hazel Crescent Dunmurry Belfast.	Proposed residential social housing development comprising (10 dwellings in total) 2No. detached & 4No. semi-detached two storey dwellings and 4No. apartments, including amenity space, landscaping and all other site and access works.	Permission Granted
LA04/2022/1624/F	LOC	Public footpath of Burren Way at junction with Mount Merrion Avenue approx. 24m North West of no.48 Burren Way Belfast BT6 0DW	Proposed installation of a 20m streetpole to host integrated antenna and 2no. 600mm dishes plus all associated ancillary equipment, feeder cables and equipment cabinets.	Permission Granted
LA04/2022/1626/F	LOC	450 Castlereagh Road Belfast BT5 6BH	2 Storey and Single Storey Rear Extension. Alterations to Dwelling.	Permission Granted

LA04/2022/1657/F	LOC	Beaufort House 31 Wellington Place Belfast BT1 6GS.	Proposed Change of Use from Office (Class B1) to 113no. bed Aparthotel (Sui Generis) at 1st-8th Floor, with coffee hatch & restaurant/bar at Ground Floor. Development works to include external facade alterations and all other associated site works.	Permission Granted
LA04/2022/1704/NMC	LOC	40-50 Townsend Street Belfast.	Non Material change LA04/2018/2076/F.	Non Material Change Refused
LA04/2022/1714/DC	LOC	Minnowburn Beeches Carpark Edenderry Road Belfast BT8 8LE.	Discharge of condition 9 LA04/2020/0191/F (Invasive Management Plan)	Condition Discharged
LA04/2022/1739/F	LOC	11 Malone Hill Park Belfast	Construction of new single storey extension and connection link to existing detached villa together with additional openings into the existing building and new raised decking to the rear.	Permission Granted
LA04/2022/1766/LBC	LOC	27-33 Donegall Place Belfast BT1 5AB.	Internal alterations to provide first floor retail space. Replacement of existing single glazed windows to provide double glazed units to match existing.	Consent Granted
LA04/2022/1771/F	LOC	11 Wellwood Close Belfast BT4 1NQ	Proposed roofspace conversion with rear dormer and proposed single storey rear extension.	Permission Granted
LA04/2022/1839/F	LOC	51 Glandore Avenue Skegoniell Belfast BT15 3FD.	Change of use to house in multiple occupancy.	Permission Refused
LA04/2022/1849/A	LOC	Tesco Express 20 Great Victoria Street Belfast BT2 7BA.	Box fascia, Projecting sign, Window vinyls.	Consent Granted
LA04/2022/1866/NMC	LOC	Former Belvoir Park Hospital Site Hospital Road Belfast BT8 8JP.	Non material change LA04/2019/1515/F.	Non Material Change Granted
LA04/2022/1878/LDP	LOC	Units 19 and 20 Boucher Retail Park Boucher Crescent BALLYMURPHY BELFAST ANTRIM BT12 6HU	The proposal consists of the extension of the existing mezzanine floors in Unit 19 and Unit 20 in Boucher retail Belfast. The total proposed mezzanine floor extension measures 314.54 sqm gross.	Permitted Development
LA04/2022/1879/LDE	LOC	Units 19 and 20 Boucher Retail Park Boucher Crescent Belfast BT12 6HU.	Class A1: Shops, through the retail sale of goods by the retailers New look and B&M retail Limited for at least the past 5 years.	Permitted Development
LA04/2022/1899/F	LOC	3 Cardigan Drive Belfast BT14 6LX.	Single storey rear extension, attic conversion & new pitched roofs to front bays.	Permission Granted
LA04/2022/1973/DCA	LOC	6 Derryvolgie Avenue Belfast BT9 6FL	Demolition of ground floor and first floor rear return and internal demolition works of existing residential dwelling. (Renewal of LA04/2016/1914/DCA)	Consent Granted
LA04/2022/1978/F	LOC	5 and 7 Church Road Belfast BT8 7AL	Demolition of existing garages. Proposed two storey side and rear extensions to both No. 05 + No. 07 with canopy. Proposed garden room to both and green house to No. 07.	Permission Granted
LA04/2022/1984/F	LOC	6 Derryvolgie Avenue Belfast BT9 6FL	Renewal of planning approval LA04/2016/1916/F for proposed conversion of existing dwelling to create 3 apartments including demolition of rear returns and garage and rear extension to create 3 additional apartments, (Total 6 apartments). Repositioning of access onto Derryvolgie Avenue with associated parking and landscaping.	Permission Granted
LA04/2022/1987/F	LOC	37 Hawthornden Road Belfast BT4 3JW	Proposed loft conversion with associated internal and external alterations including addition of 2no. proposed openings to side elevations.	Permission Granted
LA04/2022/2009/F	LOC	188 Barnetts Road Belfast BT5 7BG.	Single storey side and rear extension to dwelling to replace existing single storey extension.	Permission Granted
LA04/2022/2025/F	LOC	87-91 Botanic Avenue Belfast BT7 1JN.	Retention of site hoarding.	Permission Granted

LA04/2022/2029/F	LOC	243 Falls Road Belfast.	Proposed change of use from offices to 1No. 2 bedroom apartment at first & second floor level and elevation amendments to ground floor (including new shopfront and new dormer window).	Permission Granted
LA04/2022/2044/DC	LOC	Former Belvoir Park Hospital Site Hospital Road Belfast BT8 8JP.	Discharge of Condition 3 LA04/2019/1515/F (Slates and window samples)	Condition Discharged
LA04/2022/2047/F	LOC	74 Woodvale Avenue Belfast BT14 6BS.	Single storey rear extension with external alterations.	Permission Granted
LA04/2022/2048/F	LOC	155 Haypark Avenue Belfast BT7 3FG.	Two storey side extension and single and two storey rear extension to dwelling.	Permission Granted
LA04/2022/2054/F	LOC	2 Priory Gardens Finaghy Belfast BT10 0AH.	Single storey rear extension & window fenestration changes.	Permission Granted
LA04/2022/2100/F	LOC	5 Millbank Park Belfast.	Single story rear extension.	Permission Granted
LA04/2022/2120/F	LOC	24 Clonaver Crescent North Belfast BT4 2FD	Single storey side extension and internal alterations	Permission Granted
LA04/2022/2194/F	LOC	37 metres South East of No. 41 OLD MILLTOWN ROAD, BELFAST, BT8 7SW.	Proposed Upgrade to existing bus shelter.	Permission Granted
LA04/2022/2134/NMC	LOC	29 PARKSIDE GARDENS TOWN PARKS BELFAST ANTRIM BT15 3AW	Amendment to apartment no 2 change from general needs to complex needs wheelchair unit. Internal alterations and new external door on to amenity space	Non Material Change Granted
LA04/2022/2272/F	LOC	2 MOUNT EAGLES PASS LAGMORE DUNMURRY ANTRIM BT17 0WX	Proposed single storey extension (external material changes to previous approval LA04/2022/0697/F)	Permission Granted
LA04/2022/2142/A	LOC	Lidl 176-202 Shore Road Belfast BT15 3QA	Retrospective consent for 1 no. dual aspect flag pole sign, 1 no. free standing sign adjacent to entrance door, 2no logo signs on store and 3no poster display panels on store	Consent Granted
LA04/2022/2144/NMC	LOC	30, 32 & 34 CORRIB AVENUE BALLYMONEY BELFAST ANTRIM BT11 9JB	Non material change to Impose new conditions	Non Material Change Granted
LA04/2022/2275/A	LOC	10 L City Quays 3 Donegall Quay, Belfast, BT1 3NH	Rooftop internally lit building sign on the eastern elevation (Amended)	Consent Granted
LA04/2022/2148/CLEUD	LOC	49 ATLANTIC AVENUE TOWN PARKS BELFAST ANTRIM BT15 2HN	House in multiple occupancy (HMO)	Permitted Development
LA04/2022/2159/F	LOC	45 ROSGOILL PARK BELFAST ANTRIM BT11 9QU	Single storey rear extension.	Permission Granted
LA04/2022/2165/DC	LOC	Lands immediately north and south of existing film studios north of Dargan Road Belfast (within wider Belfast City Council lands known as North Foreshore/Giants Park).	Discharge of condition 21 LA04/2021/1358/F (drainage) for Phase 1 and 1A of approved phasing plan.	Condition Discharged
LA04/2022/2169/DC	LOC	Lands at Riddel Hall 185 Stranmillis Road Belfast BT9 5EE	Discharge of conditions 2, 3, 5 and 9 - LA04/2019/2442/F	Condition Discharged
LA04/2022/2189/F	LOC	280 FALLS ROAD BALLYMURPHY BELFAST ANTRIM BT12 6AN	Proposed change of use from vacant ground floor commercial unit to residential unit with alterations to the front elevation to include a bay window arrangement.	Permission Granted
LA04/2022/2190/CLEUD	LOC	17 MELROSE STREET MALONE LOWER BELFAST ANTRIM BT9 7DL	Existing House of multiple occupation	Permitted Development
LA04/2023/2331/CLEUD	LOC	7 RIDGEWAY STREET MALONE LOWER BELFAST ANTRIM BT9 5FB	Existing use: use as hmo	Permitted Development
LA04/2022/2195/CLEUD	LOC	35 Melrose Street Belfast BT9 9DL	House of multiple occupancy	Permitted Development
LA04/2023/2348/A	LOC	Kennedy Shopping Centre, 564-568 Falls Road, Belfast, BT11 9AE	Proposed Totem Sign	Consent Granted

LA04/2022/2209/F	LOC	24 PIM STREET TOWN PARKS BELFAST ANTRIM BT15 2BN	Loft conversion. front rooflight within slope, rear flat roofed dormer & associated works.	Permission Granted
LA04/2022/2210/F	LOC	40 Holland Crescent Belfast BT5 6EF	Two storey extension to side and rear of existing dwelling with basement level and new access steps.	Permission Granted
LA04/2023/2427/DC	LOC	29 BRUCE STREET MALONE LOWER BELFAST ANTRIM BT2 7JD	Discharge of Condition 2 of LA04/2021/2242/F	Condition Discharged
LA04/2023/2466/F	LOC	85 GLENBAWN AVENUE LAGMORE DUNMURRY ANTRIM BT17 0TR	Single storey side extension to allow ground floor shower room.	Permission Granted
LA04/2023/2397/CLOPUD	LOC	47 STIRLING AVENUE LISNASHARRAGH BELFAST DOWN BT6 9LQ	Single storey rear extension.	Permitted Development
LA04/2023/2415/F	LOC	41 ONSLOW PARADE BALLYMACONAGHY BELFAST DOWN BT6 0AS	Single and two storey extensions to side and rear of existing dwelling.	Permission Granted
LA04/2023/2326/CLOPUD	LOC	497, 499 & 501 CRUMLIN ROAD EDENDERRY BELFAST ANTRIM BT14 7GA	Continued erection of four storey building with ground floor retail an offices (Use Class A2/B1(A)) and community facilities (Use Class D1) on the floors above post expiry date of 10th January 2023 of Planning Application LA04/2017/1814/F.	Permitted Development
LA04/2022/2260/F	LOC	47 DERAMORE DRIVE MALONE LOWER BELFAST ANTRIM BT9 5JS	Demolition and replacement of 2 storey dwelling and garage with new 2 storey dwelling and garage with associated hard and soft landscaping.	Permission Granted
LA04/2022/2287/F	LOC	5 TRIGO PARADE BALLYRUSHBOY BELFAST DOWN BT6 9GA	Single storey side and rear extension and Internal remodel of dwelling	Permission Granted
LA04/2022/2311/NMC	LOC	Former Park Avenue Hotel 158 Hollywood Road Belfast BT4 1PB	Non-material change - LA04/2021/0493/F	Application Invalid
LA04/2022/2359/F	LOC	118 FITZROY AVENUE MALONE LOWER BELFAST ANTRIM BT7 1HY	Amendment to previously approved planning (LA04/2020/0038/F) - demolish the existing gable wall and chimney and retain the front facade.	Permission Granted
LA04/2023/2447/F	LOC	24 ABBEY PARK TULLYCARNET BELFAST DOWN BT5 7HQ	Single Story extension to rear and side	Permission Granted
LA04/2023/2456/WPT	LOC	33 KENSINGTON ROAD KNOCK BELFAST DOWN BT5 6NJ	Works to 9 trees and shrubs	Works to TPO Granted
LA04/2023/2463/WPT	LOC	61 CRANMORE PARK MALONE LOWER BELFAST ANTRIM BT9 6JG	Works to 3 trees.	Works to TPO Granted
LA04/2023/2510/WPT	LOC	33 ADELAIDE PARK MALONE LOWER BELFAST ANTRIM BT9 6FY	Work to 1 tree - The Ash tree is showing the symptoms of Ash Die-Back in the advanced stages with approx. 60% of the crown dead and the remainder with buds of low viability.	Works to Trees in CA Agreed
LA04/2023/2591/WPT	LOC	Stranmillis College, University, Stranmillis Road, BT9 5DY	Works to 1 tree.	Works to TPO Granted
LA04/2023/2593/WPT	LOC	50 BALMORAL AVENUE MALONE LOWER BELFAST ANTRIM BT9 6NX	Works to 3 trees - 1 for pruning, 2 to fell.	Works to Trees in CA Agreed
LA04/2023/2620/PAN	LOC	Dorchester House 52 - 58 Great Victoria Street, Belfast, BT2 7BB	Conversion of Dorchester House from offices into an aparthotel with ground floor cafe. The conversion will include additional floors on the top of the building.	Proposal of Application Notice is Acceptable
LA04/2023/2641/WPT	LOC	CLIFFE ASH 17 ADELAIDE PARK MALONE LOWER BELFAST ANTRIM BT9 6FX	Works to 1 tree.	Works to Trees in CA Agreed
LA04/2023/2686/WPT	LOC	23 Beechlands, Belfast, BT9 5HU	Works to 2 trees.	Works to Trees in CA Agreed

LA04/2023/2687/WPT	LOC	8 GLENMACHAN GROVE BALLYMAGHAN BELFAST DOWN BT4 2RF	Works to 3 trees.	Works to TPO Granted
				<u>Total Decisions 152</u>

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

ADDENDUM REPORT 3 (MARCH 2023)

Development Management Officer

Application ID: LA04/2019/2653/F	Committee Date: 14 th March 2023
Proposal: Demolition of existing property and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas: and 8 floors of Grade A office accommodation. (Amended plans and updated technical information)	Location: Chancery House 88 Victoria Street Belfast BT1 3GN
Applicant Name and Address: Chancery House Investments Limited 14 Coolshinney Road Magherafelt BT45 5JF	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast
Referral Route: Recommendation to approve contrary to advice from a statutory consultee. Application previously considered by the Committee in June 2021.	
Recommendation: Approve with conditions and a Section 76 planning agreement	

	Background
1.1	This application was previously considered by the Planning Committee on 24 June 2021. Prior to that, the application had been deferred at the April 2021 Committee and withdrawn from the agenda from the May 2021 Committee.
1.2	At the June 2021 Planning Committee, the Committee recommended that the Chief Executive be minded to approve the application, subject to the following: 1. that formal consultation be undertaken with objectors in relation to the restricted matters; 2. that the proposed Section 76 Planning Agreement be drafted in consultation with those who spoke in relation to the restricted report; and 3. that the application would be brought back to the Members of the Planning Committee for final agreement, to include the outcome of the formal consultation referenced above and presentation of the draft Section 76 Planning Agreement before a final decision is taken.
1.3	The Chief Executive subsequently resolved that she was minded to approve the application in line with the Committee's recommendation.
1.4	The restricted matters referenced above are subject to a separate restricted report.
1.5	This Addendum Report 3 should be read in conjunction with Addendum Reports 1 and 2 and the report to the April 2021 Planning Committee, appended.
	Belfast Local Development Plan Draft Plan Strategy
1.6	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals

	Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.
1.7	Notwithstanding the limited weight that can be given to the Draft Plan Strategy at this time, the proposal is considered to accord with Policies EC6 (office development), BH1 (setting of Listed Buildings), BH3 (Areas of Townscape Character), Policy TRAN 1 (active travel), TRAN 2 (creating an accessible environment) and TRAN 8 (car parking). Conclusion
1.8	There have been no changes to the design and layout of the proposed office building since the June 2021 Committee and the proposal is considered to remain acceptable in relation to the issues set out in this and the appended reports.
1.9	It is considered that the proposal accords with the Industrial and Commercial Strategy, Conservation Strategy, Policies C3 and C4 of the BUAP, draft BMAP, relevant provisions of the draft Plan Strategy, Policy AMP 7 of PPS 3, Policies PED 1 and PED 9 of PPS 4 Policy BH 11 of PPS 6, Policy ATC 2 of the PPS 6 Addendum and relevant provisions of the SPPS.
2.0	Recommendation
2.1	For the reasons set out in this and the appended reports, it is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement.
2.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement.

ADDENDUM REPORT 2 (JUNE 2021)**Development Management Officer**

Committee Meeting Date: 24 June 2021	Item Number:
Application ID: LA04/2019/2653/F	
Proposal: Demolition of existing property and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas: and 8 floors of grade A office accommodation. (amended plans & updated technical information)	Location: Chancery House 88 Victoria Street Belfast BT1 3GN
Referral Route: Recommendation to approve contrary to advice from a statutory consultee	
Recommendation:	
Applicant Name and Address: Chancery House Investments Limited 14 Coolshinney Road Magherafelt BT45 5JF	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast

1.0	Background
1.1	This application was due to be considered by the Planning Committee in April 2021. However, the Committee deferred the application because Members had been unable to access all the relevant documents through the Planning Portal. The application was then scheduled to be considered by the Committee in May 2021, however, it was withdrawn from the agenda in the light of further information from the applicant.
1.2	This Addendum Report 2 should be read in conjunction with Addendum Report 1 to the May Planning Committee and the report to the April Planning Committee, appended.
2.0	Recommendation
2.1	It is recommended that the Chief Executive, or her nominated officer, uses her delegated authority to resolve that she is minded to grant planning permission.

ADDENDUM REPORT 1 (MAY 2021)	
Development Management Officer	
Committee Meeting Date: 20 May 2021	Item Number:
Application ID: LA04/2019/2653/F	
Proposal: Demolition of existing property and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas: and 8 floors of grade A office accommodation. (amended plans & updated technical information)	Location: Chancery House 88 Victoria Street Belfast BT1 3GN
Referral Route: Recommendation to approve contrary to advice from a statutory consultee	
Recommendation:	
Applicant Name and Address: Chancery House Investments Limited 14 Coolshinney Road Magherafelt BT45 5JF	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast

1.0	Background
1.1	This application was due to be considered by the Planning Committee in April 2021. However, the Committee deferred the application because Members had been unable to access all the relevant documents through the Planning Portal.
1.2	This addendum report should be read in conjunction with the report to the April Planning Committee, attached.
2.0	Recommendation
2.1	It is recommended that the Chief Executive, or her nominated officer, uses her delegated authority to grant conditional planning permission and to finalise the wording of conditions.

Development Management Officer Report (April 2021) Committee Application

Summary	
Committee Meeting Date: 20 April 2021	Item Number:
Application ID: LA04/2019/2653/F	
Proposal: Demolition of existing property and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas: and 8 floors of grade A office accommodation. (amended plans & updated technical information)	Location: Chancery House 88 Victoria Street Belfast BT1 3GN
Referral Route: Recommendation to approve contrary to advice from a statutory consultee	
Recommendation:	
Applicant Name and Address: Chancery House Investments Limited 14 Coolshinney Road Magherafelt BT45 5JF	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast
Executive Summary: <u>Background</u> The application seeks full planning permission for the demolition of the existing building and construction of new 9 storey (37m tall) building comprising of ground floor retail and 8 floors of office space. The existing building has since been demolished under the terms of a previous planning permission. The application follows Pre-Application Discussions with officers. The application was received in November 2019. Amended plans and further supporting documentation were submitted in January and March 2020. A technical note on servicing arrangements was submitted in March 2020. <u>Assessment</u> The main issues to be considered in this case are: - The principle of office and retail uses in this location - Demolition of the existing building - Impact on the character and appearance of the area and ATC - Impact upon the setting of nearby listed buildings - Impact on amenity - Water infrastructure and flood risk - Access and parking There are also additional confidential issues to consider which are set out in the Appendix to this report. The site is located within the development limits for the city as designated within the BUAP, dBMAP 2004 and 2015 and is within the proposed (i.e. draft) Victoria & Oxford Street Area of Townscape Character (ATC).	

The site already benefits from an extant planning permission for the erection of a seven storey office building (Z/2011/0380/F) with retail use on ground floor and offices above. The principle of retail and office development has already been established and is in any event acceptable within this city centre location. The proposal would support jobs and contribute to the economy.

The demolition of the existing building has been assessed having regard to Policy ATC 1 of addendum to PPS 6. It is considered that the original building makes no material contribution to the distinctive character and appearance of the ATC. In any event it has since been demolished under the terms of a previous planning permission

In terms of relationship with neighbouring buildings, it is considered that the impacts on outlook and natural light would not be significantly greater than those arising from the extant permission.

DfC Historic Environment Division (HED) has advised that the scale and design of the proposal has the potential to adversely impact on the setting of listed buildings in proximity to site. However, officers consider that the scale and design of the building to be appropriate to its context, which includes several substantial buildings in the area, and that the setting of listed buildings would not be harmed.

The proposed development has been assessed against the following policies: Strategic Planning Policy for Northern Ireland; Planning Policy Statement 3: Access, Movement and Parking; Planning Policy Statement 4: Planning and Economic Development; Planning Policy Statement 6: Planning, Archaeology and the Built Heritage and Addendum, Areas of Townscape Character; Planning Policy Statement 15 Planning and Flood Risk.

The Council has received objections to the application from third parties. Concerns include excessive scale of the building, adverse impact on surrounding buildings and site access. The issues raised are set out and addressed in the main report.

Having regard to the development plan, relevant planning policies and other material considerations, it is considered that the proposal should be approved subject to conditions.

It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions.

Case Officer Report

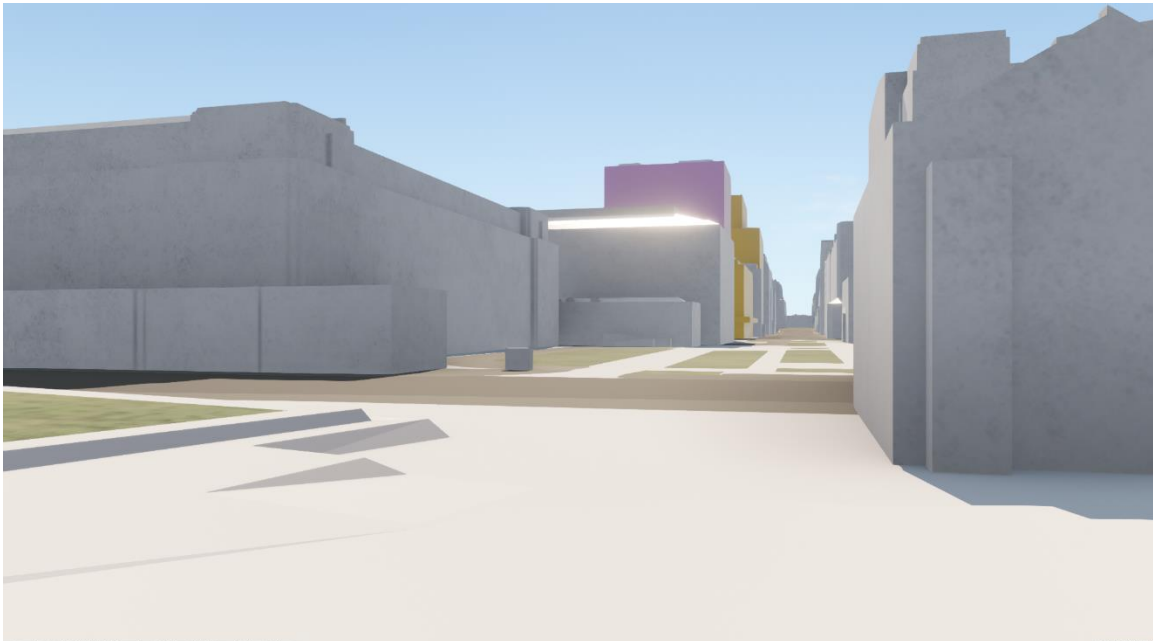
Site Location Plan



VU.CITY IMAGES AND CGI'S



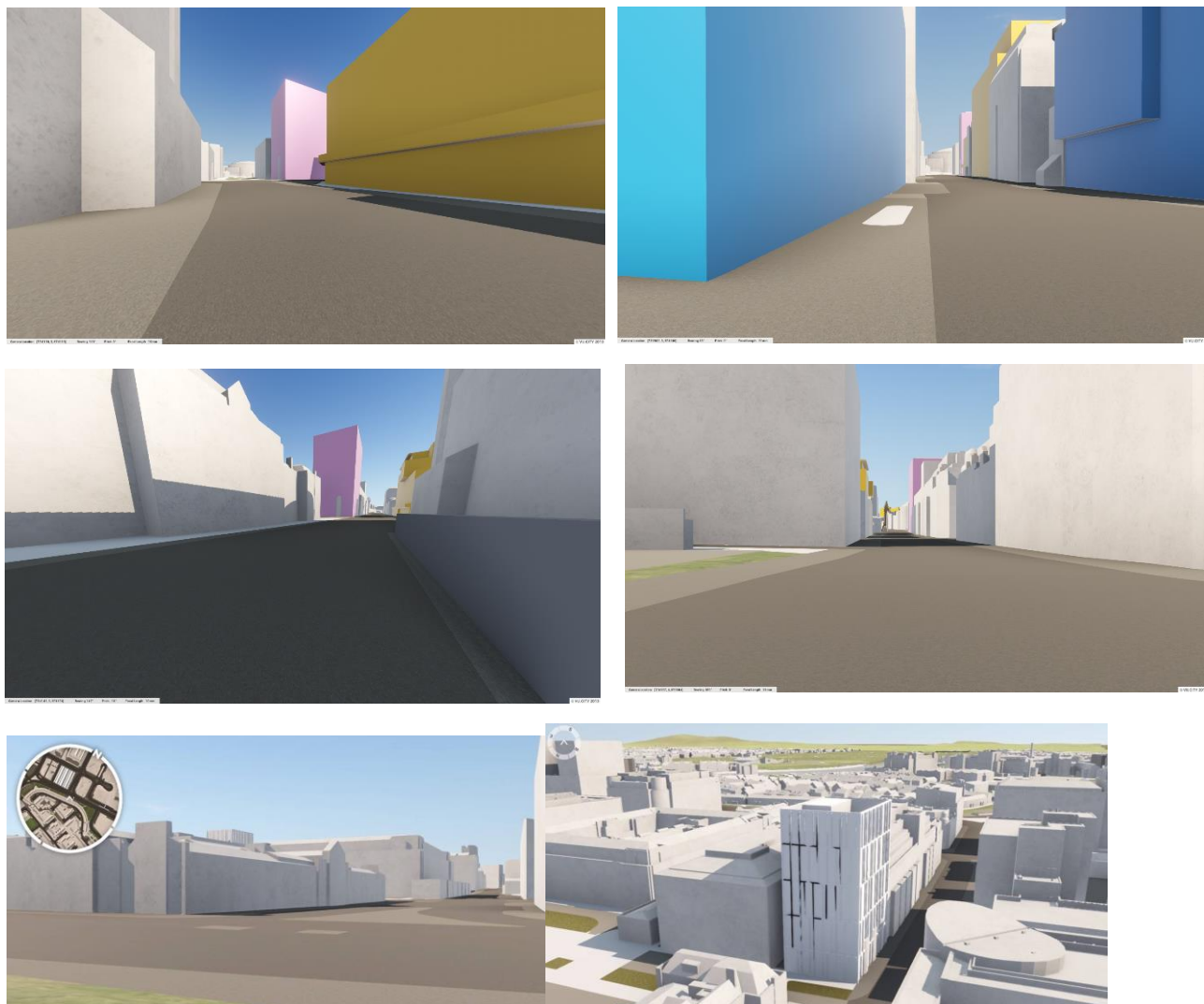
Above: View southwards on Victoria Street



Above: View from Oxford Street

Below: View from Victoria Street





Views along Victoria Street both ways: proposal purple / approved yellow / under construction blue

1.0	Description of Proposed Development
1.1	The proposal is for the demolition of the original building and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas, and 8 floors of Grade A office accommodation. The existing building has subsequently been demolished under the terms of a previous planning permission.
1.2	The application follows Pre-Application Discussions with officers.
2.0	Description of Site.
2.1	The site occupies a corner plot at the junction of Victoria Street and Chichester Street and previously contained a non-descriptive three storey office building of late 20 th Century origin finished in red facing brick and designed with peak parapet walls.
2.2	The adjacent building, to the east, is the Bar Library. Beyond this is the Crown Solicitors building and Royal Courts of Justice (RCJ). The Law Society is located to the south. Opposite the site, to the west and other side of Victoria Street, is Centre House, a large retail and office building and in close proximity is Victoria Centre retail and leisure complex. To the north of the site is the Old Town Hall building which is separated from the site by a mainly pedestrian precinct. To the south is the Law Society building.

2.3	The surrounding character is defined by commercial office and retail uses. The Victoria Street / Chichester Street road junction is a dominating feature of the area. Lower Chichester is pedestrianised with limited vehicular access.
2.2	The following Listed Buildings are close or in proximity to the site: • Old Town Hall (Grade B1) • Royal Courts of Justice (Grade A) • Nos. 161 – 163 Victoria Street and No. 2 Gloucester Street (Grade B1) • Former Northern Bank 108 – 110 Victoria Street (Grade B2) • Albert Clock Queen's Square (Grade A)
Planning Assessment of Policy and other Material Considerations	
3.0	Planning History Z/2011/0380/F – Demolition of existing building and construction of new building: ground floor retail and 1st-6th floor office permission, granted 14 th August 2015. The original building was demolished prior to 13 th August 2020, which means that development has commenced and the permission is extant in perpetuity.
4.0	Policy Framework
4.1	Belfast Urban Area Plan (BUAP) 2001 Draft Belfast Metropolitan Plan 2015 (published 2004) (dBMAP 2004) Draft Belfast Metropolitan Area Plan 2015 (published 2014) (dBMAP 2015) Developer Contribution Framework (2020)
4.2	Strategic Planning Policy Statement for Northern Ireland (SPPS) Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking Planning Policy Statement 4 (PPS 4) - Planning and Economic Development Planning Policy Statement 6 (PPS 6) – Planning Archaeology & the Built Heritage Addendum to PPS 6 Areas of Townscape Character (PPS 6 Addendum)
5.0	Statutory Consultee Responses
	DfI Roads (DfI) – no objection NI Water (NIW) – no objection Historic Environment Division (HED) – objection (see assessment below) Rivers Agency – no objection NI Environment Agency (NIEA) – no objection
6.0	Non Statutory Consultees Responses
	BCC Environmental Health Service (EHS) – no objection BCC Urban Design Officer (UDO) – no objection BCC Conservation Area Officer (CAO) – objection (see assessment below)
7.0	Representations
7.1	<u>The Bar Library Services</u> Objects to the scale/height of proposal and the potential impacts on neighbouring buildings, both listed and non-listed buildings. Concern with respect to loss of light/privacy and proposed glazing on party boundary wall
7.2	<u>The Law Society of Northern Ireland</u> Objects on heritage grounds. A report has been provided by Stelfox Conservation Consultants on behalf of the Law Society. The objection indicates that the proposal is in breach of planning policies for ATCs, concerns regarding excessive size and height and

	that the proposal would have an adverse impact on surrounding buildings. The report sets out the background to the historic context to the surrounding area. It refers to relevant planning policies set out in PPS 6 and that the proposal fails to satisfy policy. The report also refers to the draft designation of the Victoria Street/Oxford Street ATC and adverse impact of the proposal on the ATC. It also assesses the potential impacts the proposal will have on the surrounding area and neighbouring listed buildings. The Law Society also has concerns about the impact of construction traffic and service deliveries on objectors' properties. Impact of construction works on surrounding buildings.
7.3	<u>Northern Ireland Courts & Tribunal Service</u> Concerned that the proposal is in breach of planning policies for ATCs; excessive size and height and will have an adverse impact on surrounding buildings. Impact of construction works on the structural stability of the Old Town Hall. NI Courts reiterates objections to the previous application for the 7 storey building (Z/2011/0380/F) in that the proposal breaches planning policy relating to impacts on listed buildings, that the proposal is excessive in size and will have an adverse impact on surrounding buildings.
7.4	<u>Belfast Civic Trust</u> Objects to the height of building and choice of construction materials. They believe the proposal is too high and wanted red brick to be used within the construction.
7.5	Further consideration of these issues is examined in detail in the Assessment below.
8.0	Assessment
8.1	The key issues in the assessment of the proposed development are: • The principle of office and retail uses in this location • Demolition of the existing building • Impact on the character and appearance of the area and ATC • Impact upon the setting of nearby listed buildings • Impact on amenity • Access and parking • Water infrastructure and flood risk
8.2	Background The application was received in November 2019. Amended plans and further supporting documentation were submitted in January and March 2020. A technical note on servicing arrangements was submitted in March 2020.
8.3	The application follows Pre Application Discussions with officers.
8.4	The principle of office and retail uses in this location The site is located within the City Centre where retail and office uses are acceptable in principle. Moreover, the site already benefits from an extant permission for an office building with ground floor retail. The principle of development is therefore already established.
8.5	The proposal will support economic activity and employment and add to the vitality of this part of Victoria Street, consistent with the aims of the SPPS and PPS 4. The activation of the ground floor with retail use is welcomed.
8.6	Demolition of the existing building The site falls within the proposed (i.e. draft) Victoria Street and Oxford Street ATC. The Planning Appeals Commission (PAC) considered objections to the proposed ATC

	designations in its report on the BMAP public inquiry. The Commission recommended no change to the Plan. It is therefore considered likely that the proposed ATC designation would remain, if BMAP were to be adopted. The proposed ATC designation is therefore a material consideration.
8.7	It is considered that the original building makes no material contribution to the distinctive character and appearance of the ATC. In any event, the existing building has since been demolished under the terms of a previous planning permission.
	Impact on the character and appearance of the area and Area of Townscape Character
8.8	The proposal is for the erection of a 9 storey commercial building at a total height of 37m to the roof parapet. The site already benefits from extant planning permission for the erection of a 7 storey building including setback of the upper two floors. The maximum height of the extant permission is 31.5m (with plant/overrun), the top of the seventh floor is 28.7m and a shoulder height of 20.7m.
8.9	The site is located within the proposed Victoria/Oxford Street Area of Townscape Character and the impact of the proposal on the character of the ATC is a material consideration. The Conservation Officer is content that the original building is demolished subject to a suitable replacement scheme and considers that the proposed stone finish is acceptable given that it is sympathetic to its neighbouring buildings and does not interfere/compete with the finishes of those listed buildings nearby. However, the Conservation Officer objects to the proposal on the basis that they consider the proposed building would undermine the character of the area and surrounding historic buildings in terms of its scale, massing and form, including insufficient solid to void ratio. The Conservation Officer is of the opinion that the scale and massing of the proposed building could result in an over-elaborate corner marker feature, which would be harmful to legibility with respect to the hierarchical status of the node.
8.10	Officers have considered the consultation response from the Conservation Officer and are satisfied that the impact of the proposed development on the character of the area is acceptable for the detailed reasons set out in this report. The area contains numerous civic and commercial buildings of differing architectural styles and varying degrees of height. Moreover, it is considered that that the objection from the Conservation Area should be given less weight given that the site is situated within a draft ATC, which has less status than an adopted ATC and less importance than a Conservation Area. It is considered, on balance, when taking into account key viewpoints that the scale, massing and form of the proposed development would be appropriate.
8.11	A key material consideration is the extant planning approval, Z/2011/0380/F, for the erection of a 7 storey building comprising retail ground floor and offices above. This represents a fall-back position for the applicant should permission not be granted.
8.12	The site is located within character area CC 008 as designated within the 2004 dBMAP (CC011 in dBMAP 2014) which sets out urban design criteria and states that part of any development that fronts onto Victoria Street shall have a minimum building height of 6 storeys to the shoulder height and maximum of 7 storeys.
8.13	The proposal fails to match the design criteria set out within dBMAP. However, the proposed building has been modelled within VU.CITY to assess potential impacts of the proposal on the streetscape and the interaction with existing neighbouring and extant approvals. The modelling indicates that a building height of 37m would interact positively with the neighbouring buildings and would not be over-dominant from key views. The building would be seen in the context of Victoria Centre at this point having a ridge height

	of approximately 29m and the new extension to Centre House having a ridge height 33m. The visual reading of the buildings allows an appreciation of a logical step in height in relation to surrounding buildings when read from a distance.
8.14	The policy designation requires a shoulder height of six storeys and a set back above this height to a maximum of seven storeys. It is noted that the previous planning permission related to a building comprising five storeys with a further two additional storeys setback above. That scheme incorporated a shoulder height of 20.7m with the two additional setback floors and plant area above resulting in an upper building height of 31.5m. Therefore in terms of overall height, this proposal will extend a total of 5.5m above the upper height of the previously approved scheme. However, it is considered that the proposed building would have a stronger and more appropriate visual presence at this important corner plot location and in this regard is an improvement over the extant permission. It is also considered that the rationale for a setback at upper floors is lost on a building that occupies a prominent corner site and that a building of this height is appropriate within its context at the intersection of two city centre arterial routes and a highly trafficked pedestrianised route, reflecting the hierarchy of its nodal location.
8.15	The architectural design of the building is considered restrained but of high quality. In this regard it would not appear strident or over-dominant. Good use would be made of stone facing panels of an off-white colour which would complement the Bar Library and Law Society buildings either side of it. It is recommended that a condition is imposed that requires samples of materials to be agreed by the Council prior to construction. In summary, it is considered that this is an appropriately designed building for this site and its built context. The design has been subject to detailed Pre Application Discussions with officers and the Urban Design Officer offers no objection. The character and appearance of the area would be preserved.
8.16	Impact upon the setting of nearby listed buildings HED have been consulted as the site is in proximity to a number of Listed Buildings as described previously. The proposal has been assessed against paragraph 6.12 of the SPPS and Policy BH 11 of PPS 6. Paragraph 6.12 advises that Listed Buildings are key elements of our built heritage and are important for their intrinsic value and the contribution to the character of their location.
8.17	The proposal is located at the junction of Victoria Street and mainly pedestrian section of Chichester Street. Both streets contain Listed Buildings, the closest of which are the Old Town Hall Building, directly opposite the site across Chichester Street and the Royal Courts of Justice which are separated from the site by the Bar Library and Crown Solicitors. A number of other Listed Buildings are located at a greater distance from the site: Nos. 161-163 Victoria Street and the former Northern Bank at Nos. 108-110 Victoria Street.
8.18	HED, whilst accepting the principle of redevelopment of the site, have advised that the proposal has the potential to adversely impact on the listed buildings and surrounding built environment. They consider that the height and design of the building do not employ a consistent shoulder height that respects the scale, height and massing of the listed buildings.
8.19	HED advises that the proposal would have a major impact on the Old Town Hall due to its 'overbearing monolithic form', which it believes represents a comprehensive change to the setting. Also the proposal would have a moderate impact on the Royal Courts of Justice, the setting of which considered to be significantly modified and; and a minor impact on the setting of the Albert Clock.

8.20	As mentioned, the proposal has been modelled using VU.CITY. CGIs have also been provided and assist the Council in assessing the impacts of the proposal on the setting of the Listed Buildings. It is contended that the proposed building's contrasting lighter colour materials, together with its modern but simple design, mean that when viewed from medium to long distances north along Victoria Street it will allow the Old Town Hall building to be better framed than the existing red brick building. When viewed from the south the model indicates the Old Town Hall building is already obscured from certain viewpoints – this would not be improved by a building of less height. When viewed from the west on Chichester Street, much of the Old Town Hall is obscured from view by the Victoria Centre. The impact of the proposed building on the Listed Building would be mitigated by its restrained design and the separation distance between the buildings.
8.21	The impact of the proposal on the Royal Courts of Justice is considered to be acceptable. The neighbouring Bar Library acts as a buffer between the proposal and the Courts. The proposal is at a height that allows views of the upper floor and roof level above the Bar Library when viewed from Oxford Street and will be read in context of other large buildings in the area, including the new Centre House. Officers consider that the substantial presence of the Courts building viewed from Oxford Street will not be diminished by the proposal given the separation distance and the intervention of the Bar Library. The skyline created by the various forms of roof silhouettes are a common feature within a city centre location and therefore not considered to be a detraction.
8.22	HED have not raised any concerns about the impact of construction on the structural integrity of the Listed Old Town Hall and do not believe it is a relevant consideration. Officers advise that this is a civil issue.
8.23	It is considered on balance the proposal would not be harmful to the setting of listed building and is acceptable having regard to the SPPS and Policy BH11 of PPS6.
8.24	Impact on amenity The proposal has been assessed against paragraphs 4.11 and 4.12 of the SPPS. The Environmental Health Officer has offered no objection to the proposal and have recommended conditions in relation to the control of noise, air quality, dust control and advice relating to the control of plant and equipment.
8.25	The upper floors of the Bar Library contains a number of offices and a meeting room that currently enjoy an outlook from gable windows onto and over the site. The previous building had an increased separation distance with the Bar Library than what has been approved and proposed, which retain a circa 1.2m service alleyway between, this approved separation distance is replicated in the current proposal. However, the increased height over the above permission has the potential to reduce the outlook and natural light entering the offices and meeting room and increase the potential for overlooking.
8.26	Officers consider that the proposal will not have a significantly greater impact on the Bar Library and Law Society Building in terms of loss of outlook and natural light than approval Z/2011/0380/F. The footprint of the extant permission and the proposal are generally similar in size and occupying the same plot. The massing of the extant building has a shoulder height of five storeys with an additional two storeys set back. The shoulder height of the extant permission lines up with the eaves level of the Bar Library. Given that the east facing gable of the extant permission (adjacent Bar Library) is to eaves level of the Library and therefore above the window levels and is plotted at a similar separation distance to that proposed the impacts on outlook and reduction to natural light will be similar, any further loss of light or outlook is unlikely to be significant.

8.27	Regard must be had to the fact that the use of the Bar Library is less sensitive than residential accommodation. The proposal would also make effective use of land and provide good quality office accommodation, which have to be balanced against the impacts on adjacent premises. In terms of impacts on privacy, it is proposed that windows to the fourth and fifth floors of the proposal will be fitted with obscure glazing to eliminate any overlooking issue – this will be controlled by condition. On balance, it is considered that the impacts of the development on the amenity of adjacent premises are acceptable.
8.28	Access and parking The proposal has been assessed against Policies AMP 7 & 8 of PPS3. DfI Road's initial consultation response raised concerns regarding parking and cycle provision – additional information and amendments were submitted and DfI re-consulted. In reply DfI Roads offered no objection to the proposal subject to planning conditions. Officers note that the site is a sustainable location with good access to public transport and car parks. It is considered unnecessary to provide on-site parking. Further mitigation to off-set parking requirements can be provided by the green travel plan, implementation of which should be secured by condition.
8.29	Concerns about the servicing of the new building have been raised by objectors. A parking/back of house area exists along the rear of the existing unit and this will be partially retained as a back of house area. The retail unit has access onto Victoria Street and the pedestrianised Chichester Street, whilst the offices are accessed from the pedestrianised Chichester Street. The applicant has submitted information which advises that vehicles servicing the site will park on a lay-by on Chichester Street to the front of Centre House and as such the proposed servicing arrangements should not have any impact on adjoining buildings. DfI Roads have considered the Service Management Plan (contained within the Travel Plan) and associated Technical Note – Servicing and have no objection subject to a condition that the development operate in accordance with the details therein. The extant permission, which represents a fall-back position, does not condition a service management plan and this proposal provides an opportunity for the servicing of the site to be controlled by condition. This will be of benefit to the nearby properties and should go some way to offsetting their concerns in this regard.
8.30	Concerns have also been raised with respect to impact during construction. The applicant has submitted a "Framework Construction Environmental Management Plan" (CEMP) which states that full engagement will be carried out with all stakeholders and neighbours in advance of any construction in an effort to ensure minimum impact over the construction period. Conditions are recommended with respect to a Construction Management Plan, Construction Noise and Dust Management Plans – these will have to be agreed with the Council in advance of any construction. Whilst temporary disruption during any construction project is inevitable, the developer says that they recognise the sensitivities of the application site and the conditions will allow the Council to ensure the process is adequately managed. Moreover, there is an extant permission which could be implemented which would likely have similar impacts during the construction period. The extant permission is not subject to a CEMP and the current proposal will therefore allow additional controls to be put in place in this regard.
8.31	A refuse store for bins is located off the service access/escape route onto Chichester Street. A condition is recommended to ensure adequate waste storage facilities are available prior to operation and retained thereafter in accordance with the details as shown on the submitted plans.
8.32	Water infrastructure and flood risk NIW have confirmed there is a public water supply, foul sewer and available capacity at the WWTWs. The developer is required to consult NIW with regard to surface water sewer

8.33	and advised to submit a Pre Development Enquiry. DAERA Regulation Unit Land and Groundwater Team have no objection subject to conditions on contamination. Rivers Agency were consulted on the Flood Risk Assessment and offered no objection. It is considered the proposal complies with the SPPS and PPS 15.
10.0	Summary of Recommendation:
10.1	Having regard to the development plan, relevant planning policies and other material considerations, it is considered that the proposal should be approved subject to conditions.
10.2	It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions.
11.0	Conditions and Informatives
	1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Article 61 of the Planning Act (Northern Ireland) 2011. 2. Notwithstanding the submitted details, no development shall take place until a sample panel, samples and details of the materials to be used in the construction of the external surfaces of the building hereby permitted, have been submitted to and approved, in writing, by the Council. The development shall be carried out in accordance with the approved details. Reason: In the interest of visual amenity and to allow the Council to control the external appearance. 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 windows in the east elevation, as identified on approved plan 10b bearing the Council's date stamp 20th February 2020, shall at all times be glazed with fixed and obscured glass to at least Pilkington Level 3 (or equivalent Reason: To protect the privacy of the Bar Library. 4. The development hereby permitted shall operate in accordance with the Travel Plan uploaded to the Planning Portal 4th February 2020. Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles. 5. The development hereby permitted shall operate in accordance with the Service Management Plan (contained within the Travel Plan) uploaded to the Planning Portal 4th February 2020 and associated Technical Note - Servicing uploaded to the Planning Portal 9th April 2020. Reason: In the interests of road safety and the convenience of road users. 6. The development hereby permitted shall not become operational until cycle parking facilities have been provided in accordance with drawing No.1800-ZZ-00-200-001 Rev.03 (Planning Authority Drawing No.04B) uploaded to the Planning Portal 16th March 2020. The cycling parking shall be retained in accordance with these details at all times.

	Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles. 7. Prior to occupation of the building hereby approved, the waste storage area, as detailed within approved plan 04a bearing the Council's date stamp 21 January 2020, shall be operational and shall permanently be retained thereafter. Reason: to ensure the provision of adequate waste storage facilities 8. Prior to operation of the development, the combustion plant shall be installed in accordance with the technical specification detailed within Chapter 4 and Appendix B of the submitted AONA Environmental report: <i>Air Dispersion Modelling and Air Quality Impact Assessment Report for the Proposed Boiler Heating System in the Chancery House Development</i>, dated October 2019. The combustion plant shall be retained in accordance with these details thereafter. Combustion plant emissions shall be released from a flue terminating 1m above roof level in accordance with Section 4.1 of Chapter 4 of the AONA Environmental report: <i>Air Dispersion Modelling and Air Quality Impact Assessment Report for the Proposed Boiler Heating System in the Chancery House Development</i>, dated October 2019. Reason: The protection of human health and amenity 9. Notwithstanding the submitted details, the development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall provide for (but not be limited to): i) the access routes and parking of vehicles of site operatives and visitors; ii) loading and unloading of plant and materials; iii) storage of plant and materials used in constructing the development; The Management Plan shall be implemented as approved and maintained for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority. Reason: In the interests of public safety and amenity. 10. Prior to commencement of the demolition/construction phase of the development, the applicant shall submit to Belfast City Council, for written approval, a Dust Management Plan prepared in accordance with the <i>Guidance on the Assessment of Dust from Demolition and Construction (Institute of Air Quality Management, 2014)</i>. No demolition or construction shall take place unless in accordance with the approved Dust Management Plan. Reason: The protection of human health and amenity 11. Prior to commencement of the demolition and construction phases of the development, the applicant shall submit to Belfast City Council, a Construction Noise Management Plan (CNMP) for written approval. The plan shall consider the management of noise and vibration impacts as a result of demolition, excavation and construction works at the development site. It must outline the methods to be employed to minimise any noise and vibration impacts associated with the demolition and construction operations demonstrating the use of 'best practicable means'. Regard shall be paid to BS: 5228-1:2009+A1:2014 – <i>Code of practice for noise and vibration control on construction and</i>
--	--

	<i>open sites</i>. No demolition or construction shall take place unless in accordance with the approved CNMP. Reason: In the interests of amenity 12. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks, as applicable. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. Reason: Protection of environmental receptors to ensure the site is suitable for use. 13. After completing the remediation works under Condition 12; and prior to occupation of the development, a verification report must be submitted to and approved in writing by the Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks, as applicable. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives. Reason: Protection of environmental receptors to ensure the site is suitable for use.
Signature (s) Date:	

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

Development Management Report Addendum Report 2	
Committee Meeting Date: 14 th March 2023	Item Number:
Application ID: LA04/2022/1284/F	
Proposal: Erection of Purpose Built Managed Student Accommodation (PBMSA) development comprising 795 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including cafe and retail, and associated bin stores and plant and public realm improvements to surrounding footpaths.	Location: Lands bounded by Library Street (to south); Stephen Street (to west); Little Donegall Street (to north); and Union Street (to east) Belfast BT1 2JE.
Referral Route: Major development	
Applicant Name and Address: Mandeville Developments NI Ltd	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2
<u>ADDENDUM REPORT</u> This report should be read in conjunction with Addendum Report 1 to the 14 th February 2023 Planning Committee, the draft minutes to the same (see Appendix 2) and original officer report to the 17 th January 2023 Committee, appended. This application was previously considered at the Planning Committee on 14 th February 2023. The Committee resolved to refuse planning permission, with the detailed wording for the reasons for refusal to be set out by officers at its next meeting. The reasons for refusal are to include the application's non-compliance with the Inner North West Masterplan, contravention of Policies QD1 of PPS7 and OS2 of PPS8, and Policy BH11 of PPS6 in view of the response from DfC Historic Environment Division. Having regard to the resolution of the Committee, Members are asked to consider the following refusal reasons. Non-compliance with the Inner North West Masterplan 1. The key objectives of the Inner North West Masterplan include the delivery of a variety of accommodation or tenures to support population growth and city centre living. The proposal, by reason of its excessive scale, height and massing, would prejudice the delivery of mixed-tenure housing on the adjacent existing car park site on Stephen Street and Little Donegall Street to the immediate north-west, which forms part of the Inner North West Masterplan area and is zoned for social housing in the draft Belfast Metropolitan Area Plan 2015 (v2014), through over-dominance, shadowing, impact on light, and inter-overlooking. The proposal is therefore contrary to the Inner North West Masterplan, in	

conflict with zoning CC 04/03 of draft Belfast Metropolitan Area Plan (v2014), paragraph 6.136 of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7: Quality Residential Environments.

2. The key objectives of the Inner North West Masterplan include the delivery of a variety of accommodation or tenures to support population growth and city centre living. There is extant permission for Purpose Built Managed Student Accommodation on the adjacent land to the north and south. Moreover, the existing car park site on Stephen Street and Little Donegall Street to the immediate north-west is zoned for social housing in the draft Belfast Metropolitan Area Plan 2015 (v2014) (zoning CC 04/03). The Inner North West Masterplan recognises that it is important that there is provision of well-designed public space and new open space which complete the network of public spaces to support new housing. The Inner North West Masterplan illustrative masterplan identifies the site for the location of new public space ("Union Square"). Whilst the proposal includes open space, it is private, and the proposal would prejudice the provision of much needed public open space to support new housing in the area. The proposal is therefore contrary to the Inner North West Masterplan, and paragraph 6.137 and 6.201 of the Strategic Planning Policy Statement.
3. The Union Street/Library Street area of the Inner North West Masterplan has a tighter grain characterised by historic buildings, terraced houses and industrial buildings. The proposal, by reason of its excessive scale, height and massing, would fail to respond to the existing urban context on Little Donegall Street and Carrick Hill, nor contribute positively to the cityscape and the legibility of the masterplan area. The proposal would therefore have an adverse impact on the character and appearance of the area, contrary to paragraphs 6.136 and 6.137 of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7: Quality Residential Environments.

Inadequate Open Space

4. The proposed development would provide 1,300 sqm of outdoor private amenity space (an average of only 1.6 sqm per student bed space), substantially less than the guidance contained in *Creating Places* of a minimum of 10 sqm to 30 sqm. Moreover, the proposal fails to provide public open space with the development with none of the exceptions criteria set out in Planning Policy Statement 8 having been satisfied. The proposal would provide a substandard level of private communal amenity space and public open space and would therefore create a deficient living environment for residents, contrary to the principles of good place making. The proposal is contrary to paragraph 5.20 of *Creating Places*, paragraphs 6.137 and 6.201 of the Strategic Planning Policy Statement, Policy OS 2 of Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation, and Policy QD1 of Planning Policy Statement 7: Quality Residential Environments.

Impact on the setting of the Listed Frames Building

5. The proposed development, by reason of its excessive height, scale, massing and design, would have an over-dominant impact on the adjacent Listed Frames Snooker Hall (Nos. 2-14 Little Donegall Street) to the detriment of its setting. Therefore, the proposal fails to accord with the Conservation Strategy and Policy C4 of the Belfast Urban Area Plan 2001, paragraphs 6.12 and 6.13 of the Strategic Planning Policy Statement for Northern Ireland 2015, and Policy BH 11 of Planning Policy Statement 6: Planning, Archaeology and the Built Environment.

Upon preparing the refusal reasons it is apparent that a consultation response from DfC Historic Environment Division, dated 06 December 2022, was previously unavailable due to a technical issue with the new Planning Portal.

In that response HED advised that it is '*...content with the proposal, as presented, subject to conditions.*'

'The overall massing approach in the option shown in 'Planning Submission Response' dated 17th November 2022 is acceptable with the increased height and volume of the proposal focussed on the north-west of the site and stepping down to respect the setting of the more intimate historic Victorian context of Union Street and beyond.'

A copy of HED's consultation response is provided in full at **Appendix 2**.

It should be noted that HED's advice is in relation to the previous scheme, with the proposal since amended to further reduce its scale, height and massing.

Recommendation

Members are asked to consider the draft refusal reasons listed above.

It is requested that delegated authority is given to the Director of Planning & Building Control to finalise the wording of the refusal reasons.

Appendix 1 – Draft Minutes of 14th February Planning Committee

LA04/2022/1284/F Erection of Purpose Built Managed Student Accommodation (PBMSA) development comprising 862 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including café and retail, and associated bin stores and plant and public realm improvements to surrounding footpaths. Lands bounded by Library Street (to south); Stephen Street (to west); Little Donegall Street (to north); and Union Street (to east), Belfast

The Senior Planning Officer outlined the application for the erection of a Purpose Built Managed Student Accommodation (PBMSA) development on lands bounded by Library Street, Stephen Street, Little Donegall Street and Union Street. He highlighted the following key issues:

- Principle of development;
- Principle of Student Accommodation;
- Principle of proposed 'out of term' accommodation;
- Principle of ground floor café and retail units;
- Impact on Built Heritage;
- Scale, Massing and Design;
- Open Space Provision;
- Trees and Landscaping;
- Traffic and Parking;
- Impact on Amenity;
- Contamination;
- Impact on Air Quality;
- Noise;
- Odour;
- Drainage and Flooding;
- Waste Management;
- Other Environmental Matters;
- Impact on Protected Sites;
- Pre-application Community Consultation; and
- Developer Contributions.

He pointed out that since the initial report had been completed, a third party objection had been received and he explained the officers' response to the following areas of concern:

- Need for further student accommodation in an area where student accommodation was plentiful;
- No real benefits to the local community and noise pollution experienced from neighbouring Alma Place PBMSA (Library Street); and
- Reduction of light to adjacent 'Factory Building' (apartments) and resulting loss of sunlight.

He outlined the consultations responses which had been received from the Council's Urban Design Officer, Shared Environmental Services, DfI Roads and the City and

Regeneration Team. He added that further supporting and technical information had also been received from the Planning Agent in response to DfI River's queries in relation to storm water and allowance for urban expansion and climate change in drainage modelling.

The Senior Planning Officer reported that it was recommended that the application be approved subject to conditions and the completion of an agreement under Section 76 of the Planning Act (Northern Ireland) 2015 in respect of developer contributions, for the undernoted reasons:

- The development would contribute towards regeneration of entire city centre block;
- Creation of an internal landscaped courtyard;
- No adverse impact on built heritage;
- Need adequately demonstrated;
- Buildings step down in scale towards more domestic scale of Carrick Hill; and
- Four third party objections and one letter of support.

The Chairperson welcomed Ms. C. Ní Chuilín MLA and Mr. F. Dempsey, of Carrick Hill Residents' Association to the meeting.

Ms. Ní Chuilín stated that there was supposed to be 66 family homes developed in Nelson Street which had been subsequently designated to student accommodation, she added that Frederick Street Car Park had been considered for family homes and had been now designated as a car park for the university which had not alleviated the student carparking in residential streets.

She further pointed out other sites within the area which had been designated as student accommodation and stated that she believed that the application was not compatible with the Inner North West Masterplan.

She explained that she had been campaigning for regeneration in the area for a long time, but for buildings which were sympathetic to existing buildings and addressed the almost 3000 people living in housing stress which should be a material consideration as part of the planning application.

Mr. Dempsey stated that he felt the local residents had informed the developers during consultation and engagement that they were totally opposed to the development due to the detrimental effect it would have on the local community.

He outlined previous development plans for the area that the local residents had successfully campaigned against, and he asked the Committee to reject the application to benefit the local community.

The Chairperson welcomed Mr. P. Stinson of Turley and Mr. C. Deazley, of Like Architects, attending on behalf of the applicant, to the meeting.

Mr. Stinson stated that, contrary to a press article released in advance of the previous meeting of the Committee, he recognised that planning permission had not been granted and could only happen with the endorsement of the Committee and added that he had corrected the record with the reporter.

He explained that he had been involved with the site for many years and appreciated the sensitivities associated with how it fits with its neighbours. He outlined the consultation and engagement had been undertaken with local residents and understood their concern, and

that the approach to the design had been as sensitive as possible, particularly to avoid prejudicing future development of adjoining sites which were of importance to the local community.

He stated that the applicant's ambition was to have new bed spaces available for the start of the academic year in 2026 and that the Council had heard directly from the local universities that there was a continuing need for managed student accommodation in the city to support their current student numbers and aspirations for future growth.

He explained that the site was currently a surface level car park and was an opportunity site in draft BMAP and the Inner North West Masterplan, not zoned for any particular use, and that the masterplan referred to underutilised sites as key to the regeneration of the area and it supported densification.

He added that the site had been identified in the Belfast HMO Subject Plan as a Development Node which stated that planning permission would be granted for this type of development in such locations, and that the subject plan identified that PBMSA could meet any ongoing requirement for student accommodation.

He outlined the fundamental principles of the design which had been informed by a detailed analysis of the historic and evolving context in this part of the city centre and how it aligned with the Inner North West Masterplan and pointed out that the Council's Urban Design Officer and HED had offered no objection to the development.

He highlighted that, as was the case for most other student developments in the city centre, there was no proposed car parking, with secure cycle parking provision for 128 bicycles, and that the building had been designed to provide accessibility for all.

He concluded by stating that the development would bring much needed student accommodation within an HMO node, that would support the continued growth of student numbers in higher education and support the regeneration of the area, and that the design responded sensitively to its historic context and related sympathetically to existing and future development in the area in terms of its scale, form, massing and design.

The Chairperson thanked the attendees for their representations and asked the Members if they had any questions.

In response to a question from a Member regarding consideration given to the Inner North West Masterplan, Mr. Stinson explained that it had been considered and that the scheme had been amended to ensure that the proposal was compatible, however, the Member disputed this, stating that the proposal would overshadow and dominate any future residential development on Stephen Street Car Park and that the City Regeneration Team had raised concern with the development of the wider masterplan and not just height, scale and massing.

A number of Members raised concern with regard to the weighting of the Inner North West Masterplan, the concentration of student accommodation in one part of the city, accessibility, parking and the impact of the proposal on the local community.

The Senior Planning Officer explained that, given the accumulative nature of the number of students residing in the city centre, and the impact on the local community and amenities, that officers had considered in their assessment, the management plans secured through a Section 76 Agreement, to control the students within the site and the local vicinities.

The Planning Manager stated that the officer assessment had been conducted using a suite of relevant planning policies, that the appropriate weighting had been given to each of the policies, and that much greater weighting should be given to the statutory HMO Subject Plan in line with Section 6(4) of the Planning Act (Northern Ireland) 2015.

Proposal

Moved by Councillor Murphy,
Seconded by Councillor Maskey,

“That the Committee refuse to grant planning permission for the application, with the detailed wording for the reasons for refusal to be set out by officers at its next meeting. The reasons for refusal to include the application’s non-compliance with the Inner North West Masterplan.”

The proposer agreed, at the request of Councillor Groogan, to the following additions to be included in the reasons for refusal:

“Contravention of Policies QD1 of PPS7 and OS2 of PPS8, and Policy BH11 of PPS6 in view of the response from DfC HED.”

Councillor Hanvey declared that he would abstain from voting as he felt that his role and mandate as a Councillor had not been respected by the Chairperson.

The proposal, as amended, was put to the Committee and, on a recorded vote, seven Members voted for, four against and one no vote and it was declared carried.

<u>For 7</u>	<u>Against 4</u>	<u>No Vote 1</u>
Councillor Whyte (Chairperson); and Councillors Carson, Matt Collin, Garrett, Groogan, Maskey and Murphy.	Alderman Rodgers; and Councillors Douglas, Hutchinson and Spratt.	Councillor Bower.

Development Management Report Addendum Report 1

Committee Meeting Date: 14 th February 2023		Item Number:
Application ID: LA04/2022/1284/F		
Proposal: Erection of Purpose Built Managed Student Accommodation (PBMSA) development comprising 795 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including cafe and retail, and associated bin stores and plant and public realm improvements to surrounding footpaths.		Location: Lands bounded by Library Street (to south); Stephen Street (to west); Little Donegall Street (to north); and Union Street (to east) Belfast BT1 2JE.
Referral Route: Major Planning Application		
Recommendation: Approval		Approve - Subject to Condition and a Section 76 Agreement
Applicant Name and Address: Mandeville Developments NI Ltd		Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2

ADDENDUM REPORT

This application was previously considered by the Planning Committee on 17 January 2023. At the January Planning Committee, it was resolved to defer the application to enable consideration of a late report from the Council's City Regeneration and Development Unit, which includes reference to the Inner Northwest Masterplan.

Members should read this Addendum Report in conjunction with the original full detailed planning report attached below (Appendix 1)

A Committee Site Visit took place on 2nd December 2022.

Since the initial report was completed, 1 letter of objection has been received, and consultation responses have been received from BCC Urban Design Officer, Shared Environmental Services, DFI Roads and BCC City and Regeneration Team. Further technical information was also received from the Planning Agent in response to DFI Rivers' queries in relation to storm water and allowance for urban expansion and climate change in drainage modelling.

An additional 83 residents were also notified (errors in accuracy of postal addresses originally pulling through from previous planning portal).

The issues raised in the objection letter will be addressed followed by a summary of the consultation responses.

1. Third Party Objection

- The objection letter raises the following points of concern:
- **Need for further student accommodation in an area where student accommodation is plentiful.**
- A Need for student accommodation was part of the initial assessment of the proposed development and officers are satisfied that a need for the PBMSA has been adequately demonstrated. The issue of Need is discussed further below in light of recent input from BCC Local Development Plan Team (Appendix 2). The site also lies within a Houses in Multiple Occupation (HMO) Development Node (Number 4/17 'Scotch Quarter' (as designated in the adopted Houses in Multiple Occupation (HMO's) Subject Plan for Belfast City Council Area 2015, and PBMSA is considered a form of HMO development. Policy HMO 3 of the HMO Subject Plan states that HMO development will be granted along HMO node frontages. All four sides of the proposed building lie within HMO frontages.
- **No real benefits to the local community, and noise pollution experienced from neighbouring Alma Place PBMSA (Library Street).**
- Community benefits are not a planning policy requirement for PBMSA applications. However, officers are of the opinion that the proposal, with appropriate management procedures in place and secured via a Section 76 planning agreement, will not result in any significant detriment to local residents by way of noise or general disturbance. In addition, Environmental Health has no objection in terms of noise/ disturbance.
- **Reduction of light into adjacent 'Factory Building' (apartments) and resulting loss of sunlight.**
- The section of the proposed building facing the apartment block on Little Donegall Street was reduced from 9 and a half storeys (sloping roof) in the initial proposal to 8 storeys but with the upper two storeys set back. The ridge height is reduced from approximately 31m to 28m, with a setback height of approximately 22m. Officers are of the opinion that this reduction in height means that the development will not have an unacceptable impact on the amenity of the existing apartments opposite the site.

2. Urban Design Officer (UD) Response

- UD comment regarding Façade Articulation - *Compared to earlier iterations, consideration has been given to breaking down what were viewed as long and largely uniform elevations, which is welcomed. This has been achieved through the application of two contrasting façade treatments around all four elevations, alongside a series of vertical and horizontal shifts in form.....Vertical shadow gaps of a bay's width have also been utilised to create discernible visual breaks between both treatments.*
- *Those more central framed brickwork sections allow for the establishment of shoulder heights that speak to the lower heights of adjacent buildings.....*
- *The dynamic sloped roof profiles at the taller corner locations, provide another contrasting element within the overall composition that adds to visual interest and nods to the varied and dense industrial roofscapes that were once a common characteristic of this historic area.*
- UD comments on ground floor activity - *The proposed GF plan includes a range of active frontages along the full extent of Union Street and Little Donegall Street, which are welcomed.*
- *A range of internal break out, study spaces and kitchen area extend along the length of Little Donegall Street, allowing for multiple views into and out of the building.....active uses along Little Donegall Street incorporate a dual aspect layout which allows for activity to be extended onto the sizeable internal courtyard/event space.*

3. Shared Environmental Services Response

- *Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises*

the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.

- *In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This conclusion is subject to the following mitigation measures being conditioned:*

Notwithstanding the submitted details, no development should take place on-site until the method of sewage/storm disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge for private treatment plants associated with the development have been granted under the terms of the Water (NI) Order 1999 by NIEA WMU.

Reason: To ensure a practical solution to sewage disposal is possible at the site that will protect features of indirectly connected European Sites in Belfast Lough from adverse effects.

4. Technical response from agent to DFI Rivers queries:

- *It is confirmed that storm water will be controlled by a Hydro-brake flow control device. Additional Hydrobrake design drawing and hydraulic characteristics provided to confirm the flow control details. Also confirmed that a storm water requisition application and deposit has been paid to NI Water for final confirmation of the proposed storm water connection and a response is currently awaited.*
- *Additional Causeway FLOW results for the 1 in 100 year storm event including 20% provided. Proposed attenuation tank has a volume of 91m³. Results indicate very limited localised flooding of 0.1m³ which can be accommodated within the site, in the central hardstanding area, without risk of flooding to the proposed or adjacent buildings.*
- *DFI Rivers Agency has been consulted for comment. These technical clarifications should address DFI Rivers queries. If any substantial matters arise in the final DFI Rivers response, these would be reported back to committee for members consideration.*

5. BCC City & Regen response

- *Whilst PBMSA supports regeneration, other housing tenures are required to create a balanced housing provision.*
- *The principle of PBMSA is considered acceptable at this location. The site is unzoned within a HMO development node. Policy HMO 3 of the Subject Plan states that HMO development will be granted along HMO node frontages.*
- *CRD would encourage a greater allocation of cycling provision to support the aspirations of BCCRIS.*
- *DFI Roads have no objection to the proposed cycle parking provision. 128 cycle spaces are provided.*
- *CRD would request clarity on what improvements are proposed to the pavements around the proposed building.*
- *Public realm improvements on the footpaths abutting the site will be secured via condition. The application site boundary incorporates the public footpath around the site.*
- *CRD would request clarity on how the proposed development connects to the city.*
- *The proposal has been assessed against the Inner NW Masterplan. The proposal provides connections from courtyard to street. There is no policy requirement to provide a public space and it would be inappropriate to provide public access into a private communal courtyard.*
- *The building ground floor layout should be reviewed to reduce the scale of dead frontage focused on one street.*

- The building occupies an entire city block. It is considered acceptable that three of the four frontages are active. In assessing the application officers sought to minimise the extent of 'dead frontage' at ground floor level.

- **A link to the Inner North West Masterplan is provided below:**
[Belfast Inner North West Masterplan \(belfastcity.gov.uk\)](http://belfastcity.gov.uk)

6. DFI Roads Response

- *Confirmation that reply of 02/12/2022 considered the technical note which was uploaded onto the old EPIC system and I note this document was also uploaded onto the new Public Portal on 26/11/2022. It is correct that my reply of 02/12/2022 did read "Dfi Roads acknowledges the document 'Technical Note - Response to DFI Roads'."*
- *The applicant has not adequately considered PPS3 - the provision of reserved disabled parking.*
- *The lack of disabled parking provision is not a road safety issue but it does impact on the amenity aspect of the development, in that disabled persons are potentially excluded from residing in this development. Planning Service should consider this amenity issue.*
- The officer opinion to approve remains unchanged. The issue regarding disabled parking was assessed in the original report. Two disabled car parking spaces have been identified by the agent in an adjoining car park. It should also be noted that blue badge holders can avail of existing on street parking on the streets surrounding the site without restriction. In the event that Planning Permission is granted DFI Roads has requested that the following conditions are attached:
 1. No dwelling shall be occupied until weather protected cycle parking has been fully provided in accordance with the approved plans.
REASON: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.
 2. All redundant accesses from the site to the public road shall be permanently closed off and the footpath reinstated to the satisfaction of the Department for Infrastructure.
REASON: In order to minimise the number of access points on to the public road in the interests of road safety and the convenience of road users.
 3. The development shall operate in accordance with the Service Management Plan.
REASON: In the interests of road safety and the convenience of road users.
 4. The development shall operate in accordance with the Travel Plan.
REASON: To encourage alternative modes of transport to the private car.

7. Agent's response on queries relating to Waste Management

- *Anticipated that all waste management functions (including on-site collection and utilisation of waste collection vehicles) will be undertaken by development management company and final plans agreed with the council.*
- *Members of the development management company waste management team will be solely responsible for the sorting and proper use of assigned bins within the internal bin stores.*
- *Bin stores only accessible to members of management team with access controlled.*

- *The waste management team will be on-site on bin collection days to ensure all bins are presented and removed from the street-side collection locations within 3m of the collection vehicle (as per SMP).*
- *Bin store size and locations have been designed to maximise space for the required number of bins and minimize impact on the general operation of the development.*
- *The Café/ retail internal layout will include provision of a standalone bin store which will only be accessible to employees of the unit. The size of the bin store will be sufficiently to accommodate the end user.*
- *A final waste management plan will be secured via planning condition.*

8. Further supporting information from agent

- *The site lies within HMO Development Node 4/17 'Scotch Quarter' of the HMO Subject Plan for Belfast (map no. 8 - Belfast City Centre). The Plan anticipates that (Policy HMO7) a significantly higher proportion of student accommodation will be provided by PBMSA. As set out in our Student Needs Assessment that has certainly been the case since 2015. Designation HMO4 of the plan provides justification for the choice of the various nodes as areas for HMO development.*
- *This proposal has the potential to increase the residential population of Belfast City Centre and will also result in the regeneration of this unsightly car park in an area that has been subject to much recent change. The site benefits from excellent connectivity to the surrounding area given it is bound on all sides by the existing city street network. It is within easy walking of the new Ulster University campus and the city centre as a whole.*
- *In relation to design, you are aware of the detailed discussions through the PAD and application process, the changes to the design that have come about as a result of those discussions and that the Urban Design officer and HED now have no objections to the development. Through these discussions an area of public realm has been created at the junction of Union Street and Little Donegall Street. This space will complement the pedestrianisation works that have been undertaken to the northern end of Union Street in recent month. The design at this location also successfully achieves a balance between public space and built form to address the relationship to Frames.*
- *You will be aware from our Design and Access Statement that the Inner North West masterplan has been an important consideration through the development of the design. Our 'Planning Chronology' document of November 2022 further considered the proposed development in the context of the Inner North West masterplan*
- *The officer report notes that we have a secure cycle storage area within the ground floor of the building. Access to this will be limited to residents only.*
- *The red line of the application incorporates the existing pavements around the building as it is intended to re-instate the pavements once construction works are complete. This has been done in line with the council's Developer Contributions Framework guide. You will see from the landscape plans that the central courtyard is a multi-surface space. The space is not limited to the courtyard as it connects the internal space through access ways to Library Street and the dedicated public space at Union Street (as referenced above).*
- *A Waste Management Plan was submitted with the planning application and we note the draft condition requiring a final plan to be agreed with council prior to occupation of the building.*

Summary

The late objection received has been fully taken into account. Amenity issues were previously assessed in the main report.

In conclusion, the recommendation remains as set out in the case officer's report and this addendum. The proposal is recommended for Approval subject to conditions and subject to the completion of an Agreement under Section 76 of the Planning Act (Northern Ireland) 2015 in respect of developer contributions.

It is requested that authority be delegated to the Director of Planning & Building Control to finalise the wording of conditions and enter into the Section 76 planning agreement and deal with any other issues that may arise from outstanding consultations, unless they are substantive in which case the application will be reported back to the Planning Committee.

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 17 th January 2023	Item Number:
Application ID: LA04/2022/1284/F	Target Date:
Proposal: Erection of Purpose Built Managed Student Accommodation (PBMSA) development comprising 795 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including cafe and retail, and associated bin stores and plant and public realm improvements to surrounding footpaths.	Location: Lands bounded by Library Street (to south); Stephen Street (to west); Little Donegall Street (to north); and Union Street (to east), Belfast BT1 2JE.
Referral Route: Major Development	
Recommendation:	Approval subject to conditions and a Section 76 planning agreement
Applicant Name and Address: Mandeville Developments NI Ltd	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2
Executive Summary: This application seeks full planning permission for the erection of Purpose Built Managed Student Accommodation (PBMSA) development comprising 795 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including cafe and retail, and associated bin stores and plant and public realm improvements to surrounding footpaths.	
Planning committee agreed to hold a preliminary site visit. The site visit took place on Friday 2nd December 2022.	
The key issues in the assessment of the proposed development include: - Principle of development - Principle of Student Accommodation - Principle of proposed 'out of term' accommodation - Principle of ground floor café and retail units - Impact on Built Heritage - Scale, Massing and Design - Open Space Provision - Trees and Landscaping - Traffic and Parking - Impact on Amenity - Contamination - Impact on Air Quality - Noise	

- Odour
- Drainage and Flooding
- Waste Management
- Other Environmental Matters
- Impact on Protected Sites
- Pre-application Community Consultation
- Developer Contributions

The principle of Managed Student Accommodation is considered acceptable on the site and complies with the relevant policy and guidance on PBMSA. The scheme will reintroduce built-form and urban grain within an historic part of the city with a strong industrial heritage, whilst being sympathetic to the built heritage, existing context and residential amenity.

The proposed scale and massing are now considered acceptable, given significant design changes and a reduction in scale, particularly on Stephen Street. The design, detailing and materiality including tonal red bricked finish reflects the industrial character of this part of the city centre. Subtle detailing, including vertical breaks and shifts has helped break up what could be an imposing block and is considered to be a significant improvement to the previously approved apartment building's design and envelope (Z/2008/0655/F)

The site is ideally located to serve both Queens University and the newly constructed University of Ulster complex.

Although DFI Roads have raised an issue with the absence of disabled parking, this zero-parking scheme is consistent with previously approved city centre PBMSA schemes which also provided no in-curtilage parking subject to a robust Travel Plan. Two disabled parking spaces have been identified within an adjacent public car park.

A number of issues remain outstanding including responses from Shared Environmental Services, however the applicant, Mandeville Developments NI Ltd, has confirmed that it has secured a funding offer to proceed with the construction of the building and a main contractor is in place. Mandeville must complete and handover the project by late July 2026 to meet funding terms and operator requirements. The construction programme will run 2 years 9 months on site from a projected start on site Oct 2023 to a July/August 2026 completion.

The developer has confirmed that funding will not be released until the period for a potential Judicial Review (JR) challenge is expired. The programme then allows for a 16 week mobilisation period from May to August for Planning Commencement Conditions, Funding, Legals, Professional Appointments, Health and Safety, Building Regulations, Final Design and Contractual works. The Contractor would start initial site mobilisation late Aug/ early Sept 2023 for a full start on site Oct 2023.

The 2026 delivery programme does not allow for slippage. Losing a month at this point would seriously impact funding to the point of likely withdrawal due to the timescale restrictions around a 2026 handover. It has therefore become critical that the application advances to committee at this stage.

Mandeville Developments NI Ltd have confirmed that they remain committed to delivering the scheme to meet the clear and quantifiable need for Student Accommodation in the city.

DFI Roads – Objection

DAERA – Approval subject to conditions

Rivers Agency – Further info requested

Belfast City Airport – No objection

Shared Environmental Services – Await response

Non-Statutory consultations

Environmental Health – Approval subject to conditions

Senior Urban Design Officer (SUDO) - Awaiting final response (however the SUDO was involved in design discussions and his comments have helped influence the amended design)

BCC Tree Officer – No objection

BCC City and Neighbourhoods Team – No objection

Environmental Health BCC – Approval subject to conditions

One third party objection received – set out and considered in the main report.

Recommendation

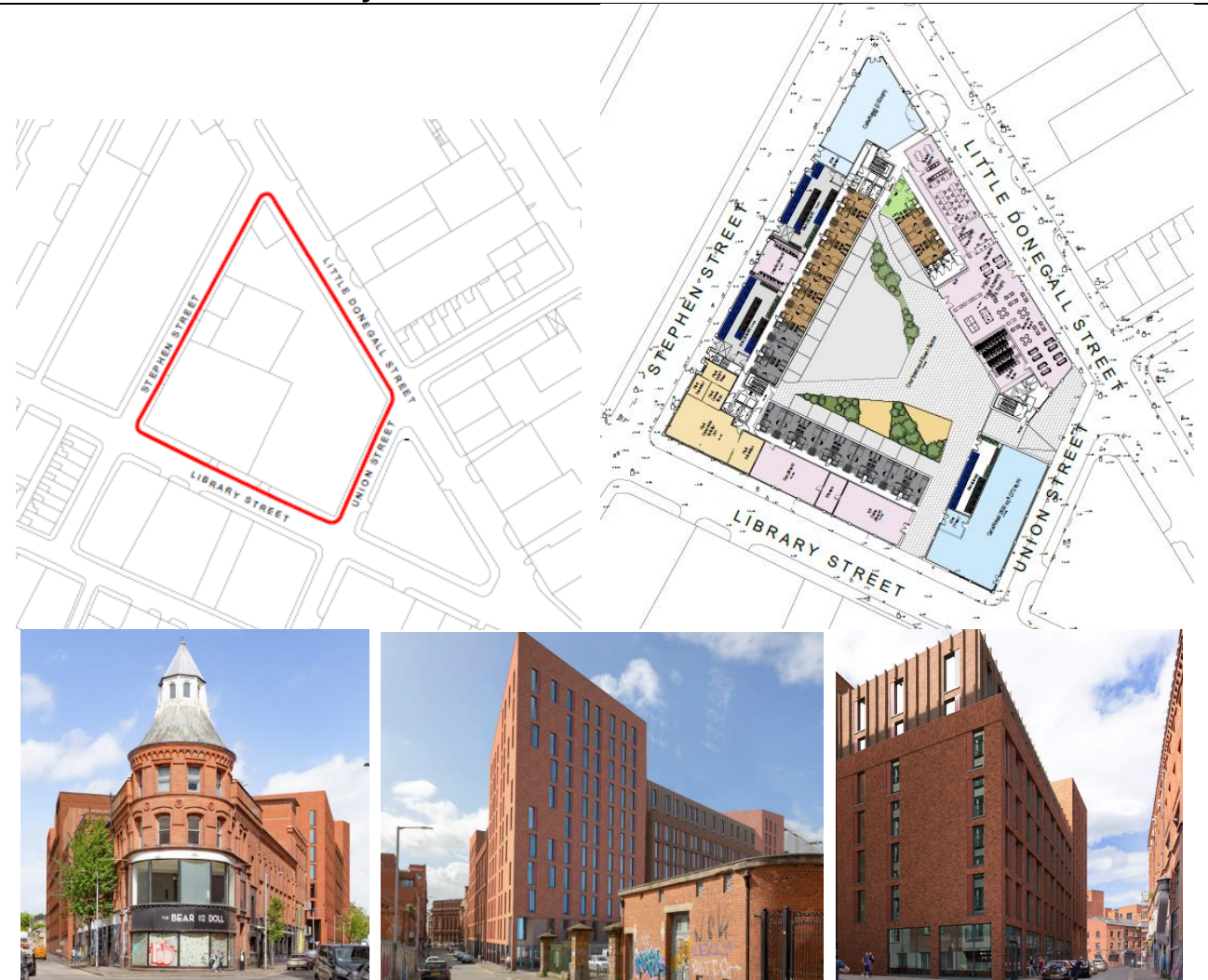
Having regard to the development plan, relevant policy context and other material considerations the proposed development is considered acceptable. It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement to secure appropriate management of the student accommodation.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and enter into the Section 76 planning agreement and deal with any other issues that may arise from outstanding consultations, unless they are substantive in which case the application will be reported back to the Planning Committee.

Signature(s):

Case Officer Report

Site Location Plan and layout



1.0	Description of Proposed Development
1.1	The application seeks full planning permission for Purpose Built Managed Student Accommodation (PBMSA) development comprising 795 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including cafe and retail, and associated bin stores and plant and public realm improvements to surrounding footpaths.
1.2	Permission is also sought for the development to be used as short-stay accommodation outside the traditional term times for Further or Higher Education Institution Staff or for individuals attending events hosted by a further or higher education institution.
1.3	The development includes: - Apartment clusters comprising: 4-6no.single bedrooms each with double bed, study space and ensuite bathroom

	- Shared kitchen, living and dining spaces - Individual studios - 2no. commercial/retail units at ground floor level - Student amenity facilities comprising: Theatre, kitchen, Cinema room, Common social areas, Gym and Laundry - Ancillary facilities comprising: Secure cycle storage, Showers, Bin storage, plant space
2.0	Description of Site
2.1	The application site has an area of approximately 0.4Ha and gently slopes from Carrick Hill to the west towards Royal Avenue to the east. The difference in level between Stephen Street and Union Street is approximately 1m. Where the change in topography is most notable closest to Stephen Street, the fall across the site is more gradual.
2.2	The site is mainly comprised of a surface level car park located on the northern periphery of the city centre enclosed by roads on all four sides, with apartments and a new student accommodation block to the south, the Frames Snooker Hall to the east, a surface level car park to the west and a mix of uses, including an apartment block to the north along Little Donegall Street.
2.3	The surrounding area is mixed use in character and consists of residential and student apartment blocks and 2 storey terraced dwellings, retail units and warehousing along with a number of surface level car parks.
2.4	The following zonings apply to the site: - Belfast Urban Area Plan – unzoned whiteland - Draft Belfast Metropolitan Area Plan (2004) – part development opportunity site - Draft Belfast Metropolitan Area Plan (2015) – unzoned whiteland
Planning Assessment of Policy and other Material Considerations	
3.0	Planning History on the application site
3.1	LA04/2008/0655/F - Mixed use development comprising of 253 no. apartments, retail units and associated basement car parking. Land bounded by Library Street, Stephen Street, Little Donegall Street, Union Street, Belfast. Permission Granted 25 th June 2009.
3.2	LA04/2015/0577/O - Application for a mixed use regeneration project comprising community, residential, commercial, local retail, leisure and managed student accommodation uses and areas of public realm. Lands located within the DSD Northside Development Area principally those located within the Clifton Street Gateway and Press / Library Quarter. Clifton Street Gateway includes lands bounded by Clifton Street Regent Street the Westlink and Trinity Street. Press / Library Quarter includes lands bounded by Donegall Street North Street Royal Avenue and Carrick Hill. Refused (ES) 18 th January 2016
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014) Belfast Local Development Plan Draft Plan Strategy 2035 (Draft LDP) Public Local Inquiry into Objections to the Belfast Metropolitan Area Plan 2015 Part 2 'Report on Belfast City Council Area'
4.2	Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) Planning Policy Statement 3 - Access, Movement and Parking Policy Statement 6 - Planning, Archaeology and the Built Heritage Planning Policy Statement 7 – Quality Residential Environments

	Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation Planning Policy Statement 12 – Housing in Settlements Planning Policy Statement 13 – Transportation and Landuse Planning Policy Statement 15 – Planning and Flood Risk HMO Subject Plan 2015 Purpose Built Managed Student Accommodation in Belfast – Planning and Place Advice Note Belfast: A Framework for student housing and purpose-built student accommodation Creating Places
5.0	Statutory Consultees DFI Roads – Objection DAERA – Approval subject to conditions Rivers Agency – No objections Belfast City Airport – No objection Shared Environmental Services – No objection
6.0	Non-Statutory Consultees Environmental Health BCC – Approval subject to conditions BCC Urban Design Officer – Await response BCC Tree Officer - No objection BCC City and Neighbourhoods Team – No objection BCC Economic Development Team – Await response
7.0	Representations - One third party representation received Concerns raised about the following: - Scale, massing and façade design has an adverse impact and on character of neighbouring historic buildings including. - As will be discussed in detail below, the scale, massing and design has been amended substantially since the date of the objection (11/07/22) and is now considered to be sympathetic to the existing built context and historical assets. - Oversaturation of student accommodation in the immediate area. - The proposal has been assessed against relevant policy and guidance, which includes a requirement to demonstrate need. It has been found acceptable on the basis of the information provided by the applicant/ agent.
8.0	Other Material Considerations The Belfast Agenda Inner North-West Master Plan
9.0 9.1	Assessment The key issues in the assessment of the proposed development include: - Principle of development - Principle of Student Accommodation - Principle of proposed 'out of term' accommodation - Principle of ground floor café and retail units - Impact on Built Heritage - Scale, Massing and Design - Open Space Provision - Trees and Landscaping - Traffic and Parking - Impact on Amenity - Contamination - Impact on Air Quality - Noise

	- Odour - Drainage and Flooding - Waste Management - Other Environmental Matters - Impact on Protected Sites - Pre-application Community Consultation - Developer Contributions
9.2	Principle of Development Section 45 (1) of the Planning Act (NI) 2011 requires the Council to have regard to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the Act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material consideration indicate otherwise.
9.3	Following the recent Court of Appeal decision on Belfast Metropolitan Area Plan, the extant development plan is now the Belfast Urban Area Plan. However, given the stage at which the Draft Belfast Metropolitan Area Plan (Draft BMAP) had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. The weight to be attached to policies in emerging plans will depend upon the stage of plan preparation or review, increasing as successive stages are reached.
9.4	Given the advanced stage that BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the only areas of contention were policies relating to Sprucefield Shopping Centre, BMAP 2015 is considered to hold significant weight.
9.5	<i>Belfast Urban Area Plan (BUAP)</i> The site is located on unzoned whiteland within the development limits of Belfast. Policy CC7 of the BUAP promotes the re-introduction of residential uses into the city centre.
9.6	The BUAP also sets out that high buildings must be sympathetic in scale to the traditional height of buildings in the City Centre. Policy CC12 requires that buildings should relate sympathetically to their immediate surroundings. In this case the application site is surrounded by existing and proposed buildings ranging in height up to 11 storeys.
9.7	<i>Draft BMAP (v2004 and v2014) designations</i> In both versions of the draft Belfast Metropolitan Area Plan (v2014) the site is located on unzoned whiteland. In the Draft BMAP part of the site is identified as a development opportunity site (CC0039).
9.8	<i>Draft Belfast Local Development Plan Strategy (Draft LDP)</i> The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered Sound and adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPSS.

9.9	Principle of Student Accommodation
9.10	Policy HMO 7 Large Scale Purpose Built Student Accommodation is the current planning policy which explicitly relates to the provision of PBMSA, stating: Planning permission will only be granted for large scale purpose built student accommodation where all of the following criteria are met:
9.11	• <i>Development of any complex consists of a minimum of 50 units or a minimum of 200 occupants.</i> The proposal is for 795 beds. Therefore this criteria is met.
9.12	• <i>All units are self-contained (i.e. having a bathroom, w.c. and kitchen available for use by the occupiers).</i> Not all units are self-contained with many rooms having no kitchen. However this is off set with the provision of communal kitchen and common room areas, located evenly around each floor and within a short distance of any of the smaller single bed units.
9.13	• <i>The location is not within a primarily residential area uses.</i> The site is located within the city centre off a main arterial route. The site is located a short distance east of the wider Carrick Hill area, and adjacent to existing apartment blocks on Library Street and Little Donegall Street. Whilst the site is not within a primarily residential area, when assessing the use as PBMSA located in proximity to a residential area, it is necessary to ensure there is no undue impact on amenity for existing residents. Environmental Health have no objections in terms of any potential impact on the nearest residential properties.
9.14	• <i>Provision is made for management of all accommodation. This may require an Article 40 agreement with Belfast City Council (Section 76 under the Planning Act (Northern Ireland 2015)).</i> An Outline Student Management Plan has been submitted in support of the application. There are numerous procedures set out to ensure: - Reception Services - Online Tenancy Agreement and Handbook to provide guidance - Secured controlled access (fobs/ cards) - CCTV - On-site maintenance, repairs, inspections - Management of anti-social behaviour - Health and Safety Procedures - Complaints procedure - Liaison with PSNI
9.15	The Management of the scheme will be secured via a Section 76 Agreement. An Agreement has been submitted for approval prior the granting of planning permission. Management arrangements will be written into this agreement.
9.16	• <i>Landscaping and amenity space is provided in accordance with a landscaping plan indicating all landscaping proposals for the scheme and, where relevant making provision for future maintenance.</i> An externally enclosed courtyard is proposed, with an area of approximately 1,300 sqm. The proposed internal courtyard is seeking to plant 5 x semi-mature birch trees - betula jacquemontii within the share space.
9.17	The Landscape Management and Maintenance plan is deemed appropriate in terms of how landscaping within the site shall be future managed, cared for and provided

	adequate requirements to ensure the landscaping features can form key parts of the proposal.
9.18	Internal amenity spaces have been provided in the form of a 'sky lounge' on the 11 th floor (circa 100 sqm), and 'social' amenity areas on the ground floor and mezzanine floor, totalling approximately 750sqm.
9.19	The proposal has also been assessed against the Council's document 'Purpose Built Managed Student Accommodation in Belfast – Planning and Place Advice Note'. Whilst guidance and not planning policy it is a material consideration. The policy sets out six criteria which all applications for PBMSA proposals should adhere to: <i>A. The development should be at a location which is easily accessible to university/college campuses by sustainable transport modes;</i> <i>B. Policy designations specific to the City Centre;</i> <i>C. Layout, design and facilities provided within the development are of high standards;</i> <i>D. The development should be designed in a way that does not conflict with adjacent properties or the general amenity of the surrounding area;</i> <i>E. The development has appropriate management in place to create a positive and safe living environment for students whilst minimising any potential negative impacts from occupants; and</i> <i>F. The development meets and identified need for the type of accommodation proposed.</i> <u>Criteria (a)</u>
9.20	The site is located within 100 metres of the new University of Ulster Campus on York Street, 500 metres of Belfast Metropolitan College and within 2km of Queens University. The application site is also located within close proximity of Cathedral Quarter and Cityside Retail and Leisure Park, providing access to a range of services and facilities. Bus stops are located approximately 100 metres distant from the application site, providing Translink Metro services to the greater Belfast Area.
9.21	The site is located within 800 metres distant from the Europa Bus and Rail Centre, providing rail and bus services across Northern Ireland and cross border to the South and a Belfast Bike docking station is located at Cathedral Gardens / York Street. The complex is ideally located within the city centre and complies with criterion (a).
9.22	<u>Criterion (b)</u> Requires the need to assess the proposal in relation to policy designations specific to the city centre. The site is located on undesignated land outside any conservation area of area of townscape character.
9.23	<u>Criterion (c)</u> As discussed in greater detail below, the proposal is in keeping with the existing built form in the area in terms of design and finishes, taking a cue in terms of heights and overall massing from the more established buildings in the area and the newly constructed and approved student blocks. In terms of the specified space standards the smallest units (bronze) have a floor area of 14sqm with the larger rooms (gold) having an area of 18sqm, both above the 9 square metres standard for 1-2 person rooms. A small number of larger units, shown in a pink wash and wheelchair accessible, have an area of approximately 20sqm.
9.24	<u>Criterion (d)</u> The impact on amenity will be discussed in detail below under 'Impact on amenity'. <u>Criterion (e)</u>

9.25	Requires that the development has appropriate management in place to create a positive and safe living environment for students whilst minimising any potential negative impact from occupants. A management plan, prepared by Fresh Property Group, has been submitted in support of the planning application. This plan sets out a number of procedures to manage student behaviour and protect residential amenity. These include: - Reception Services - An on-site management team to be put in place - Management of anti-social behaviour - Secured controlled access (fobs/ cards) - On-site maintenance - Complaints procedure
9.26	Management of the PBMSA will be secured through a S76 planning agreement.
9.27	<u>Criterion (f)</u> There are 44,020 higher education full-time students in Northern Ireland (2020/21). Belfast is the 21st largest full-time student population in the UK (excluding Greater London). It is home to the four higher education institutions Queen's University Belfast (QUB); Ulster university (UU); Stranmillis University College; St. Mary's University College, as well as Belfast Met.
9.28	QUB Queen's University Belfast is the largest institution in Northern Ireland with 21,565 full-time students. This is more than a 35% increase in students since the 2007/08 intake, which was 15,880. UK full-time student enrolment in Queen's makes up 79% of the total enrolment in 2020/2021. 15,615 of a total 21,565 students in 2020/2021 were from Northern Ireland. The number of undergraduate full-time students at Queen's University Belfast has increased by over 20% and postgraduate full-time students has doubled in the last 10 years.
9.29	Full time international (including EU) students has been steadily growing throughout the years. The full-time international student enrolment has increased by 76% from 2016/2017 to 2020/2021.
9.30	In September 2021 Queen's University Belfast experienced a shortage of accommodation for its students and offered potential tenants at its own accommodation financial rewards for making alternative arrangements. This highlights a continuing and ongoing need for PBMSA in the city notwithstanding the currently available and under construction accommodation in Belfast.
9.31	The QUB accommodation website states the following, <i>"Elms BT1, Elms BT2, Elms BT9 and Queen's Houses offer you the all-important space to live and enjoy student life to the full."</i>
9.32	<i>Queen's currently has over 3,400 places in our student accommodation, which means you can take advantage of the most affordable, purpose-built student accommodation in the city."</i>
9.33	As such, QUB only provides enough bed spaces for 3,400 of its more than 20,000 students. This suggests a significant need for additional bed spaces. This is supported by the following also taken from the QUB website that suggests there is even a shortfall of bed spaces for first years that would traditionally have stayed at QUB managed facilities.
	Ulster University

9.34	Ulster University has four campuses across Northern Ireland; Derry/Londonderry, Coleraine, Jordanstown and the new Belfast campus with a total of 20,670 full-time students enrolled in 2020/21.
9.35	The creation of the new Belfast campus is expected to bring a benefit to the Northern Ireland economy of £1.4bn, according to an independent study by the OECD.
9.36	Investment in elite sport in Jordanstown will continue after 2022 and students will be able to avail of world leading practical facilities on campus as well and benefitting from the full range of teaching and social spaces in the nearby new Belfast campus.
9.37	In September 2021, Ulster University began a phased handover and onboarding to the new Belfast campus from Jordanstown. Once entirely complete, the new campus will host over 16,000 students and staff. With the addition of approximately 20,000 QUB students this equates to almost 40,000 students studying in Belfast.
9.38	The University's Belfast campus is currently only partially open and is scheduled to fully open in September 2022. Once fully operational this will have a significant impact on Belfast city centre and the preference for students to live close to the university.
9.39	In the Statement of Need submitted in support of the application it is stated that 'circa 7,000 PBSA bed spaces have been granted planning permission and approximately 4,500 beds are currently available. This is approximately 10% of the total student population in Belfast. When considered alongside the existing housing and university halls of residence we contend that there remains a significant need for PBSA to meet the shortfall'.
9.40	Principle of proposed 'out of term' accommodation The proposal also includes the use of the development to be used as short-stay accommodation outside the traditional term times for Further or Higher Education Institution Staff or for individuals attending events hosted by a further or higher education institution.
9.41	This proposed use will contribute towards the viability of the scheme and will be subservient to the main function to provide accommodation for students. It is proposed to restrict this use to those associated with Further and Higher Education Institutions through the Section 76 Agreement. In light of the above, the proposed ancillary use as out of term accommodation is considered acceptable. Principle of Retail/ Café Units
9.42	The proposal includes two separate café/ retail units at ground floor, one located at the junction of Little Donegal Street and Stephen Street, with a floor area of 202 sqm. The other is located is located at the junction of Union Street and Library Street and has a floor area of 272 sqm.
9.43	The proposal has been assessed against the SPPS and Draft BMAP. The proposed retail/ café units will introduce a more vibrant ground floor use which creates a more active street frontage onto the streets around the site which have recently become characterised by ground floor vacancy. Although located outside the primary retail core the unit sizes are modest in scale (202sqm and 272sqm) and is on a site where there were a number of retail units in the previous building, now demolished. Given the floor area the retail offer will not threaten the primacy of the retail core. Impact on Built Heritage

9.44	Historic Environment Division has commented that the proposal has the potential to impact upon the setting of a number of listed buildings of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011. - HB26 50 280 Frames Snooker Hall, 2-14 Little Donegall Street, Belfast Grade B1 - HB26 50 065 Central Library, 126 Royal Avenue, Belfast Grade A - HB26 50 189 Irish News Office, 113 Donegall Street, Belfast Grade B - HB26 50 077A St. Patricks Church, Donegall Street, Belfast Grade B+ - HB26 50 077B St. Patricks Parochial House, Donegall Street Grade B2 - HB26 50 077C St. Patricks School, Donegall Street Grade B1
9.45	HED Historic Buildings (HED:HB) has considered the effects of the proposal on the listed building and on the basis of the information provided give the following initial advice: HED: HB advises that the proposals may have an adverse impact. Upon receipt of requested information being provided HED:HB can assess the impacts of the proposal under the policy requirements of the SPPS (Para 6.12) and Policy BH11 of PPS6.
9.46	Presently used as Library Street public car-park, this application proposes the reinstate the historic urban grain. Arguably the listed building most affected by the proposal will be the Frames building located to the other side of Union Street. Frames Snooker Hall is a Grade B1 listed building with a 'dramatic eastern curved frontage with its four storey conical tower commanding a view of the Royal Avenue-Library Street junction.' (HED 2nd survey, 14th February 20). HED, having reviewed the submitted plans and supporting information, considers the proposals provide a balanced backdrop to the listed building without competing visually with this important architectural feature. HED considers the concept of a set-back on the Union Street and Library Street corner to the rear of Frames Snooker Hall an appropriate response which ensures the proposal responds to the parapet height of the rear block of the listed building. This will be prevalent on the approach to the site along Union Street from the north and south.
9.47	HED states that 'the overall massing approach is acceptable with the increased height and volume of the proposal focussed on the north-west of the site and stepping down to respect the setting of the more intimate historic Victorian context of Union Street and beyond' and considers the additional height gained by the roof-form (beyond the immediate backdrop of Frames Building) will not adversely affect the setting of St. Patrick's Church or other listed buildings in the vicinity.
9.48	HED considers the façade treatment and materiality of the proposals generally comply with BH11 of PPS6 in that '(b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building'. The red-brick responds to the materials found on Frames Snooker Hall and Belfast Central Library. HED consider the vertical proportions of the openings to be appropriate.
9.49	Scale, Massing and Design The proposal has been assessed against the SPPS and Policy QD1 of PPS7. The application site is located to the north-west of Belfast City Centre, directly behind 'Frames Snooker Hall' and it forms an intermediary context between the higher city centre development and the more domestic scale of the buildings in Millfield and Carrick Hill and Belfast City Centre.
9.50	Consideration of scale, mass and height within the immediate context of the Frames Building is important, particularly on approach from Royal Avenue, where the vistas along Library Street and Little Donegall Street are relatively intact. Maintaining the silhouette of the Frames Building has been achieved successfully with the shift in scale to the west along Library Street and Little Donegall Street responding to the shift in scale of built form

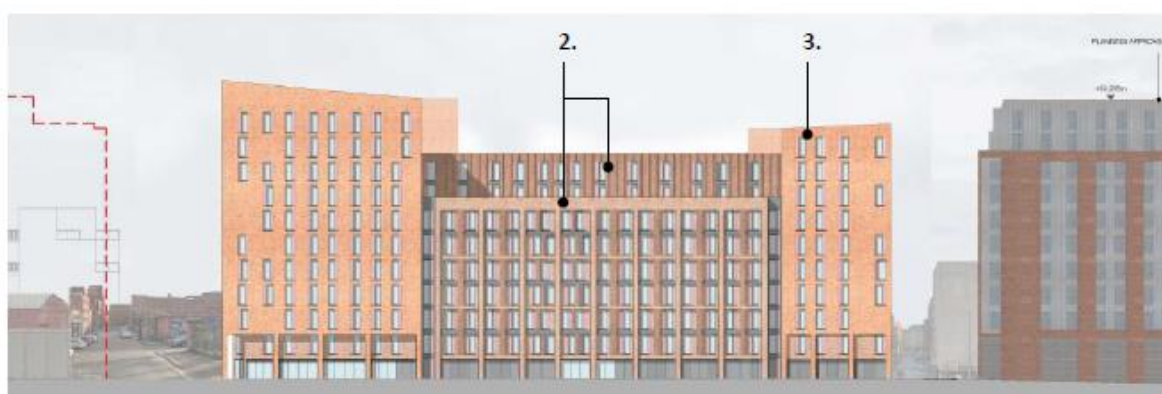
which rises towards Carrick Hill with the approved PBMSA schemes to the north and south of the site (one under construction). The visual primacy of the Frames Building, when viewed from Royal Avenue is preserved and illustrated in the CGI below:



9.51 The scale and massing of the proposal has been reduced significantly from the initial submission in order to break up what was quite an imposing building over the entirety of this inner city block. The following changes have taken place in order to address Officer's concerns about overall scale and form:

- A reduction in the shoulder height along Little Donegall Street by 1 storey. The facade in the central portion reads as 6 storeys with a 2 storey set back above.
- A reduction in the shoulder height of the central portion of the façade along Stephen Street by 2 storeys and overall reduction of 2 floors from the overall building height. The facade in the central portion reads as 7 storeys with a 2 storey set back above.
- A reduction in the building height on the corner of Stephen Street and Library Street by 1 storey.

9.52 The proposed building has a maximum height of approximately 41m at the junction of Stephen Street and Little Donegall Street. Although notably higher than the four storey development along the Carrick Hill frontage the height will be comparable to the approved PBMSA scheme to the immediate north and the scheme under construction to the south as shown below:



Stephen Street

9.53 The approved scheme to the north will also screen the proposal from views approaching the city centre from the north-west along Clifton Street from Carlisle Circus. The mid-section of the Stephen Street elevation has also been reduced in height with a seven

storey shoulder height (26m), nine storeys in total, with a height of 32m. This helps respect the transition in scale between the city centre and the more domestic scale of the two storey and four storey properties located to the west facing onto Carrick Hill. It will ensure that the existing car park site on Stephen Street, the subject of potential future development within the Inner North West Masterplan, can successfully 'bridge the gap', in terms of built form between the scale of the proposal and the residential properties to its immediate west.

9.54

The route from Kent Street along Union Street emphasises the role that the development can play in balancing the form and mass of the Frames Building, with the shoulder height of the Union Street elevation, including a setback, complimenting the shoulder height of the Frames Building. This is illustrated in the CGI below:



9.55

The subdivision of elevations along Little Donegall Street, Stephen Street and Library Street is achieved through the creation of vertical breaks and set backs along each elevation. A tripartite arrangement of building forms reduce the plot width on these elevations. The overall mass of the development is broken down by bays of inset fenestration that suggest several, linked urban blocks. This is shown on the elevation below:



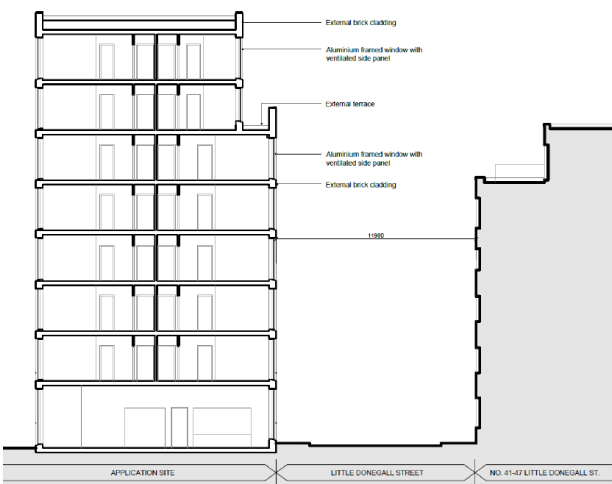
3. LITTLE DONEGALL STREET ELEVATION

9.56

Large format glazing at ground level with double height openings helps establish a rhythm of bay's on key elevations, as above.

	In terms of finishes the subtle tonal variations in the brick, particularly along Stephen Street, accompanied with significant vertical design features, will help avoid an imposing, uniform, engineered appearance. The architecture within the wider context is characterized by its extensive use of Belfast brick. Masonry plinths are either contrasted through colour or tonally complement the brick facades on upper levels.
9.57	Although a formal response from BCC Urban Design Officer remains outstanding it should be noted that he has been heavily involved in a number of productive discussions and workshops throughout the course of the application and is now fully supportive of the scheme subject to recent changes to address issues around scale, massing, roofscape, setbacks and detailed design.
9.58	Open Space Provision The proposal has been assessed against Policies QD1 of PPS7 and OS2 of PPS8 and 'Creating Places' guidance.
9.59	An external courtyard provides an amenity space of approximately 1,300 sqm. Other external amenity areas include a ground floor break out area and cinema room with an area of approximately 750sqm. The total amount of external amenity space equates to approximately 1,300 sqm.
9.60	The internal and external open space/ amenity areas total approximately 2050 sqm, providing approximately 2.6 sqm sqm of amenity space per unit. This is below the 10sqm per unit requirement in 'Creating Places' however given the sites inner city context and the number of communal dining areas on each floor this level of provision is considered acceptable.
9.61	Trees and Landscaping There is one street tree which is outside the red line boundary along Little Donegall Street, the tree is shown as being retained as part of the application. BCC Tree Officer has stated that the tree should not be impacted upon during construction works such as the erection of scaffolding / storage of materials on the rooting area or damage by diggers / machinery etc. The tree should be protected through tree protection fencing in the appropriate locations.
9.62	The proposed internal courtyard is seeking to plant 5 x semi-mature birch trees - betula jacquemontii within the share space.
9.63	BCC Landscape Planning and Development team are supportive of the proposed hard and soft landscape details including high-quality natural stone surfacing within the proposed internal courtyard and event space. We welcome the inclusion of a high quality, robust landscape materials palette that complements the surrounding townscape character.
9.64	The Landscape Management and Maintenance plan is deemed appropriate in terms of how landscaping within the site shall be future managed, cared for and provided adequate requirements to ensure the landscaping features can form key parts of the proposal.
9.65	Traffic and Parking The proposal does not include car parking. DFI Roads has stated that as Purpose Built Student Accommodation (PBSA) is considered to be residential, it is therefore categorised accordingly under dBMAP TRAN 1 Residential Units. As the development proposal is within an area of Parking Restraint, parking reductions are applicable.

	However, DFI Roads has stated that consideration should be given to accommodating 4% of residential requirement for disabled users in the form of in-curtilage parking.
9.66	PPS3 Policy AMP7 Page 32 states “In assessing car parking provision the Department will require that a proportion of the spaces to be provided are reserved for people with disabilities in accordance with best practice. Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.”
9.67	However, there is no specific quantum of disabled parking required by Planning Policy or associated guidance, simply ‘a proportion of the spaces to be provided’, as stated above. In this case there are no car parking spaces provided. In light of DFI Roads concerns the planning agent has identified Two disabled parking spaces within an adjacent car park, accessed off Little Donegal Street.
9.68	The proposed development has included external design features that aid accessibility to the development. It is located to the rear of the public footways with level access provided to the building. As a car free development, pedestrian access is prioritised within, and around the site.
9.69	As a Student Accommodation development, the site layout is designed to provide ease of access to the main pedestrian desire lines to/ from university sites and further educational campuses.
9.70	The proposal also includes 128 No. cycle spaces, located within an internal storage area at ground floor level on Library Street.
9.71	In order to capitalise on the highly sustainable city centre location of the application site, the Travel Plan, which accompanies the planning application includes a number of measures to encourage the use of non-car modes of travel. A Travel Plan Co-ordinator will be appointed by senior management to oversee the implementation and operation of the Travel Plan and will be responsible for the promotion of cycling, walking and public transport amongst residents, staff, and visitors.
9.72	The principle of a zero parking scheme is essentially accepted by DFI Roads, and other PBMSA proposals have been approved with zero parking in the city centre. There is no specific policy requirement for disabled parking, simply a statement within PPS3 that such parking would be desirable. Officer’s have considered the possibility of introducing a condition requiring a number of disabled parking spaced being reserved within the vicinity of the site however given the absence of any control of the lands by the applicant such a condition would not be reasonable.
9.73	DFI Roads state that the proposal in its current form is unacceptable, however given the points above and the absence of policy in terms of requiring a specific quantum of disabled parking spaces for residential development, it is not considered that the proposal could be refused on this basis. The proposal is therefore on balance considered acceptable.
9.74	Impact on amenity The proposal has been assessed against the SPPS and Policy QD1 of PPS7. The introduction of a substantial built form such as that proposed will inevitably have an impact on properties within the vicinity of the site. However the design has been amended during the course of the application to ensure any impact on adjacent residential properties will not be significant. There are apartments block across fort the proposal on both Library Street and Little Donegal Street.

9.75	To the north of the site, the consented 140 Donegall Street scheme is approximately 10 metres away across the Donegall Street, to the east is the Frames building (2-14 Little Donegall Street), and to the south west are the Library Court (another student accommodation building currently under construction) and the Library Square Penthouse, separated by the 8 metres wide Library Street. The west is the least obstructed side and faces onto an existing surface level car park with the two and four storey residential terrace facing onto Carrick Hill located immediately west of this car park. The car park providing a suitable separation to ensure there will be no significant impact on the amenity of the apartments and housing on Carrick Hill.
9.76	The section below shows how the shoulder height of the mid-section of the building along Little Donegall Street has been dropped to six storeys to address the potential impact on the apartments across from the site: 
9.77	On Library Street the height of the proposal is comparable with the scale of the apartment block and the Student Block (under construction) opposite the site. This juxtaposition of high rise blocks is not uncommon within the city centre.
9.78	The robust management of student behaviour at large scale purpose-built student accommodation schemes is critical to the integration and success of these large schemes as well essential to protect the residential amenity of existing residents of the area. No Student Management Plan has thus far been submitted for review.
9.79	The submission and implementation of a student management plan will be secured through a Section 76 Agreement.
9.80	Contamination A Preliminary Risk Assessment (PRA) and a Generic Quantitative Risk Assessment (GQRA) was submitted with the application. The PRA identified potential contaminant linkages on the site resulting from potential on-site and off-site sources of contamination. The on-site sources were identified as the potential presence of reduced quality made ground associated with historical development and potential contamination associated with the historical industrial use of the site. Potential off-site sources were identified as made ground from historical development within the surrounding area, and historical and current industrial land uses located within the vicinity of the site.
9.81	Soil and groundwater samples were taken and analysed for relevant contaminants of concern. Any exceedances are not considered to pose a risk via direct contact pathways

	as they are located in areas of the site which will be covered by the proposed building. No free phase contamination was noted during the site investigation or within the subsequent groundwater monitoring works.
9.82	RSK have therefore concluded in Section 8 of the report that the underlying soils and groundwater do not pose an unacceptable risk to human health, and that no special gas protection measures are required within the proposed buildings.
9.83	Therefore, on the basis of the information submitted Environmental Health has requested that a condition is attached to demonstrate the successful completion of remediation works and that the site is now fit for end-use. This condition is detailed below.
9.84	Impact on Air Quality As part of Air Quality Impact Assessment Irwin Carr consultants have undertaken a desktop study to include an analysis of the existing air quality situation in the vicinity of the site and an examination of the potential impacts the proposed new development may have.
9.85	No car parking spaces are to be provided as part of the proposed development; moreover, traffic flow associated with the proposed development is predicted to decrease compared to the existing car park remaining in use.
9.86	Consequently, Irwin Carr have concluded that the potential impact associated with road vehicle exhaust emissions from the operation of the proposed development is considered to be negligible.
9.87	Moreover, Irwin Carr have stated within the provided assessment that the proposed development is unlikely to introduce a centralised energy centre or any form of substantial combustion plant. At the current stage of development, it is predicted that Air Source Heat Pump (ASHP) infrastructure to provide a renewable source for heating and hot water demand will be installed as part of the proposal. Furthermore, electrical demands are anticipated to be made directly from the national grid.
9.88	Consequently, Irwin Carr have advised that the proposed development will give rise to a negligible impact upon local air quality conditions with respect to centralised combustion sources.
9.89	Subsequently, Environmental Health Service are of the view that the Air Quality Impact Assessment sufficiently demonstrated that the proposed development will not have adverse impact on air quality in the vicinity of the site and that future occupants of the development will not be exposed to air quality concentrations exceeding UK Air Quality Objectives.
9.90	However, details of proposed heating systems are not confirmed at this stage. Environmental Health advise that any combustion plant where the single or combined NOx emission rate is more than 5mg/sec could give rise to impacts. In view of this, Environmental Health has recommended that the following condition is attached in the event that planning permission is granted:
9.91	Noise The Noise Impact Assessment (NIA) submitted with the application includes a baseline daytime and night-time background noise monitoring survey undertaken at two locations within the surrounding area.
9.92	The Noise Impact Assessment highlights that the noise environment was from road traffic

	noise in both locations. A computer noise model was used to predict the noise impact at each of the facades of the development.
9.93	The Acoustic Consultant has quantified the required mitigation and has recommended the provision of standard double glazing 4/12/4 which shall include an alternative form of ventilation to ensure windows can be kept shut to maintain the noise insulation specification of the window units. The NIA advises that it is not yet confirmed, but alternative ventilation may comprise trickle vents and some form of continuous mechanical extraction.
9.94	The NIA considers the potential impact from a nearby approved roof terrace/beer garden at the Shoe Factory on Union Street. Environmental Health is satisfied in this instance that patrons and music should not have a negative impact on the proposed development, on the basis of the information presented in the NIA.
9.95	In terms of the impact from the proposed ground floor gym to adjacent ground floor apartments and apartments directly above. The report concluded that separating walls and floor constructed of a 200mm concrete slab between the ground floor and first floor apartments would be required.
9.96	Subsequently, Environmental Health has requested that a number of conditions are attached to ensure that there is no significant impact on the amenity of prospective residents.
9.97	Odour The Odour Impact Assessment report assessed the proposed development of two café and retail areas on the ground floor and concludes that a 'high level of odour control' will be required within both of proposed café/retail units. The assessment was based on the following criteria for both proposed units – an extraction ventilation riser that discharges 1m above roof level with a discharge rate of 10-15m/s, proximity of sensitive receptors within 20m of the development and above the proposed café/retail units, a large kitchen size, serving high odour generating food with more than 100 covers per day.
9.98	Environmental Health has noted that the drawings/plans submitted do not indicate the location and height of any proposed odour extraction ducting. However given the absence of any known end user this information would not be available at present.
9.99	The extraction duct must be located at a height not less than 1m above eaves at a velocity of between 10-15m/s so that the kitchen extraction and odour abatement systems achieve a 'high level of odour control' based on the assessment methodology presented in relevant industry guidance. Given the lack of detail in terms of odour extraction conditions have been added below requesting such details prior to installation/commencement of use.
9.100	Drainage and Flooding The proposal has been assessed against Planning Policy Statement 15. There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The site may be affected by undesignated watercourses of which we have no record.
9.101	DfI Rivers PAMU acknowledges receipt of the Drainage Assessment by Kevin McShane Ltd dated June 2022.
9.102	DfI Rivers Planning Advisory Modelling Unit having considered the proposal in line with the current Revised Planning Policy Statement 15 "Planning and Flood Risk" dated

	September 2014. Planning Advisory comments below on Flood Risk as a result of this proposal are:
9.103	FLD1 - Development in Fluvial and Coastal Flood Plains – The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.
9.104	FLD2 - Protection of Flood Defence and Drainage Infrastructure – There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within the site. The site may be affected by undesignated watercourses of which we have no record, in the event of an undesignated watercourse being discovered, Policy FLD 2 will apply.
9.105	FLD3 - Development and Surface Water – DfI Rivers PAMU has reviewed the Drainage Assessment by Kevin McShane Ltd dated June 2022, and comments as follows; Given the proposals that you refer to, DfI Rivers PAMU would require that in order to fully assess this Drainage Assessment that you provide us with further information that demonstrates the viability of your proposals by means of providing the following: - Revised Policy PPS 15 Annex D18 bullet point 2 states – Details of how runoff from the site will be controlled and safely disposed of supported by relevant correspondence from Rivers Agency and/or Northern Ireland Water - The applicant is requested to provide evidence of the PDE response from NIW consenting to discharge to their system and provide attenuation size and calculations based on the discharge rate stipulated in the PDE response letter.
9.106	Revised Policy PPS 15 Annex D17 bullet point 9 states – Internal drainage design, including rehabilitation of existing sewers and suitable discharge points to the local drainage and watercourse system that will encourage the safe disposal of storm water run off away from the site and other neighbouring areas.
9.107	The submitted Drainage Assessment Appendix 5: Proposed Drainage Calculations for the applicant site, for 1 in 100 year storm return period, without an allowance for urban expansion or climate change. DFI Rivers has subsequently requested that applicant provide the Critical Storm Duration Results for 1 in 100 year storm event, to include a 10% allowance for urban expansion and a 10% allowance for climate change.
9.108	DFI requested that the applicant provide evidence of the PDE response from NIW consenting to discharge to their system and provide attenuation size and calculations based on the discharge rate stipulated in the PDE response letter.
9.109	In response to the request the agent has confirmed that DFI's first point relates to PPs 15 Annex D18 bullet point 2 and details on how storm water runoff from the site will be controlled and safely disposed of together with relevant correspondence from Rivers Agency and/or NI Water. It is confirmed that storm water will be controlled by a Hydro-brake flow control device, limited to 4.0 l/s, as shown on drainage plan 22-014-DR-100 included in Appendix 1 of the Drainage Assessment. Additional Hydrobrake design drawing and hydraulic characteristics are provided to confirm the flow control details. It is also confirmed that a storm water requisition application and deposit has been paid to NI Water for final confirmation of the proposed storm water connection and a response is currently awaited.

9.110	DFI Rivers also requested that the applicant provide the Critical Storm Duration Results for 1 in 100 year storm event, to include a 10% allowance for urban expansion and a 10% allowance for climate change.
9.111	The agent responded by stating that the second point relates to PPS 15 Annex D17 bullet point 9 and a request for the submission of the 1 in 100 year storm return period drainage model results with in the inclusion of both a 10% allowance for urban expansion and 10% allowance for climate change. Therefore, additional Causeway FLOW results for the 1 in 100 year storm event including 20% are provided. The proposed attenuation tank has a volume of 91m ³ . These results indicate very limited localised flooding of 0.1m ³ which can be accommodated within the site, in the central hardstanding area, without risk of flooding to the proposed or adjacent buildings.
9.112	These calculations, based on the current requirements, demonstrate that a solution is achievable and the design is future proofed to accommodate climate change. A final Drainage Impact Assessment will be required in order to achieve sign off from DFI Rivers. It is proposed that this is secured by planning condition and submitted for approval prior to commencement of development.
	Waste Management
9.113	The proposal has been assessed against the SPPS and PPS7. The Waste Management Plan has confirmed that waste for the proposal will be stored in communal waste storage areas. On bin collection days the bins will be brought to the road edge at the site access on Library Street and Stephen Street for collection to ensure that there will be no delay on the external highway network.
9.114	The proposal includes enclosed communal bin stores, which will be provided within an acceptable walking distance of the residential units. The communal stores will provide separate bin types to accommodate waste produced.
9.115	Waste collections for the development are anticipated as follows: - Frequency – Weekly for each type of waste therefore 3-4 collections per week; - Timing – To be arranged with Belfast City Council. Preferably early morning collection, pre 11am.
9.116	Given the reduction in the number of units from 862 to 795, and given the absence of any detailed end use for the proposed retail/ café units it is recommended that revised Waste and Service Management Plans are submitted to BCC for approval prior to the operation of the development, should approval be forthcoming. it is recommended that a revised Waste Management Plan is submitted to the Council for approval prior to the operation of the development. This will be secured via condition, as detailed below.
	Waste Water Capacity
9.117	NI Water has stated that sufficient waste water treatment capacity is not available at present for the proposed development. NI Water plans to upgrade the Waste Water Treatment Works in this drainage area, however at the moment NI Water is recommending connections to the system are curtailed.
9.118	Importantly, NI Water makes allowance for existing significant committed development across the city including extant planning permissions. Such development, which includes unimplemented permissions across the city, including one on the site (approval LA04/2008/0655/F), will not come forward at once.

9.119	In practical terms it is considered unreasonable for the Council to withhold planning permission for the proposed development given NI Water's pre-existing commitments to connect to significant levels of un-implemented development across the city. Moreover, NI Water has not provided evidence that the proposed development would have a direct and detrimental on the receiving waste water infrastructure or the environment.
9.120	BCC are awaiting a final consultation response from Shared Environmental Services (SES). Unless SES confirm that there are hydrological connections to designated sites at Belfast Lough (not apparent from the NIEA response), it is not considered necessary to include a negative condition requiring that the development is not occupied until such times that adequate foul and surface water sewerage connections are secured prior to occupation of development given the level of pre-exisitng commitments. It should also be noted that the applicant has confirmed that the contractor would not start initial site mobilisation until late Aug/ early Sept 2023 for a full start on site Oct 2023 with a 2026 delivery programme. NI Water has confirmed that additional capacity will become available from July 2023.
9.121	NI Water has also confirmed that the receiving surface water network has reached capacity. The public sewer system cannot presently serve this development proposal without significant risk of environmental harm and public dis-amenity including pollution, flooding and detrimental impact on existing properties. The planning agent has confirmed that discussions are underway with NI Water to split the combined storm/ foul sewer, with a sewer requisition application currently with NI Water. Should this be approved, this will reduce pressures on both the foul sewerage network and surface water network.
	Other Environmental Matters
9.122	Environmental Health Department has noted that the development of large-scale major development sites close to other nearby sensitive premises such as residents and commercial/office premises has the potential to generate significant adverse environmental impacts if not controlled and managed throughout. Subsequently a condition is attached requiring the submission of a Construction Environmental Management Plan, for approval, prior to commencement of development.
9.123	NIEA Natural Environment Division (NED) notes the site consists of mostly hardstanding with little vegetation. A preliminary bat roost assessment was carried out on the brick wall and Wild Cherry tree (<i>Prunus avium</i>) present at the site, and both had negligible bat roost potential. NED notes from the Ecological Assessment no other buildings or structures were present at the site.
9.124	NED notes butterfly bush (<i>Buddleia</i> sp.) is present. This is not listed under Schedule 9 of the Wildlife (Northern Ireland) Order 1985 (as amended) however has invasive species characteristics. NED therefore welcome plans for its removal as part of this development.
9.125	NED notes that there are limited nesting opportunities for birds. All nesting birds are protected under Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended). NED therefore welcome recommendations in the ES that any vegetation clearance or demolition of structures should be done outside the bird breeding season, which spans from March 1 to August 31st inclusive unless preceded by a pre-work nesting inspection.
9.126	NED welcome plans in the drawing titled: Landscape proposals, dated June 2022, for additional planting in the courtyard area of the site and recommends planting with native flowering and berry producing species to further enhance biodiversity.
9.127	NED has assessed the Ecological Assessment submitted and is content that the proposal is unlikely to significantly impact protected and/or priority species and habitats.

9.128	Impact on Protected Sites The application is currently being considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service (SES) on behalf of Belfast City Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.
9.129	A HRA Appropriate Assessment (AA) under the above legislation has been drafted. SES has been reconsulted with a NIEA consultation to complete the HRA. It should be noted that NIEA have not identified any hydrological connection between the site and the protected sites at Belfast Lough. Officers request delegated authority to consider the outstanding Shared Environmental Services response.
9.130	Pre-application Community Consultation For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.
9.131	Section 27 also requires that a prospective applicant, prior to submitting a major applications must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2022/0541/PAN) was submitted to the Council on 11th February 2022.
9.132	Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report to accompany the planning application.
9.133	A Pre Application Community Consultation Report has been submitted in support of this application. The Report has confirmed the following: - In the absence of a public event being held in the locality of the proposed development due to Covid-19 restrictions, an online webinar was held via Zoom on Wednesday 16 March 2022 between 6pm – 7pm - A consultation website was launched on 9th March 2022. This hosted a live chat function. - Two additional in person Public Information events were held at Belfast Central Library on June 1st 2022 & June 16th 2022 from 12:30pm to 5:30pm to ensure all interested parties had an opportunity to view the proposals in person. - Notification of the webinar and subsequent public information events were advertised in the Belfast Telegraph on 9th March 2022, and amended notices on 24th May and 8th June 2022. - The PAN was circulated to a number of Councillors and MLAs. - Dedicated phone number and email address established. - Leaflets inviting people to the drop in webinars were distributed to approximately 700 properties in the surrounding area.
9.134	A total of eight people actively took part in through the various means of engagement. A total of three responses were received. 34% showed support for the accommodation.
9.135	Concerns were expressed about the lack of parking, the proliferation of student accommodation, disruption during construction, and noise from students walking home late at night.

	In response to these comments: - This is a zero parking scheme, supported by DFI Roads on this site and on other PBMSA sites throughout the city centre. - A Construction Environmental Management Plan (CEMP) will be secured via condition. This will help address potential disturbance during construction. - A management plan will be secured via a Section 76 Agreement to address wider amenity issues during operation.
9.136	It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.
9.137	Developer Contributions/ Section 76 In this case it is considered appropriate that any planning approval should be subject to the developer entering into a legal agreement with the Council to provide certainty around the management of the accommodation and provide community apprenticeships.
9.138	The red line of the application extends to the edge of the public footpath. This will facilitate public realm improvements around the proposed building, which will be secured via condition.
10.0	Summary of Recommendation:
10.1	Having had regard to the statutory development plan, the draft development plan, relevant planning policies, planning approvals on the site, and the consideration of the issues set out in this report, the proposed development is considered acceptable.
10.2	It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement to secure appropriate management of the student accommodation. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and enter into the Section 76 planning agreement and deal with any other issues that may arise from outstanding consultations, unless they are substantive in which case the application will be reported back to the Planning Committee.
11.0	Conditions 1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: Time Limit. 2. If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related works shall cease immediately, and the City Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the City Council, prior to the development being occupied or operated. The Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use. Reason: To ensure that any contamination within the site is appropriately dealt

	with, in the interests of human health. 3. Prior to installation of the kitchen extraction and odour abatement systems to serve the hereby permitted development, the applicant must submit to the Planning Authority, for review and approval in writing, full specification details of the extraction and odour abatement systems for both Units including: the location and height of the discharge duct, the extract discharge velocity and details of all stages of grease, smoke and odour control to ensure that a 'high level of odour control' is achieved in accordance with EMAQ+ Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (DEFRA) as recommended within the An Irwin Carr Consulting, Odour Impact Assessment, Purpose-Built Student Accommodation, Library Street, Belfast', referenced Rp002AQ 2022047 (PSA Library Building) and dated 21 June 2022. Reason: Protection of amenity against adverse odour impact. 4. Prior to the commencement of cooking operations within the development, the approved kitchen extraction and odour abatement systems shall be installed. The approved systems must be retained thereafter and be cleaned and maintained in accordance with manufacturer's instructions. Reason: Protection of amenity against adverse odour impact. 5. In the event that any centralised combustion sources (boilers, CHP, biomass or generators) are proposed and there is a risk of impact at relevant receptor locations as per the criteria detailed within the Environmental Protection UK and Institute of Air Quality Management, Land-use Planning & Development Control: Planning For Air Quality (January 2017), this Service would request that an updated Air Quality Impact Assessment be submitted to and approved in writing by the Planning Authority prior to the installation of the plant. The assessment shall include details of the combustion plant to be installed, to include emission rates and flue termination heights of the proposed combustion systems and must demonstrate that there will be no exceedances of the Air Quality Strategy objectives at relevant human receptor locations, associated with operation of the proposed combustion plant and with the overall development. Reason: To ensure that ambient air pollution related to the site is appropriately dealt with, in the interests of human health. 6. Prior to commencement of construction, the applicant must submit to BCC, for review and approval in writing, a Construction Environmental Management Plan (CEMP). The CEMP shall be developed by the appointed contractor and outline the site-specific methods to be employed to minimise any noise, vibration and dust impacts associated with the phased construction operations demonstrating the use of 'best practicable means'. The plan must pay due regard to BS 5228:2009+A1:2014 Code of practice for Noise and vibration on construction and open sites, and incorporate the recommendations outlined within Chapter 6 of Irwin Carr Consulting, Air Quality Impact Assessment, Purpose-Built Student Accommodation, Library Street, Belfast (21 June 2022) throughout the duration of the construction phase of the development. The CEMP should also include arrangements for liaising with any nearby sensitive premises, both residential and commercial and measures to control noise, dust, vibration and other nuisance during the demolition/construction
--	---

	phase. No development (including demolition, site clearance and site preparation) shall be carried out unless in accordance with the approved Final Environmental Construction Management Plan. Reason: To safeguard the amenities of the area. Approval is required upfront because construction works have the potential to harm the amenities of the area. 7. Prior to installation of the hereby approved windows, the applicant shall submit to the planning authority, for review and approval in writing, a final window schedule detailing the sound reduction specification. The selected windows shall be in line with the recommendations in the Irwin Carr Consulting report titled: 'Noise Impact Assessment, PBSA Library Building, Belfast, referenced Rp001N 2022047 (PBSA Library Building) dated 21 June 2022. Reason: In the interests of residential amenity. Prior to occupation of the hereby permitted development, the windows shall be installed as approved and be retained thereafter. Reason: In the interests of residential amenity. 8. Prior to occupation of the hereby permitted development, the applicant shall submit to the planning authority, for review and approval in writing, a verification report to demonstrate the windows have been installed as approved such as documentary confirmation from the supplier and installer. Reason: In the interests of residential amenity. 9. Prior to installation of alternative means of ventilation throughout the hereby permitted development, the applicant shall submit to the planning authority, for review and approval in writing, confirmation of the sound reduction specification of the alternative means of ventilation. The report confirming the sound reduction specification for any alternative means of ventilation and /or any mechanical means of ventilation proposed 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'. Reason: In the interests of residential amenity. 10. Prior to occupation of habitable rooms of the hereby permitted development, the alternative means of ventilation shall be installed, as approved, to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the alternative ventilation provided and operational. The approved alternative means of ventilation shall be retained thereafter. Reason: In the interests of residential amenity. 11. Prior to occupation of habitable rooms of the hereby permitted development, a report verifying that the alternative means of ventilation as approved have been installed shall be submitted to the planning authority for review and approval in writing. The report shall comprise 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. Reason: In the interests of residential amenity.
--	--

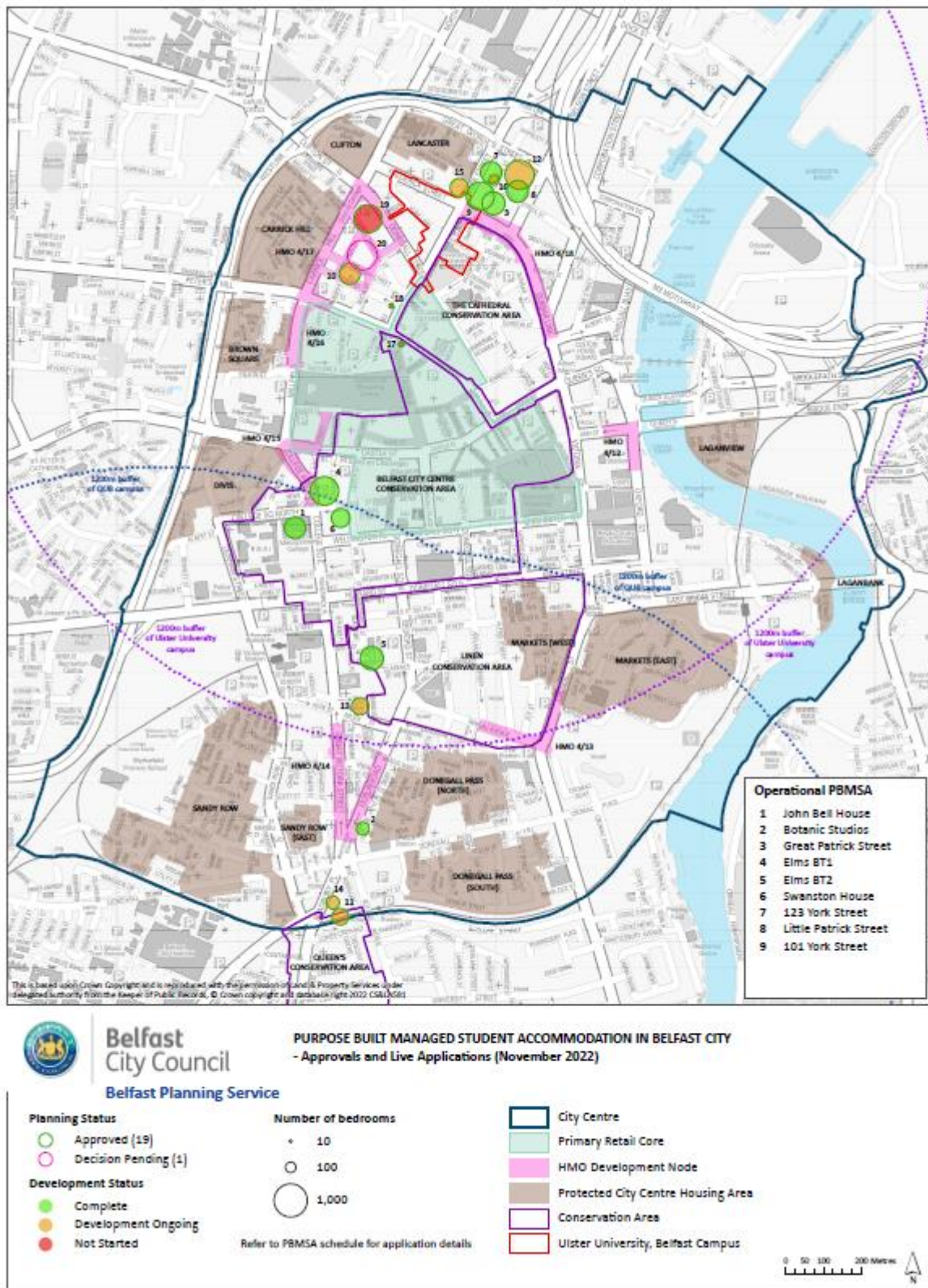
	12. Prior to occupation of any apartment units hereby permitted, the sound reduction measures of the separating walls and a 200mm concrete slab between the ground floor and first floor apartments as outlined in Table 12 emailed from Irwin Carr Consulting titled: LA04/2022/1284/F on 31/10/2022 shall be installed, as approved, to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014. The approved separating walls and a 200mm concrete slab between the ground floor and first floor apartments must be retained thereafter. Reason: In the interests of residential amenity. 13. Prior to occupation of any apartment units hereby permitted, a report verifying that the sound reduction measures of the separating walls and a 200mm concrete slab between the ground floor and first floor apartments as outlined in Table 12 emailed from Irwin Carr Consulting titled: LA04/2022/1284/F on 31/10/2022 as approved have been installed shall be submitted to the planning authority for review and approval in writing. The report shall comprise a written declaration from the contractor / installers of the walls and floor construction confirming that the walls and floor have been installed as approved. Documentary evidence such as in-situ photographs should be taken during construction where possible to support verification. Reason: In the interests of residential amenity. 14. Notwithstanding the submitted details, no development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless full details of the public realm improvements to the footway bounding the site have been submitted to and approved in writing by the Council. The details shall include: 1. Surface materials; 2. The design and provision of underground ducting; and 3. Arrangements for long term management and maintenance. The development hereby approved shall not be occupied or operated unless the public realm works have been completed in accordance with the approved details. The public realm shall be managed and maintained in accordance with the approved details. Reason: In the interests of the character and appearance of the area and to enhance connectivity to and from the development. Approval is required up front because appropriate realm is integral to design and layout of the scheme. 15. The development hereby approved shall not commence until an updated Drainage Impact Assessment has been submitted to, and approved in writing by, Belfast City Council. The development hereby approved shall not be operated or operated unless provision has been made for foul and surface water drainage in accordance with the approved plans and documentation. Reason: To ensure appropriate foul and surface water drainage of the site. 16. No external brickwork or render 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 brick materials (or render if applicable). Reason: In the interests of the character and appearance of the area 17. The development shall not be occupied or operated unless a Final Waste Management Plan has been submitted to and approved in writing by the Council. The development shall not be operated unless in accordance with the approved Final Waste Management Plan. Reason: To ensure adequate provision of refuse and recycling storage in the interests of the amenities of the area. 18. The development shall not be occupied or operated unless a Final Service Management Plan has been submitted to and approved in writing by the Council. The development shall not be operated unless in accordance with the approved Final Service Management Plan. Reason: In the interests of amenity, road safety and convenience of road users. 19. No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless a Final Travel Plan has been submitted to and approved in writing by the Council. The Final Travel Plan shall be prepared in general accordance with the framework Travel Plan uploaded to the Planning Portal on 5th July 2022. The Final Travel Plan shall incorporate the following: • Objectives and targets for reducing private car use; • Measures to promote sustainable transports; • Appointment and identification of a Travel Plan Co-ordinator; • Means of funding of the travel plan including Travel Plan Co-ordinator; • Implementation timetable including the responsible body for each action; • Mechanisms for monitoring and review. The Final Travel Plan shall be operated at all times following occupation of the building hereby approved. Reason: To promote sustainable travel patterns and off-set the demand for vehicular movements and/or parking. Approval is required upfront because hard travel measures may be required such as bicycle storage and showers for cyclists which are integral to the design of the building. 20. No works shall commence on site (including demolition and site clearance) unless a Tree Protection Plan ("TPP") to BS5837:2012 (or any standard that reproduces or replaces this standard) has been submitted to and approved in writing by the Council. The TPP shall detail the methods of tree protection and clearly detail the position and specifications for the erection of tree protective fencing and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details and the measures specified by the TPP shall remain in place until the completion of the construction.
--	---

	Reason: To safeguard existing tree on Little Donegall Street in the interests of visual amenity. Approval is required upfront to ensure that important trees are not permanently damaged or lost. 21. Notwithstanding the submitted details, no development (other than site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence on site unless the detailed design of the recesses to the windows and external doors have been submitted to and approved in writing by the Council. The details shall include detailed scaled section drawings. The development shall not be carried out unless in accordance with the details so approved. Reason: Approval is required in advance because the design of the recesses is fundamental to the overall design of the building. 22. 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 and soft landscape areas and works shall be permanently retained in accordance with the approved details. Reason: In the interests of the character and appearance of the area, and to promote sustainable drainage. Approval is required upfront because the landscaping is critical to the acceptability of the proposal. 23. No development shall commence on site (including demolition, site clearance and site preparation) unless a Final Environmental Construction Management Plan has been submitted to and approved in writing by the Council.
12.0	Notification to Department (if relevant) No
13.0	Representations from elected members: None received
Neighbour Notification Checked Yes	
Signature(s)	
Date:	

ANNEX	
Date Valid	20th June 2022
Date First Advertised	15th July 2022
Date Last Advertised	15th July 2022
Date of Last Neighbour Notification	12 th December 2022
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title	
Notification to Department (if relevant) – N/A Date of Notification to Department: Response of Department:	

Appendix 2 PBMSA map and application status



PBMSA DEVELOPMENT TRACKER - Updated November 2022

COMPLETED (SINCE 2015)									
Map Ref	Project Name	Address	Beds	Developer	Operator	Operational	Notes	Planning Ref	Date permission granted
-	Mark Royal House	70-74 Donegal Street	0	Cathedral Living	Cathedral Living	Sep-15	45 bedrooms now closed (Jan 22). Conversion to tourist accommodation	Z/2013/0686/F	19 December 2013
1	John Bell House	1A College Square East	413	Lacuna / Watkin Jones	Student Roost	Sep-16	Previously Fresh Student Living	Z/2014/1172/F	29 January 2015
2	Botanic Studios	78-86 Dublin Road	156	Lacuna / Watkin Jones	Fresh Student Living	Sep-17		LA04/2015/1175/F	15 April 2016
3	Great Patrick Street	28-30 Great Patrick Street	475	Olympian Homes	Student Roost	Sep-18		Z/2014/1657/F	20 May 2016
-	Elms BT1	78 College Avenue	740	McAleer & Rushe / QUB	Queens University	N/A		LA04/2015/0419/F	05 July 2016
4	Elms BT1	78 College Avenue	747	McAleer & Rushe / QUB	Queens University	Sep-18		LA04/2017/1376/F	31 July 2017
-	Elms BT2	McClintock Street	476	McAleer & Rushe / QUB	Queens University	N/A		LA04/2015/0420/F	05 July 2016
5	Elms BT2	McClintock Street	490	McAleer & Rushe / QUB	Queens University	Sep-18		LA04/2017/1382/F	31 July 2017
6	Swanston House	41-49 Queen Street	317	Lacuna / Watkin Jones	Student Roost	Sep-18		LA04/2015/1252/F	27 June 2016
7	123 York Street	123-137 York Street	407	Cathedral Living	Cathedral Living	Sep-19	Extension proposed (84 beds); see Ref 16 below	Z/2015/0177/F	11 October 2016
8	Little Patrick Street	26-44 Little Patrick Street	430	Lacuna / Watkin Jones	Student Roost	Sep-20		LA04/2017/2306/F	30 March 2018
-	101 York Street	81-107 York Street	682	Linux LLP (Unicell LLP)	LIV Student	N/A		Z/2015/0138/F	28 June 2016
9	101 York Street	81-107 York Street	717	Valeo Group	LIV Student	Sep-21		LA04/2016/2385/F	27 June 2017
Total bed spaces completed (since 2015)			4,152						
Completed	3	Average Size (Beds)		461					

CONSTRUCTION									
Map Ref	Project Name	Address	Beds	Developer	Operator	Operational	Notes	Planning Ref	Date permission granted
10	Alma Place	18-26 Library Street	393	Lacuna / CAV	Novel Student	Sep-23		LA04/2015/0676/F	27 February 2017
11	Aster House	University Rd & Botanic Avenue (over railway)	253	Lacuna / CAV / Harrison St	Novel Student	Sep-23	Site checked 09/11/2022 - development seemingly complete - awaiting Building Control completion certification and LPS rating	LA04/2019/0417/F	14 June 2019
12	Nelson Street	Little York St, Great George's St & Nelson St	774	Olympian Homes	Student Roost	Sep-24	Pre-construction (piling) commenced Dec 2021.	LA04/2021/2893/F	19 August 2022
-	Bruce Street	Little Victoria St, Bruce St & Holmes St	274	McAleer & Rushe	N/A	N/A		LA04/2019/2602/F	30 March 2020
13	Bruce Street	Little Victoria St, Bruce St & Holmes St	271	McAleer & Rushe	Vita	Sep-23	Construction commenced Jan 2022.	LA04/2021/2242/F	21 March 2022
14	Bradbury Place	30-44 Bradbury Place	156	Elkstone Partners	Bradbury Student Living Limited	Sep-24	Acquired by Elkstone. Demolition completed summer 2021. Contractor being tendered. Construction scheduled to commence summer 2022. Pending NMC application could reduce to 152 bed spaces	LA04/2017/2753/F	01 August 2019
-		48-52 York Street	-			N/A		Z/2014/0479/O	24 March 2015
15		48-52 York Street	307	Student City Ltd	Cathedral Living	Sep-24	Construction scheduled to commence summer 2022 - site checked on 09/11/2022, demolition appears to be underway.	LA04/2016/1213/RM	02 October 2017
16	123 York Street Extension	8-12 Little Patrick Street	94	Cathedral Living	Cathedral Living	N/A	Extension approved at September 2020 Committee - appears to be underway as of site check on 09/11/2022	LA04/2019/2285/F	03 August 2021
Underway			2,248	Average Size (Beds) 321					

APPROVED - NOT STARTED									
Map Ref	Project Name	Address	Beds	Developer	Operator	Operational	Notes	Planning Ref	Date permission granted
17	Sinclair House	89-101 Royal Avenue	30	Cathedral Living	N/A	N/A	Building sold late 2019 / early 2020. Not progressing.	LA04/2015/0685/F	16 May 2017
18		116-122 Royal Avenue	21	CS Suppliers (NI) Ltd		N/A	Part of 'Site 10'. Site sold. Not progressing.	Z/2014/1669/F	23 August 2016
-		140 Donegal Street	620	Northside Regeneration LTD		N/A		LA04/2015/0609/F	21 October 2017
19		140 Donegal Street	724	Lotus Group	Mezzino	Sep-24	Amendment of previous approval LA04/2015/0609/F (620 units).	LA04/2021/0516/F	05 August 2021
Not started			775	Average Size (Beds) 258					
Total Approved			7,175	Average Size (Beds) 378					

PLANNING PENDING									
Map Ref	Project Name	Address	Beds	Developer	Operator	Operational	Notes	Planning Ref	Date received
20	Liberty Street	Library Street and Little Donegal Street	862	Mandeville Developments NI Ltd		N/A		LA04/2022/1284/F	20 June 2022
Total pending			862	Average Size (Beds) 862					

This page is intentionally left blank

Archaeology & Built Heritage

Section Reference: HB26 50 280

Considerations

Consideration of application for Erection of

Purpose Built Managed Student Accommodation (PBMSA) development comprising 862 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including café and retail, and associated bin stores and plant and public realm improvements to surrounding footpaths', located at Lands bounded by Library Street (to south); Stephen Street (to west); Little Donegall Street (to north); and Union Street (to east) Belfast BT1 2JE, (LA04/2022/1284/F), affecting a number of listed buildings of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011.

The application site is in close proximity to / impacts upon a number of listed buildings which are of special architectural or historic interest and is protected by Section 80 of the Planning Act (NI) 2011.

The list below are deemed to be impacted by this application:

- HB26 50 280 - Frames Snooker Hall, 2-14 Little Donegall Street, Belfast Grade B1
- HB26 50 065 - Central Library, 126 Royal Avenue, Belfast Grade A
- HB26 50 189 - Irish News Office, 113 Donegall Street, Belfast Grade B
- HB26 50 077A - St. Patricks Church, Donegal Street, Belfast Grade B+
- HB26 50 077B - St. Patricks Parochial House, Donegall Street Grade B2

Historic Environment Division (HED), Historic Buildings, has considered the impacts of the proposal on the listed buildings and on the basis of the information provided, advises that:

- We are content with the proposal, as presented, subject to conditions.

These comments are made in relation to the requirements of the Strategic Planning Policy Statement for Northern Ireland (SPPS) para(s) 6.12 and 6.13 and of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage (PPS6) Policies BH8 and BH11.

Explanatory note

Engagement

HED Historic Buildings acknowledges ongoing engagement with the agent and Belfast City Council regarding this application site as part of the Pre-Application Discussion application (LA04/2022/0633/PAD).

Application site:

The application site is located to the north-west of Belfast City Centre, directly behind 'Frames Snooker Hall' (HB26 50 280) and it forms an intermediary context between Millfield and Carrick Hill and Belfast City Centre. Presently used as Library Street public car-park,

Archaeology & Built Heritage

this application proposes to reinstate the historic urban grain and will form the setting for a number of listed and historic buildings within north-west Belfast City centre.

Frames Snooker Hall is a Grade B1 listed building with a '...the dramatic eastern curved frontage with its four storey conical tower commanding a view of the Royal Avenue-Library Street junction.' (HED 2nd survey, 14th February 2008).

Form scale and mass

The overall massing approach in the option shown in 'Planning Submission Response' dated 17th November 2022 is acceptable with the increased height and volume of the proposal focussed on the north-west of the site and stepping down to respect the setting of the more intimate historic Victorian context of Union Street and beyond.

HED HB notes the overall height of the proposal in context with the surrounding existing with the tallest element stretching to a height of 41.140m.

As noted above, the four-storey conical tower remains the most significant architectural feature of Frames Snooker Hall and HED HB considers the proposals provide a balanced backdrop to the listed building without competing visually with this important architectural feature.

HED HB considers the concept of a set-back on the Union Street and Library Street corner to the rear of Frames Snooker Hall an appropriate response which ensures the proposal responds to the parapet height of the rear block of the listed building. This must not be increased in any way by plant or machinery, in order to respect the setting of the listed building.

Façade articulation

HED HB considers the façade treatment and materiality of the proposals generally comply with BH11 of PPS6 in that '(b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building'.

The red-brick responds to the materials found on Frames Snooker Hall and Belfast Central Library. The vertical proportions of the openings are appropriate. Though supportive of current/modern detailing in general, HED requests that traditional brick patterns/bonds are considered as part of this application, with deep set back/reveals in the Victorian tradition for this material, to enrich the large expanses of brick being used here.

HED notes that the application site is located within on the periphery of the Belfast City Centre Conservation Area and defers to the conservation officer to comment on the impact of the proposal on the character and appearance of same.

Suggested Conditions

1) The building height including all access railings, plant and machinery shall be no higher than that shown on the approved drawings.

Reason: To respect the character and setting of the listed building, ensuring the high quality detailed design is compliant with Policy BH11 (Development affecting the Setting of a Listed

Archaeology & Built Heritage

Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that:

(a) The detailed design respects the listed building in terms of scale, height, massing and alignment;

(b) The works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and

(c) The nature of the use proposed respects the character of the setting of the building.

2) Prior to commencement of development, Sample brickwork panels should be provided and approved in writing by the Council in conjunction with HED for any brickwork which can be viewed in juxtaposition with the listed building.

Reason: To respect the character and setting of the listed building and to respect the traditional building materials and techniques found on these buildings, ensuring the high quality detailed design is compliant with Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that:

(a) The detailed design respects the listed building in terms of scale, height, massing and alignment;

(b) The works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and

(c) The nature of the use proposed respects the character of the setting of the building.

3) Unless shown on the approved plans, no structures, awnings, fixtures or fittings shall be placed on the roof terrace of a height of 1.5m or above as measured from floor level of the terrace.

Reason: To preserve or enhance the character of the setting of the listed building.

Informatives

Additional information/advice (e.g. on legislation, guidance, contacts, etc.) for applicant's awareness:

Legislation & policy

1. The Planning Act (NI) 2011
2. Strategic Planning Policy Statement for Northern Ireland (SPPS NI) – Planning for Sustainable Development.
3. Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage.

Guidance

4. HED Technical Notes - <https://www.communities-ni.gov.uk/articles/repair-and-maintenance-guidance>
5. HED Consultation Guide - Guidance on making changes to Listed Buildings: <https://www.communities-ni.gov.uk/publications/guidance-making-changes-listed-buildings-making-better-application-listed-building-consent>
6. HED Consultation Guide – Consulting HED on development management applications <https://www.communities->

Archaeology & Built Heritage

[ni.gov.uk/sites/default/files/publications/communities/consulting-hed-development-management-applications-consultation-guide.pdf](https://www.communities-ni.gov.uk/sites/default/files/publications/communities/consulting-hed-development-management-applications-consultation-guide.pdf)

7. HED Consultation Guide - Setting and the Historic Environment
<https://www.communities-ni.gov.uk/publications/guidance-setting-and-historic-environment>
8. British Standard - BS 7913:2013 Guide to the conservation of historic buildings
9. Historic Environment Map Viewer -
<https://dfcgis.maps.arcgis.com/apps/webappviewer/index.html?id=6887ca0873b446e39d2f82c80c8a9337>
10. Link to various HED advice and guidance in the planning process:
<https://www.communities-ni.gov.uk/articles/historic-environment-advice-and-guidance-planning-process>
11. HED Framework statement to development management:
<https://www.communities-ni.gov.uk/sites/default/files/publications/communities/our-planning-services-and-standards-framework.pdf>
12. DfI Development Management Practice Note 5 – Historic Environment
<https://www.infrastructure-ni.gov.uk/publications/development-management-practice-notes>

Addendum	
Committee Meeting Date: 14 March 2023	
Application ID: LA04/2021/2815/F	Target Date:
Proposal: Erection of Discount supermarket, drive through cafe, landscaping, car parking, and associated site works.	Location: Vacant lands at access road to Olympia Leisure Centre directly opposite and approx. 70m East of Nos. 9-15 Boucher Road, Belfast.
Referral Route: Major development	
Recommendation:	Approve subject to conditions
Applicant Name and Address: Lidl Northern Ireland Nutts Corner Dundrod Road Crumlin BT29 4SR	Agent Name and Address: MBA Planning College House City Link Business Park Belfast BT12 4HQ
Background This application was deferred by the Planning Committee on 19 December 2022 to allow Members the opportunity to undertake a site visit and to facilitate further engagement with the IFA who has submitted an objection. The committee site visit took place on Monday 16 January 2023 and a meeting was held with the IFA on 09 January and an update is provided below. Since the original Committee Report issued on 14th December six further representations have been received and include an objection on behalf of the IFA, an objection on behalf of Tesco and four letters of support calling for the application to be approved. A summary and consideration of these representations is set out below. This report should be read in conjunction with the original full planning report which is appended. IFA Objection The objection from the IFA raised the following matters:- • Reiterating concerns about compatibility of the proposed uses with the existing operations at Windsor Park • Lack of engagement with IFA & PSNI • That a lease agreement is not appropriate to address IFA concerns as the IFA would not be party to the agreement • The lease agreement relates only to Lidl and not the end user of the drive-through • IFA has no objection to the principle of the development but wishes to ensure that existing and proposed uses can co-exist successfully. The applicant has provided a written response to the objection from IFA and has stated that '<i>Lidl has engaged on no less than two occasions directly with the IFA in order to address concerns regarding the flow of traffic over and along the Boulevard over which Lidl will be granted rights by the Council pursuant to a Lease during Major events</i>' and that amendments have been agreed to the Lease Agreement between the Council and Lidl which expressly reference timings around the closure of Boulevard during Major Events (see page 28). The response further states that the '<i>time periods go beyond the closure periods referenced in the Events Management Plan which is in place to deal with the management of the Sports Village during Major Events. In addition Lidl</i>	

has agreed to such further periods of closure of the Boulevard following Major Events as required by the Event Safety Certificate'.

Furthermore, the response advises that 'The Council is the owner of the Boulevard with the IFA having been granted rights across same. The Event Management Plan already addresses the issue of control of the Boulevard' and that the 'IFA does not retain ownership of the Boulevard, there is no basis where it would be entitled to enforce any measures around usage and control of the Boulevard. This is properly a matter for the Council. Lidl is being granted a Lease of the entirety of the site. Lidl can only grant its sub-tenant the same rights over and across the Boulevard that it enjoys on foot of the proposed lease and therefore and sub-tenant will be bound by the terms of the proposed lease.'

Following the Committee Meeting on 19th December a meeting was held on 09 January with the Council officers, as landowner and the IFA to discuss the issues raised in their objections. Representatives from Lidl also attended the meeting. Following the meeting the IFA provided a written response to issues of concern and the Council subsequently provided a written response to those matters. The IFA has since raised a further point seeking stewardship of the boulevard (Windsor Way) on minor event days. The Council consider that this is not required and would impact on the operation of Olympia Leisure Centre, Linfield's Midgley Park site and the Lidl sites. This issue was discussed with IFA during the January meeting and Council Officers understood that IFA accepted its position on this matter.

Officers consider that the Boulevard remains in Council ownership and the IFA have been granted limited control of the Boulevard before, during and after a Major Event only. Officers consider that this was the major issue of concern for the IFA and are satisfied that the planning issues have been addressed and all parties are content with the proposed arrangements regarding control over the Boulevard on major event days going forward. Other matters raised by the IFA are considered operational issues and fall outside the remit of planning and this application.

The IFA was contacted via their planning agent to allow the opportunity for further comment following discussions with the Council as landowner. No response has been received at the time of writing this report.

Tesco Objection

The letter on behalf of Tesco raised the following matters:

- That the application site is an unsustainable location for the proposed development -
- No policy that tests compatibility of the proposal with surrounding uses
- The use of an inappropriate mechanism to avoid incompatibility with events at the Windsor Park (National Stadium)
- Ineffectiveness of Condition 7 through not limiting the maximum convenience goods sales area

The applicant has responded to the objection on behalf of Tesco on 19.12.22 and 30.01.23 and has stated that:-

Sustainability

- Lidl has a unique offer in NI as a deep discounter offering a broad range of fresh, frozen and ambient convenient goods and have a more focused number of product lines compared to other stores and that it is possible to carry out a full weekly shop in the proposed Lidl store. There will be linked trips to other stores on the Boucher Road including Home Bargains and M&S Foodhall to the south of the site.

- Classified as a 'Limited Assortment Discounter' (LAD) and in a planning appeal (Broadwalk Retail Park, Bescot Crescent, Walsall ref APP/V4630/A109/2111779) the Inspector stated that the 'it is likely that the main use of a LAD is for weekly bulky shopping'
- The application site is within Blackstaff Ward, which is a highly deprived area (within top 8% in NI) with low car ownership – 54% of residents do not have access to a car. The site is accessible on foot to the main housing area of Blackstaff Ward via pedestrian access.
- Proposal represents an investment of £7 million and will create 110 new permanent jobs.
- Proposal will benefit local residents by offering quality food products at low prices in a convenient, easily accessible location and is supported by the local community.
- Green travel measures including cycle parking, staff welfare facilities and sustainable travel will be provided to all staff to encourage travel to/from the site by sustainable means. Whilst there is no Sunday bus service the combination of factors means that the supermarket will be a sustainable development in compliance with the SPPS. The applicant does not accept that the proposal has poor accessibility by non-car modes.

Support for the Proposal

- Blackstaff Residents' Association along with local residents express support the proposed development.

Sustainable Travel

- The TESCO objection states that the applicant's TA displays three walking catchment areas of 400m, 1km and 2km catchment areas is incorrect. These are not referred to in the TA.
- Estimated walk-in catchment of the proposed supermarket based on the number of dwellings counted is as follows and the proposed supermarket is accessible to a large population on foot:-
 - Population within 400m/desirable walking distance of the site c. 584
 - Population within 800m/desirable walking distance of the site c. 3,702
 - Population within 1200m/desirable walking distance of the site c. 8,146
- Proposal will significantly benefit the residents of the Blackstaff Ward all of which is within the 400m walk-in catchment and the majority within the 800m walk-in catchment. Proposal will also benefit residents of the Windsor Ward which also has a higher proportion of households (41%) without access to a car than both the Belfast and NI average.
- Site also has good public transport accessibility with 2 Metro bus services passing the site and bus stops within 400m of the proposal. While there are no services on a Sunday bus services, Sundays only account for 6% of total trading hours due to shorter opening hours.
- Measures to promote sustainable travel to/from the development by staff are set out in the Travel Plan Framework including 16 cycle spaces, staff welfare facilities – secure lockers and showers and sustainable travel information.
- Site well located to allow linked trips.
- The combination of the above factors reinforces the sustainability of the site.

Compatibility with surrounding uses

- Compatibility is a well established material planning consideration and the decision maker is entitled as a matter of planning judgement to form the view that the proposal is compatible with the surrounding land uses.

- There is no policy requirement for proposals to complement existing facilities.
- Proposed supermarket will help meet the shopping needs of residents of the Blackstaff ward and others within the catchment and will provide high quality, low-cost products at a sustainable location accessible to a large population on foot. It will help low income families reduce their shopping costs and is strongly supported by Blackstaff residents.

Compatibility with events at Windsor Park

- The matter of adequate controls during major events at Windsor Park has been raised and considered through the planning process and the Planning Department has determined that the lease clause is an adequate means of control. The control would rest with the Council.

Planning Conditions

- Suggest that in order to address the issue raised condition 7 as set out in the Committee Report is deleted and condition 5 reworded to state:-

Of the net retail floorspace of the retail unit hereby approved, no more than 1,140 square metres shall be used for the sale and display of convenience goods, and no more than 285 square metres shall be used for the sale and display of comparison goods.

Convenience goods are hereby defined as:

- (a) food and drink, including alcoholic drink;*
 - (b) tobacco, newspapers, magazines, and confectionery;*
 - (c) stationary and paper goods;*
 - (d) toilet requisites and cosmetics;*
 - (e) household cleaning materials; and*
 - (f) other retail goods as may be determined in writing by the Council as generally falling within the category of convenience goods.*
- In condition 4 the word 'gross' should be deleted.

Following receipt of the representation on behalf of Tesco an independent review of the Retail Impact Assessment has been carried out on behalf of the Council which concludes that the proposal is broadly acceptable from a retail impact perspective. This reinforces the position set out by the Plans and Policy Team in their initial consultation response that given the scale of the proposal and the type of retailing it is unlikely that there would be any conflict with Draft BMAP's retail strategy.

The Plans and Policy Team has considered the issues raised on behalf of Tesco and advise that in terms of sustainability it has carried out its own analysis to calculate a 15 minute walk time catchment which demonstrates that there is a sizeable population (12,719) within easy walking distance of the application site. Furthermore, the Plans and Policy Team acknowledge that part of the Blackstaff ward falls within this 15-minute walk in catchment and advise that this ward has a multiple deprivation score of 50, placing it in the top 6% of most deprived wards in Northern Ireland, with a lower-than-average level of car ownership. As a result of the large walk-in catchment the Development Plan and Policy Team contend that this is a sustainable location for the proposed development.

In addition, the Plans and Policy Team has analysed public transport facilities in the area and advise there are two metro bus services (9e and 9g) that pass the site with bus stops located within 400m of the site entrance with 12 bus services to the city centre and 15 bus services from

the city centre on weekdays and 12 services to the city centre and 11 services from the city centre on Saturdays. The Plans and Policy Team highlight that whilst there are no bus services on a Sunday it is recognised that operating hours in Northern Ireland are restricted to 1-6pm on Sundays which is significantly lower than elsewhere in GB. The Plans and Policy Team also consider that the proposed development would allow for linked trips given the retail offer currently available at Boucher Road including Marks & Spencer, Home Bargains and Iceland.

The Plans and Policy Team consider that the proposed site complies with the regional strategic objectives of the SPPS for transportation and land use. It has good accessibility by non-car modes given the sizeable walk-in population, its access to metro bus services and the provision of 16 cycle spaces as part of the proposed development. Officers concur with this assessment.

In relation to a point raised in the objection on behalf of Tesco, the Plans and Policy Team proposes the condition number 05 as set out in the original report relating to the convenience floorspace should be amended to limit the net floorspace for convenient good to not more than 1,140 square metres as set out below. Officers agree with this recommendation. Condition 05 is amended to read:

Of the net retail floor space of the retail unit hereby approved, not more than 1,140 square metres shall be used for the sale and display of the items listed here under and for no other purpose, including any other purpose in Class A1 of the Planning (Use Classes) Order (Northern Ireland) 2015

*(a) food non-alcoholic beverages, alcoholic drink;
(b) tobacco, newspapers, magazines, confectionery; (c) stationary and paper goods;
(d) toilet requisites and cosmetics;
(e) household cleaning materials; and
(f) other retail goods as may be determined in writing by the Council as generally falling within the category of 'convenience goods' or as generally being appropriate to the trading in these premises.*

For clarification proposed draft conditions numbered 03 and 04 included typing errors and should read as follows:

*The gross retail floor space of the store hereby approved shall not exceed 2,223sqm.
Reason: To safeguard the vitality and viability of the City Centre and other Centres within the catchment.*

*The net floor space of the retail store hereby approved shall not exceed 1,425sqm
Reason: To safeguard the vitality and viability of the City Centre and other Centres within the catchment.*

With regard to the issue of compatibility raised in the objection on behalf of Tesco Officers consider that having assessed the impacts of the development (see main report) the proposed use would not conflict with surrounding land uses in the immediate and wider context including leisure, commercial and residential uses. The proposal does not conflict with the development plan or planning policy set out in the SPPS and is considered compatible with the surrounding area.

Letters of Support

The 4 additional letters of support received raise the following points in support of the proposed development:-

- support the building of a Lidl supermarket on Boucher Road, we are encouraged to shop local, where exactly, no local supermarkets for those who don't have access to vehicle or are infirm, reps from IFA don't live local
- no proper affordable supermarkets in this part of South Belfast
- seem to be the forgotten people when it comes to the IFA and Olympia Leisure Centre
- would like for you to please give permission for the Lidl to be built so that this area can not only have a decent supermarket but hopefully jobs for local people
- proposal will bring much needed jobs to the area, food priced at reasonable prices

Officers consider that the matters raised in the representations received since the publication of the Committee Report on 14th December are material and have been considered and addressed.

Recommendation

Having considered the above issues the recommendation that full planning permission is granted subject to conditions remains unchanged.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and to deal with any other matters which may arise.

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 19 th December 2022	
Application ID: LA04/2021/2815/F	Target Date:
Proposal: Erection of Discount supermarket, drive through cafe, landscaping, car parking, and associated site works.	Location: Vacant lands at access road to Olympia Leisure Centre directly opposite and approx. 70m East of Nos. 9-15 Boucher Road, Belfast.
Referral Route: Major development	
Recommendation:	Approve subject to conditions
Applicant Name and Address: Lidl Northern Ireland Nutts Corner Dundrod Road Crumlin BT29 4SR	Agent Name and Address: MBA Planning College House City Link Business Park Belfast BT12 4HQ
Executive Summary This application seeks full planning permission for the erection of a discount supermarket, drive through cafe, landscaping, car parking, and associated site works. The site comprises the site of the former Olympia Leisure Centre and is currently vacant land. The key issues to be considered in the assessment of this application are: - The principle of the proposed use at this location - Retail Impact of the proposal - Impact on the character and appearance of the area - Compatibility with adjacent uses - Access, parking and traffic management - Environmental Considerations – Drainage, Contamination, Noise, Impact on Designated Sites/Natural Heritage Assets The proposed supermarket proposes a gross internal floor area of 2,223sqm, a net sales area of 1,425sqm of which 1,140sqm is for the sale of convenience goods and 285sqm for the sale of comparison goods. The site is outside any designated retail centres identified within both the BUAP and dBMAP. The Retail Impact Assessment, Sequential Test and supporting information accompanying the application has been reviewed by the Planning Service's Plans and Policy team, which has no objections to the proposed uses and considers that the proposal meets the sequential test, will not prejudice protected centres, or result in an unacceptable cumulative impact. Conditions are recommended to enable the Council to retain control of the nature of retailing at this location. NI Water has objected to the application on grounds of insufficient waste-water drainage infrastructure capacity and foul sewage network capacity issues. NIEA has recommended a condition seeking agreement of sewage disposal arrangements prior to commencement. These issues are dealt with in detail in the main report.	

All other consultees are content with the proposed development subject to conditions which are set out in the report.

Thirty-two representations have been received, which include 30 letters of support and 2 objections. The matters raised in the representations are considered in the main report.

Recommendation

Having regard to the development plan, relevant policy context and other material considerations, including the representations received, the proposed development is considered acceptable. It is recommended that full planning permission is granted subject to conditions.

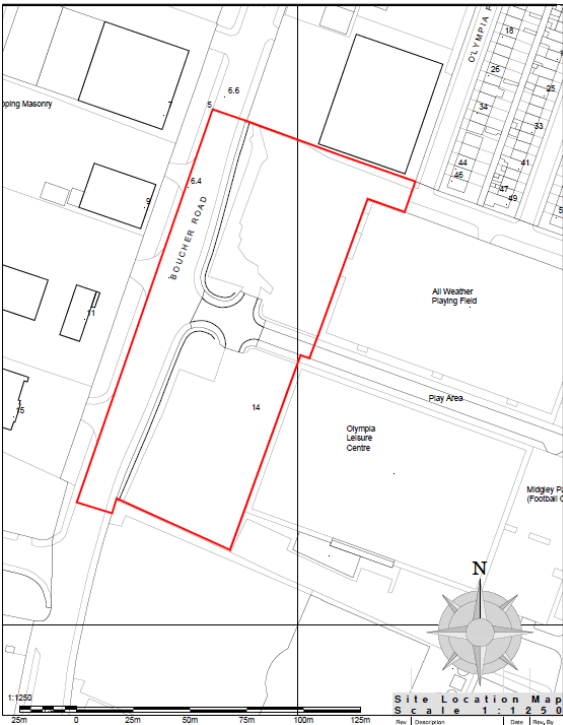
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and to deal with any other matters which may arise.

Signature(s):

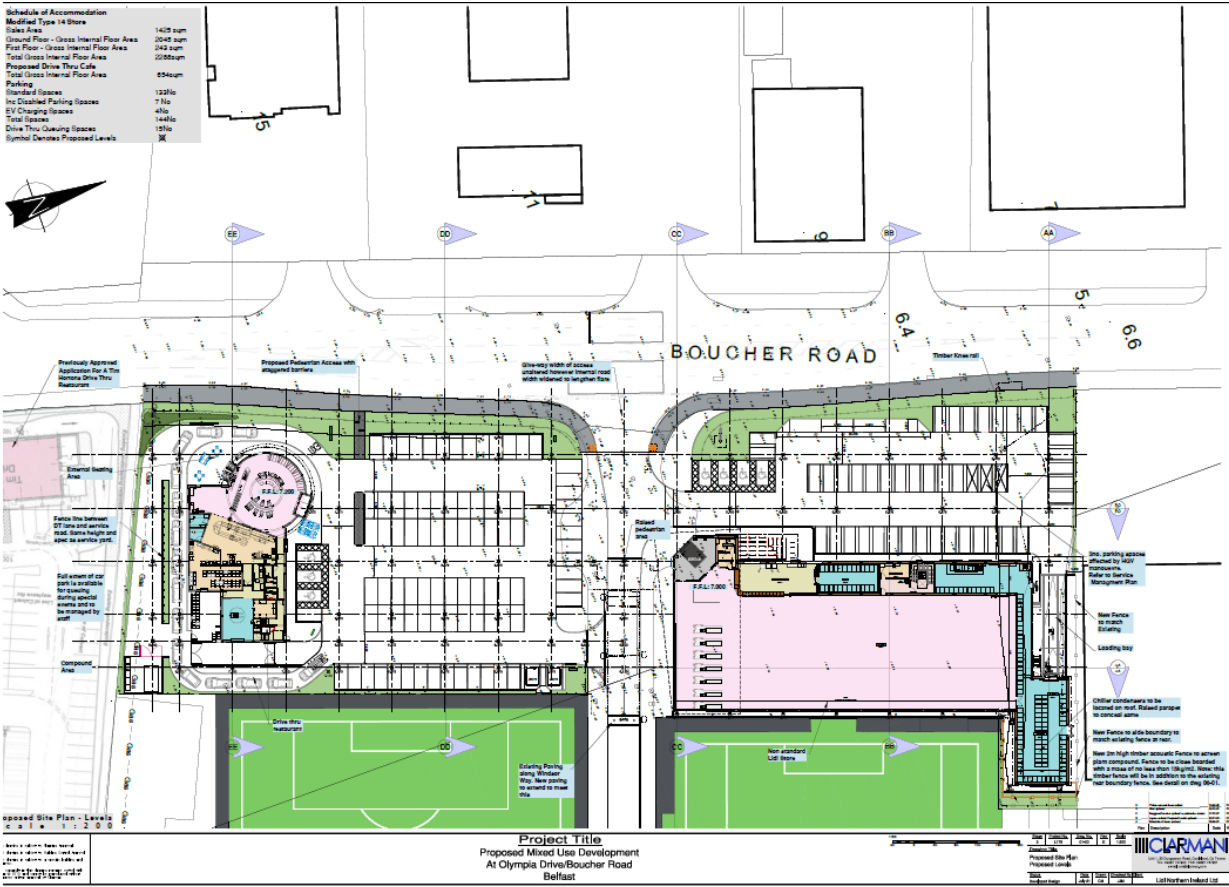
Case Officer Report

1.0 Site Location Plan

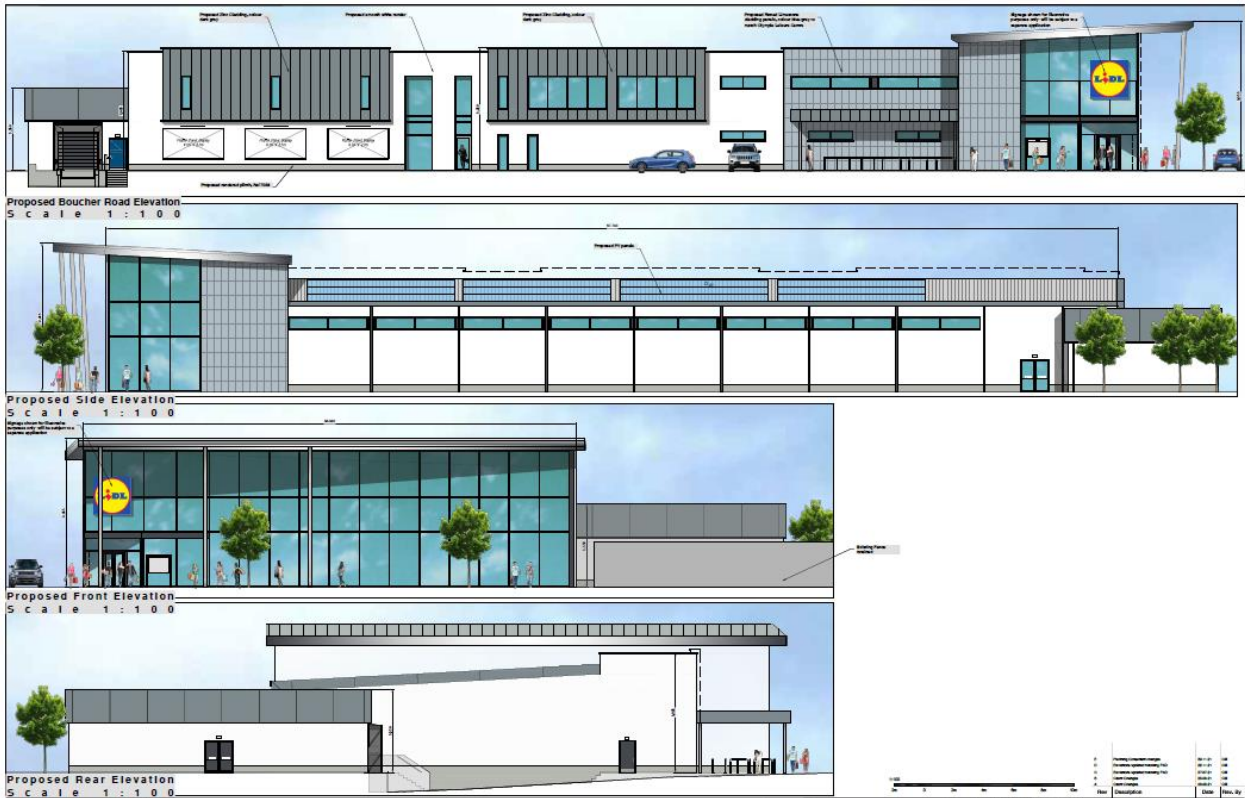
Site Location Plan



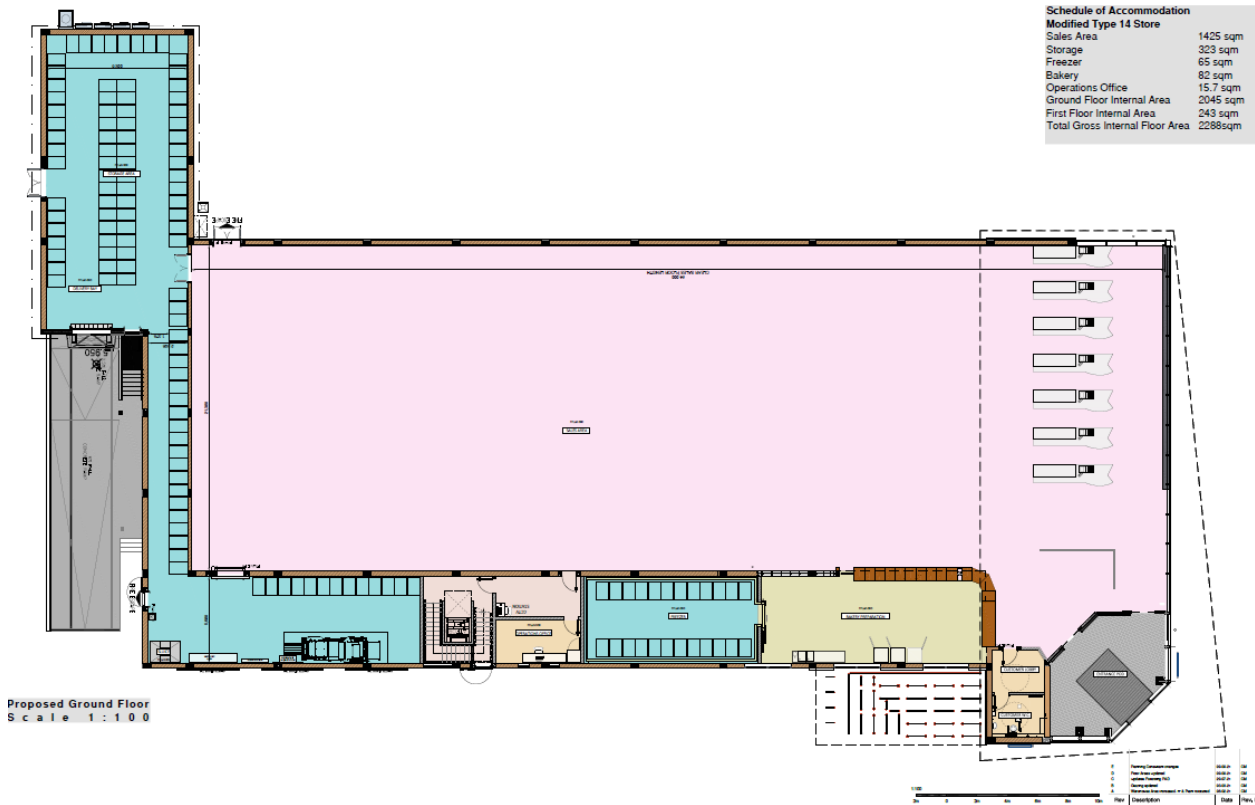
Site Layout Plan

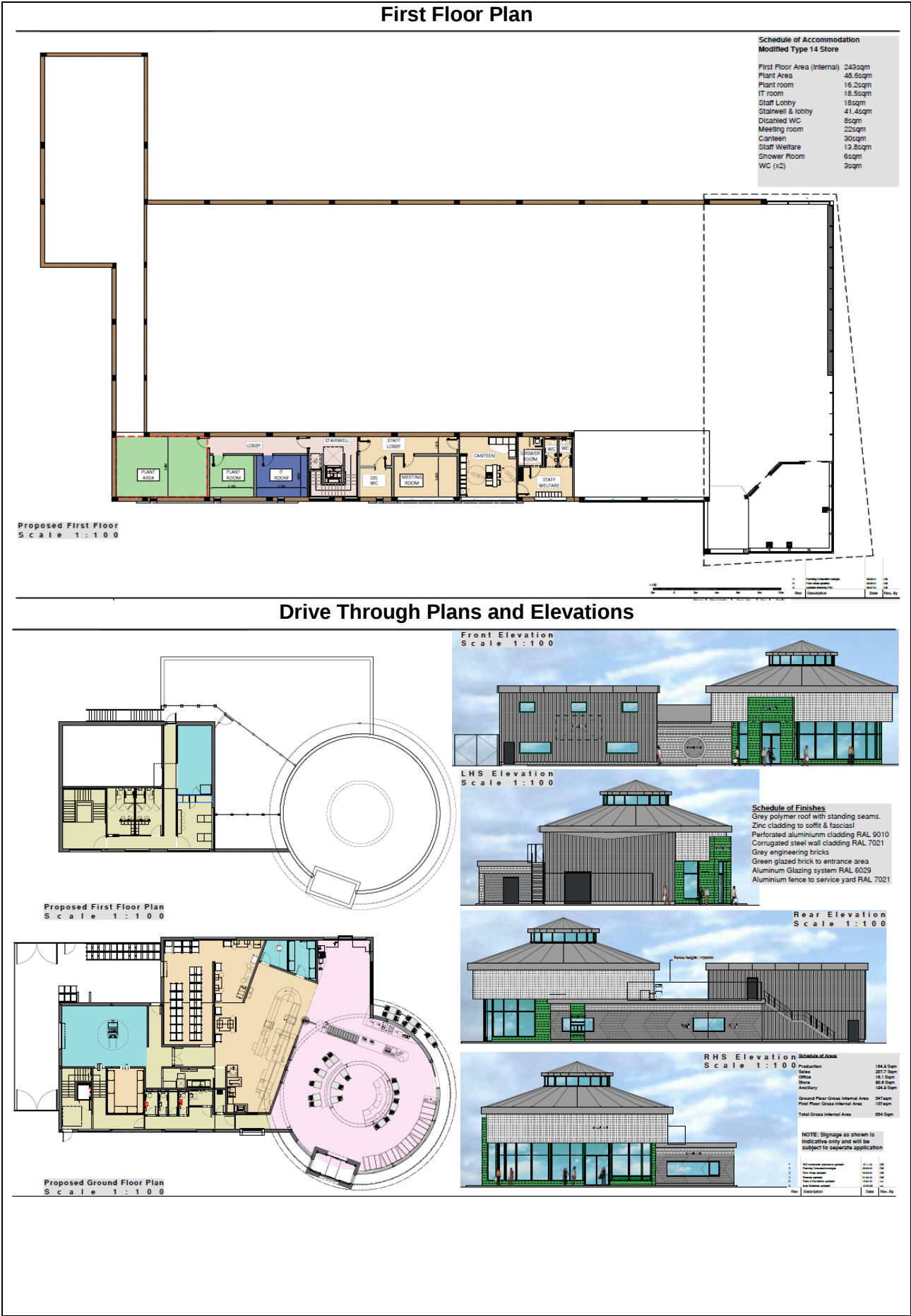


Discount Supermarket Elevations and Floor Plans



Ground Floor Plan





Landscape Proposals



CGIs







2.0	Characteristics of the Site and Area
2.1	The application site is located along the east side of Boucher Road. The area is predominantly characterised by a mix of uses, mostly commercial/retail uses.
2.2	Windsor Park football stadium, Olympia Leisure Centre and associated playing fields are located to the immediate east. Existing residential development is located to the north-east of the site. Commercial uses are located to the north, south and to the other side of Boucher Road to the west.
3.0	Description of Proposal
3.1	The application seeks full planning permission for the erection of a discount supermarket (LIDL), drive through cafe, landscaping, car parking, and associated site works.
3.2	The application follows a Pre-Application Discussion (PAD) with officers.
4.0	Planning Assessment of Policy and Other Material Considerations
4.1	Policy Context Regional Planning Policy • Regional Development Strategy 2035 (RDS) • Strategic Planning Policy Statement for Northern Ireland (SPPS) • Planning Policy Statement 3 (PPS 3) - Access, Parking and Movement • Planning Policy Statement 8 (PPS 8) - Open Space, Sport and Outdoor Recreation • Planning Policy Statement 15 (PPS 15) - Flood Risk Local Planning Policy Context • Belfast Urban Area Plan (2001) BUAP • Draft Belfast Metropolitan Area Plan 2015 (v 2004) • Draft Belfast Metropolitan Area Plan 2015 (v 2014) • Belfast Local Development Plan Draft Plan Strategy 2035

4.2 4.2.1 4.2.2	Other Material Considerations • Belfast Agenda Community Plan • Developer Contribution Framework Planning History Relevant Planning History on the site LA04/2020/2045/PAN - Erection of discount supermarket, drive thru cafe, landscaping, car parking, and associated site works, Boucher Road, Belfast. PAN Acceptable 27.10.2020. LA04/2020/2007/PAD - Erection of discount supermarket, drive thru cafe, landscaping, car parking, and associated site works, vacant lands at access road to Olympia Leisure Centre - directly opposite and approx. 70m east of nos. 9-15 Boucher Road, Belfast, BT12 6HR. Z/2014/0587/O - A masterplan for the redevelopment/regeneration of the Olympia Leisure complex comprising the demolition of the existing Olympia Leisure Centre and the redevelopment of: 2no 3G playing fields (with associated spectator stand and changing facilities); a children's play area: car parking; extension of existing access to new leisure facilities (in west stand of the National Football Stadium); floodlighting: landscaping and boundary treatments; hotel and commercial units, Lands at Olympia Leisure Centre, Boucher Road, Belfast, BT12 6HR. Permission granted 31.03.2015 Relevant Planning History adjacent to the site LA04/2020/0828/F - Single storey drive thru cafe with an associated cold room, service area, outdoor seating and general ancillary site works, Balmoral Plaza Retail Park, Boucher Road, Belfast, BT12 6HR. Permission granted 10.11.2020. Z/2014/0594/F - Redevelopment / regeneration of the Olympia Leisure Complex comprising of the demolition of the existing Olympia Leisure Centre and the development of: 2no. 3G playing fields (with associated spectator stand and changing facilities): a children's play area: relocation of the car parking, extension of existing access to serve new leisure facilities approved in west stand of National Football Stadium under Z/2013/1437/F: floodlighting: landscaping and boundary treatments, Lands at Olympia Leisure Centre, Boucher Road, Belfast, BT12 6HR. Permission granted 31.03.2015 Z/2012/1359/F - Re-development of Windsor Park to provide an 18,000 seated capacity National Football Stadium, comprising: demolition of the south and east stands and erection of replacement south and east stands; refurbishment and extension of north and west stands; replacement flood lighting; coach and car parking; player accommodation and welfare facilities; ground support facilities including electronic display installations; hard and soft landscaping and storage facilities associated with ground maintenance; development of ancillary office accommodation, conference, training and community facilities; temporary construction access; upgrade of pedestrian access points and boundary fencing, Windsor Park, Donegall Avenue, Belfast, BT12 6LW. Permission granted 15.03.2013.
--------------------------------------	--

4.3	Consultations
4.3.1	Statutory Consultations DFI Roads – No objection subject to conditions. DFI Rivers – No objection. NI Water – Objection. DAERA NIEA – <i>Water Management Unit</i> – proposal has the potential to adversely affect the surface water environment therefore conditions proposed to mitigate. <i>Drinking Water Inspectorate</i> – No objection, <i>Regulation Unit</i> – No objection, <i>Natural Environment Unit</i> – No objection.
4.3.2	Non-Statutory Consultations Environmental Health – No objection subject to conditions. Shared Environmental Services – No objection. Proposal not likely have a significant effect on any European site, either alone or in combination with any other plan or project and appropriate assessment is not required. Economic Development Unit - No objection. Employability and skills related Developer Contributions Section 76 clauses do not need to be applied to the development. BCC Urban Design Officer – No objection subject to condition. BCC Policy and Plans team – No objections subject to conditions. BCC Waste Management Team – No objection. BCC Landscape Planning and Development Team – No objection.
4.4	Representations
4.4.1	The application has been advertised and neighbours notified. Thirty-two third party representations have been received, thirty of which support the development and two raise objections. The representations received raise the following issues. <u>Letters of Support</u> • Proposal will be a very much welcomed addition to the local area • Employment generated will help sustain the Northern Ireland Economy and bring much needed employment to the area • Design proposals will enhance the Boucher Road and add to an extended shopping area • Support for investment in the area/Botanic Ward • Proposal will have a positive impact in an area of deprivation and high unemployment • Supported by Blackstaff Residents Association • Well needed supermarket for the area. The land at the minute looks deserted and this will bring a welcome boost both visually and with regards to jobs in the local area. • Much needed jobs in the area • Benefit the local area • Much needed provision in an area that is lacking in supermarket/food stores. • Provides a convenient supermarket and job opportunities for the locality. Also, it can be accessed without having to cross at a busy junction such as Broadway Roundabout or crossing steep steepes or bridges such as at Tate's Avenue or Windsor Park. • More choice in the area

	• Great asset for the community • Community don't have enough up to date shops for grocery shopping • Request to process the application urgently, so that local people can avail of what would be an essential shopping facility to help them through the cost of living crisis.
4.4.2	<u>Objections</u>
4.4.3	The two objections received are from Midgely Park and the IFA.
4.4.4	Representatives from Midgely Park requested a 2m high fencing along the length of the boundary fence with Midgely Park to prevent litter from entering the park and provide screening from car lights. Midgely Park is content following the submission of amended plans.
4.4.5	The IFA raises the following concerns: • Impact of major events/international football matches – i.e. closure of Windsor Way • If permitted, the proposed development will create a conflict of uses on major event days. • Concerns that the proposal will result in a conflict between patrons attending major events at the National Football Stadium (NFS) and customers accessing the proposed development. The resulting effect will expose the patrons accessing the NFS to unacceptable risks to their personal safety. • Potential to cause traffic congestion in or around the access from Boucher Road to the Boulevard, on major event days this access is closed to all vehicular traffic. • Pre-match arrangements are likely to impact the ability of customers/users and staff to access the proposed development during such major events at the NFS so the Applicant should consider specific arrangements for such occasions. No alternative arrangements or indeed any acknowledgement or understanding of the existing major event day environment in the area has been put forward as part of the application or been presented to the IFA. • To ensure that the issue of a safety certificate is not compromised on major event days, access to the Applicant's premises by vehicles for a limited period prior to each major event, during the major event and also for a limited period following the major event must be prohibited so that the NFS can comply with stadium safety requirements. • Concerns that the proposed development will create a conflict during major events at the NFS, thereby limiting the ability of PSNI and IFA to properly implement the necessary crowd management measures, risking the safety of pedestrians and obstructing emergency access to the NFS. • IFA considers that the requirements for the Safety Certificate could not be met where there is a conflict between vehicles and pedestrians using the Boucher Road access and the Boulevard, placing in jeopardy the ability to use this as an access point to the site. • Where the NFS is unable to host major events, this would not only jeopardise the ability of the IFA to meet the terms of the DfC funding for the NFS, but would also undermine the rationale for the NFS, which was to create a venue capable of showcasing Northern Ireland football on an international stage.
4.4.7	The matters raised in the representation are considered in the report.

4.5	Planning Assessment
4.5.1	Key Issues The key issues to be considered in the assessment of this application are: • The principle of the proposed use at this location • Retail Impact of the proposal • Impact on the character and appearance of the area • Compatibility with adjacent uses • Access, parking and traffic management • Environmental Considerations – Drainage, Contamination, Noise, Impact on Designated Sites/Natural Heritage Assets
4.6	Background
4.6.1	The proposed development was the subject of a PAD process which included input from BCC Senior Urban Design Officer, DFI Roads, BCC Landscape Planning and Development Team and Environmental Health.
4.7	Development Plan Context
4.7.1	Section 6(4) of the Planning Act (Northern Ireland) 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.
4.7.2	The adoption of the Belfast Metropolitan Area Plan (BMAP) in 2014 was declared unlawful as a result of a judgement in the court of appeal delivered on 18 May 2017. This means that the Belfast Urban Area Plan 2001 (BUAP) provides the statutory plan context for the area.
4.7.3	Draft BMAP 2015 (dBMAP v2014), in its most recent, post-examination form remains a significant material consideration when making planning decisions. It was at the most advanced stage possible prior to adoption. However, in assessing this application regard is also had to the provisions of draft BMAP which was published in 2004 (dBMAP 2004).
4.7.4	In dBMAP (v2004) the site is identified as an area of existing open space within the Belfast Metropolitan/Settlement Development Limit. In dBMAP (v2014) the site is also identified as an area of existing open space within the Belfast Metropolitan/Settlement Development Limit. Within the BUAP the site is un-zoned land within the development limit of Belfast.
4.7.5	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is

	adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.
4.8	Policy Considerations
4.8.1	Policy SFG3 of the RDS seeks to enhance the role of Belfast City Centre as the regional capital and focus of administration, commerce, specialised services and cultural amenities. This policy states <i>'Belfast City Centre has developed its regional shopping offer. A precautionary approach needs to be continued in relation to future major retail development proposals based on the likely risk of out of centre shopping developments having an adverse impact on the city centre shopping area'</i> .
4.8.2	The SPPS sets out five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. The SPPS states at paragraph 1.13 (page 7) that a number of policy statements, including PPS3 and PPS 8, remain applicable under 'transitional arrangements.
4.8.3	Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraph 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported.
4.9	Principle of Proposed Uses
4.9.1	The proposed uses comprise retail (discount supermarket) and a drive-through café (suis generis use). Both are considered compatible with surrounding uses in this primarily commercial location. The main issues when considering the acceptability of the uses in principle are retail impact and loss of open space, discussed below.
4.10	Retail Policy Considerations
4.10.1	The SPPS introduces new retail policy under 'town centres and retailing' at pages 101-105, replacing previous considerations within Planning Policy Statement 5. Paragraph 6.270 states that <i>'the aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS.'</i>
4.10.2	Paragraph 6.273 states planning authorities must adopt a town centre first approach for retail and main town centre uses. Paragraph 6.280 states that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date LDP. Where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused.
4.10.3	Paragraph 6.281 requires applications for main town centre uses to be considered in the following order of preference (and consider all of the proposal's catchment): • primary retail core; • town centres; • edge of centre; and

	out of centre locations, only where sites are accessible by a choice of good public transport modes.
4.10.4	No guidance has been published to date by DFI to assist in interpretation and application of SPPS policy.
4.10.5	Relevant retail Policy in the BUAP is set out in Policy S2 (Shopping development outside the City Centre) and Policy S5 (Assessment of Proposed Shopping Schemes). Policy S2 states that <i>'New shopping schemes in the rest of the Belfast Urban Area should be located in or near existing shopping centres and be of an appropriate scale.'</i> This policy seeks to protect the city centre and existing centres and to ensure that new retail developments are located where they support the continued viability of established shopping centres. The Policy further states that <i>'New shopping schemes away from existing centres will be permitted only in exceptional circumstances where:- they meet the genuine needs of large residential neighbourhoods; especially of they are currently under-shopped; or an area is in need of new investment and requires an element of retailing to secure regeneration.'</i>
4.10.6	Policy S5 states that <i>'All new major shopping schemes will be subject to assessment against criteria relating to impact, car parking, traffic generation and access; relationships to adjoining development (especially residential); and design and appearance (including materials, finishes and signs).'</i> The policy further directs that the following matters be considered:- the effect on the vitality and viability of existing shopping centres as a whole; the effect on local amenity; traffic generation; the availability of public transport and accessibility for car owners and the benefits to the public from the proposed development. No guidance is included within the BUAP on how the effect on the vitality and viability of existing shopping centres is to be assessed. It is the view of officers that the assessment carried out in accordance with the SPPS is an appropriate assessment to determine the impact of the proposed development on the vitality and viability of existing shopping centres. These matters are considered in the assessment below.
4.10.7	Draft BMAP strategic retail policy for Belfast is set out at pages 54-58 Part 3 volume 1 and page 28 of Part 4 Volume 2. The BMA retail strategy seeks to: - promote Belfast City Centre as the leading shopping centre in the Plan Area and Northern Ireland; - Outside City and Town Centres the nature and scale of retail development is to be controlled in order to protect the vitality and viability of the city and town centres and retail development to be focused on designated District Centres, Shopping / Commercial Areas and Designated Commercial Nodes on designated Arterial Routes and designated Local Centres.
4.10.8	Two other elements are cited, however, these relate to areas outside of Belfast and are therefore not applicable.
4.10.9	Policy R1 states that <i>'primary retail cores will be the preferred location for new comparison and mixed retail development...(and)...outside designated Primary Retail Cores, planning permission will only be granted for comparison and mixed retail development where it can be demonstrated that there is no suitable site within the primary retail core'</i> . The supplementary note goes on to say that <i>'the plan seeks to support the vitality and viability of city and town centres by ensuring that they are the main focus for all retail developments including convenience, non-bulky comparison and bulky comparison retailing.'</i>

4.10.10	Policy R2 states planning permission will not be granted for proposals for retail development where it would be likely to result in an adverse impact on the distinctive role of Belfast City Centre as the leading regional shopping centre. It refers to the Regional Development Strategy 2035 which <i>'supports and strengthens the distinctive role of Belfast City Centre as the primary retail location in Northern Ireland. It urges a precautionary approach in relation to future major retail development proposals based on the likely risk of out of centre shopping developments having an adverse impact on the city centre shopping area.'</i>
4.10.11	A list of district centres is designated on page 57 of Part 3 Volume 1 of Draft BMAP. District Centres designated within the Belfast City Council Area include Connswater, Dairyfarm, Hillview, Kennedy Centre, Park Centre, Westwood Centre, and Cityside (formerly Yorkgate). Forestside is also a designated centre and is located adjacent to BCC boundary within Lisburn and Castlereagh Council. The supplementary text refers to the findings of the retail study for Belfast which concluded that there were planning reasons for redirecting any identified need to nearby city and town centres where the case for retail investment is stronger. The application site is not part of a designated District Centre.
4.10.12	Pages 105-106 of Part 4 Volume 2 refer to retailing in outer Belfast. This designates the District Centres under BT010. The supplementary text states <i>'these centres co-exist with the City Centre and should fulfil a complementary role. It is recognised that whilst Belfast City Centre is under-performing as a regional centre, many of the out-of-town centres are overtrading and are attracting trade away from the City Centre. In order to help redress this imbalance, boundaries are delineated for all of the District Centres.'</i>
4.11	Retail Impact Assessment
4.11.1	The proposed discount supermarket has a gross internal floor area of 2,223sqm and a net sales area of 1,425sqm of which 1,140sqm is for the sale of convenience goods and 285sqm for the sale of comparison goods.
4.11.2	The proposal relates to a named operator, Lidl, who are already operate eight stores across the Council area but none in the south Belfast area. The Retail Impact Assessment (RIA) advises that Lidl's offer is unique in NI in that it is a deep discounter offering a broad range of fresh, frozen and ambient goods (whereas other discounters tend to focus on a single type).
4.11.3	It should be noted that if permission is granted, any operator could trade from the retail unit subject to compliance with conditions as planning permission cannot be linked to a specific operator.
4.11.4	The site is outside any designated retail centres designated in the BUAP and dBMAP. It is therefore situated in an 'out of town' location.
4.11.5	A Retail Impact Assessment (RIA) and Sequential Test accompanied the application as required by paragraph 6,283 of the SPPS. An assessment of the RIA is set out below. Catchment
4.11.6	The agent has considered that the catchment area for the proposal would be 10 minutes (by car) from the site but has altered this to take account of the proximity of

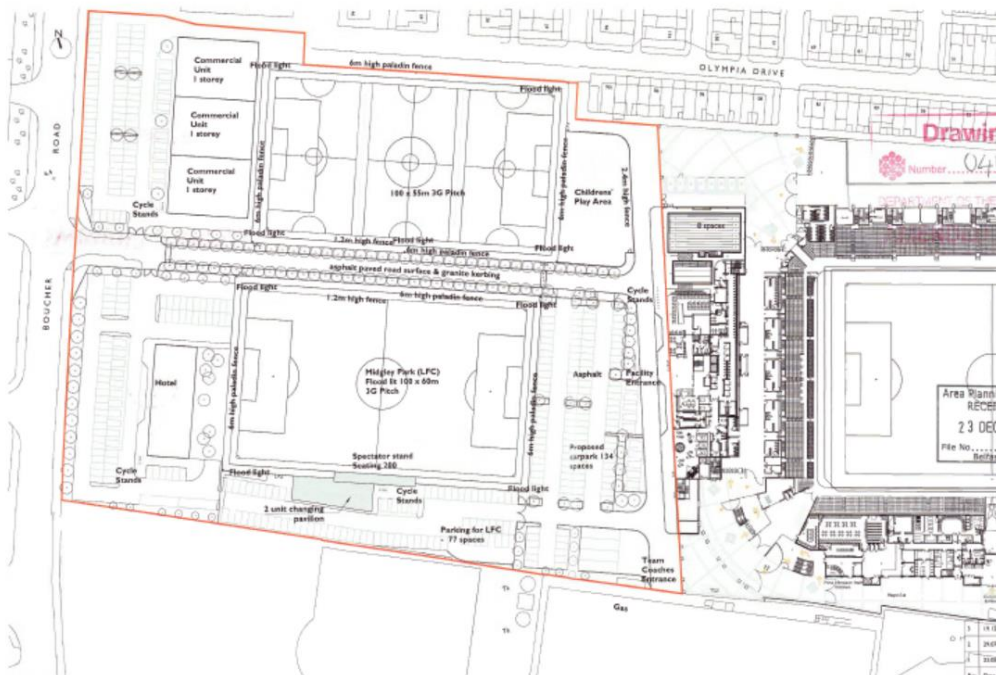
	other Lidl stores. The RIA advises that that there is one Lidl store with the catchment area at the Westwood Centre, West Belfast.
4.11.7	The applicant's catchment is smaller than the 15-minute catchment calculated by the Plans and Policy team in their assessment and excludes parts of South Belfast including Finaghy and Upper Malone
4.11.8	The Plans and Policy team has considered a wider catchment (15-minute drive time) and is of the opinion that the potential retail impact on protected centres would not be significant.
	Sequential Test/Availability of Alternative Sites
4.11.9	The SPPS sets out a town centre first approach to the location of retail development and a sequential assessment of town centre uses that are not in an existing designated centres, taking account of the catchment area of the proposal. Accordingly, primary retail core, city centre, edge of city centre vacant sites must be considered for suitability followed by those in other designated centres i.e. district and local centres designated in dBMAP, before out of centre locations. The SPPS advises that out of centre locations must also be accessible by a choice of good public transport modes.
4.11.10	Paragraph 6.289 require applicants to '<i>...identify and fully demonstrate why alternative site are not suitable, available and viable</i>'. There is no further direction or discussion within the SPPS as to the definition or interpretation of <i>suitable, available and viable</i>. To date no guidance has been published by DFI to assist in the interpretation and implementation of the sequential test and associated policies within the 'Town Centres and Retailing' section. Accordingly, consideration of practice / guidance in England has been taken into account. The document 'Planning for Town Centres - Guidance on need, impact, and the sequential approach' (Department for Communities and Local Government, December 2009) sets out three criteria in the assessment of the sequential testing of sites: • Suitable: When judging the suitability of a site it is necessary to have a proper understanding of scale and form of development needed, and what aspect(s) of the need are intended to be met by the site(s). It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make, either individually or collectively, to meeting the same requirements. • Available: A site is considered available for development, when, on the best information available, there is confidence that there are no insurmountable legal or ownership problems, such as multiple ownerships, ransom strips, tenancies or operational requirements of landowners. • Viable: whether there is a reasonable prospect that development will occur on the site at a particular point in time.
4.11.11	A degree of caution also must be taken in regard to the above, as these predate the new National Planning Policy Framework (in effect the English equivalent to the SPPS) published in December 2012. This retains application of the sequential test, but now reads as follows (paragraph 24):

	<i>“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.”</i>
4.11.12	Also of importance is the legal case of <i>Tesco Stores v Dundee City Council</i> [2012], the Court held that the question of suitability was to be interpreted objectively in accordance with the language used, read in its proper context. In summary, the judgement indicates that the Council was correct in interpreting “suitable” to mean “suitable for the development proposed by the applicant”.
4.11.13	In applying the sequential test, the nature of the developer’s proposal must be taken into account. Paragraph 6.289 of the SPPS states that <i>‘flexibility may be adopted to accommodate developments onto sites with constrained footprints...applicants will be expected to identify and fully demonstrate why alternative sites are not suitable, available and viable.’</i>
4.11.14	The Sequential Assessment submitted has concluded that there are no sequentially preferable sites available, suitable and viable. A review of potential alternative sites carried out by the applicant is set out below.
	<i>City Centre</i>
4.11.15	There are a number of development opportunity sites identified within the city centre in dBMAP which have been assessed in the alternative site assessment. Many of these have the potential to accommodate the proposal, such as at the former Sirocco Works site. These sites have been discounted by the agent as being too close to the existing Lidl store and not viable or available or would not meet the need for a discount supermarket in South Belfast. The Sirocco site has an extant outline planning permission that includes a supermarket, however this is discounted on grounds that a more recent redevelopment scheme has been approved (ref: LA04/2018/0811/O & LA04/2018/0448/F) by the Council which indicates that the extant permission is unlikely to be implemented / available.
	<i>Other Centres</i>
4.11.16	The Sequential Assessment also assessed the following district centres: Park Centre; Westwood Centre; Kennedy Centre and the following local centre: Dunmurry Local Centre. The largest available unit identified as available is the formers Dunnes Stores unit located within Park Centre District Centre. However, this has been discounted for a number of reasons including that that the unit does not have direct access to a car park, overhead costs and constraints of operating hours.
4.11.17	The Sequential Assessment has concluded that there are no sequentially preferable sites that are considered suitable, available and viable within the proposal’s catchment. Officers have no reason to disagree with the conclusions of the alternative site assessment. The proposal is therefore considered to meet the sequential test.

4.12	Retail Impact
4.12.1	With the introduction of the SPPS in September 2015, paragraph 6.283 stipulates that a full assessment of retail impact is required for development exceeding 1,000sqm not proposed in a town centre. Paragraph 6.290 of the SPPS sets out factors to be addressed in the assessment of need as set out below and advises that where an impact on one or more of these criteria is considered significantly adverse or where in balancing the overall impacts of each of the criteria the proposed development is judged to be harmful, then it should be refused. • <i>the impact of the proposal on trade and turnover for both convenience and comparison goods traders, and the impact on town centre turnover overall for all centres within the catchment of the proposal;</i> • <i>the impact of the proposal on existing committed and planned public and private sector investment and investor confidence in the town centre/s;</i> • <i>the impact of the proposals on the delivery of the planned/allocated sites and the LDP strategy;</i> • <i>the impact on the vitality and viability of existing centres including consideration of the local context. This should take into account existing retail mix and the diversity of other facilities and activities.</i> • <i>Cumulative impact taking account of committed and planned development, including plan commitments within the town centre and wider area; and,</i> • <i>a review of local economic impacts.</i>
4.12.2	Each of these criteria has been considered by the Plans and Policy team and an assessment is set out below. <i>The impact of the proposal on trade and turnover for both convenience and comparison goods traders, and the impact on town centre turnover overall for all centres within the catchment of the proposal</i>
4.12.3	The Plans and Policy team's response states that '<i>Included in the reduced catchment drawn by the applicant there are five protected centres: part of Belfast City Centre, Park Centre, Westwood Centre, Kennedy and Dunmurry Local Centres. The nearest centre to the proposed site is Park Centre district centre. Having carried out sensitivity testing on the RIA submitted by the applicant it is concluded that the retail impact of the proposal on Park Centre would not be significant (less than 4%). Whilst some individual stores within the centre may be impacted to a higher degree by the proposal, the policy clearly states that it is the whole centre that retail impact must be considered against not individual stores contained within it. Within the 0–5-minute catchment of the application site there are several stores selling similar offerings (Tesco, Lisburn Rd, Eurospar, Donegall Road, Home Bargains and the Range/Iceland, Boucher Road) which will be the most affected due to their proximity. But given their out of centre location these are not afforded policy protection. Whilst the council's own sensitivity testing has produced slightly different impacts than those quoted in the applicant RIA, it is considered that the impact on protected centres within the proposals whole catchment are not significant.</i> <i>The impact of the proposal on existing committed and planned public and private sector investment and investor confidence in the town centre/s</i>
4.12.4	The Plans and Policy team's response advises that '<i>The Council is actively seeking ways to address pockets of strategic vacancy in the city centre and also working to attract first to the NI market brands. However, there is no empirical evidence to</i>

	<i>suggest that a convenience scheme of this scale at an out of centre location would result in the loss of investment in the city centre.'</i> <i>The impact of the proposals on the delivery of the planned/allocated sites and the LDP strategy</i>
4.12.5	<i>The Plans and Policy team's response states that 'The BMA retail strategy of the dBMAP seeks to ensure the promotion of Belfast city centre as the leading shopping centre in the plan area and that outside the city centre it advocates that the nature and scale of retail development to be controlled in order to protect the vitality and viability of the City and Town Centres. Retail development to be focused on designated District Centres, Shopping / Commercial Areas and designated Commercial Nodes on designated Arterial Routes, and designated Local Centres. The site is identified as Whiteland in dBMAP and is located in an out of centre location. Whilst the BMA retail strategy does state that development should be focused in certain designated areas, it does not preclude development in out of centre locations.</i>
4.12.6	<i>An Alternative Site Assessment has been carried out that includes Belfast city centre, the following district centres: Park Centre; Westwood centre; Kennedy Centre and the following local centre: Dunmurry. The largest available unit identified as available is the formers Dunnes stores located within Park Centre district centre. However, this has been discounted as it is below the floorspace required for the proposed development. All other units currently vacant and or extant permissions including the consent at Asda in Westwood district centre were also considered unsuitable on the grounds that they weren't large enough to accommodate the proposed development. This has concluded that there are no sequentially preferable sites that are considered suitable, available and viable within the proposal's catchment.</i>
4.12.7	<i>Given the scale of the proposal and the type of retailing it is unlikely that the proposal any conflict with Draft BMAP's retail strategy. The proposal will not affect Belfast City Centre's position as the leading shopping centre in NI.'</i> <i>The impact on the vitality and viability of existing centres including consideration of the local context. This should take into account existing retail mix and the diversity of other facilities and activities</i>
4.12.8	<i>The LDP assessment concludes that 'The nearest centre to the proposal is Park Centre district centre. It has 47 units of which 33 are in A1 retail use. Of these 24 are operating as comparison and 3 are operating convenience retail. As mentioned above 9 units are currently vacant. It has a vacancy rate of 19% (Belfast city council retail survey June 2021 which is 6% below the recorded vacancy rate in 2017 but is 2% higher than the vacancy level quoted in the applicant's RIA. It has a number discount supermarkets including Iceland and Home Bargains.</i> <i>Westwood centre consists of 11 units of which 6 are in A1 retail use. There are no vacant units. It includes an ASDA superstore.</i> <i>Kennedy centre has a total of 61 units, of which 42 are in retail use. Of these 30 are operating as comparison and 3 are operating as convenience. There are no vacant units.</i> <i>Dunmurry local centre has a total of 64 units of which 29 are in retail use. 9 are currently vacant.</i>

	<i>Whilst some centres within the proposal's catchment are performing better than others it is considered that there will not be significant adverse impact on the vitality or viability of any these existing centres, nor will it affect their retail mix or the diversity of facilities and activities.'</i> Cumulative impact taking account of committed and planned development, including plan commitments within the town centre and wider area
4.12.9	The Plans and Policy team's assessment advises that <i>'There is a commitment for a mixed-use scheme that includes a portion of retail (LA04/2017/2341/O)-Tribeca) This includes 5,000sq. metres of proposed retail floorspace). The proposal is unlikely to impact the delivery of this scheme as the retail element of Tribeca is likely to be comparison goods which is the mainstay of the city centre.</i> A review of local economic impacts
4.12.10	The Plans and Policy team's assessment advises that <i>'The applicant has stated that the proposal involves an investment of £7m in the construction and fit out of both the supermarket and drive through unit. 110 jobs will be created – 35 in the supermarket and 75 in the drive through.'</i>
4.12.11	In assessing need the response states that <i>'Paragraph 6.282 of the SPPS states "In the absence of a current and up-to-date LDP, councils should require applicants to prepare an assessment of need which is proportionate to support their application. The SPPS does not define need. Factors that ought to be considered in respect to quantitative need include whether there is enough headroom, i.e. future capacity for retail floorspace over the forecasted period. Whilst the Retail and leisure capacity Study 2035 stated that there is capacity for 11887 sq. metres of additional convenience retail floorspace over the plan period it does not break this down year by year.</i>
4.12.12	<i>In terms of qualitative need the applicant has put forward an argument that the proposal would extend consumer choice in this area of the city which abuts a ward which is considered deprived. Several other arguments are also quoted including support from a local MLA and football club. In respect to extending consumer choice there is no Lidl supermarket are a number of food retailers within the 5 minute drive time isochrone. That said, assessment of the Retail Impact Assessment (RIA) indicates that adverse impacts on protected centres are unlikely to occur.'</i>
4.12.13	In conclusion, the Plans and Policy team's has assessed the Retail Impact Assessment and Sequential Test and consider that given the scale of the proposal and the type of retailing it is unlikely that the proposal any conflict with Draft BMAP's retail strategy. The proposal will not affect Belfast City Centre's position as the leading shopping centre in NI. The Plans and Policy team offer no objections subject to the conditions to restrict internal operations and to control the nature of retailing at this location. The proposal is considered to comply with retail policy set out in the SPPS, BUAP and dBMAP.
4.13	Economic Considerations
4.13.1	The applicant advises that the proposal would result in significant investment that will help meet local shopping needs in a deprived area, will regenerate a prominent site and will provide significant employment opportunities. The proposal would represent a £5m investment and would create 140 construction jobs, 35 jobs in the supermarket and 70-75 jobs in the drive through cafe. 30 letters of support gave been received

	Issues raised in the letters of support include the creation of job opportunities in the area and greater choice and access to shopping.
4.14	Open Space Considerations
4.14.1	The site is identified as open space in both versions of dBMAP. This reflected the former status of the site as the home to the Olympia Leisure Centre. The leisure centre has since been relocated within the wider site as part of the overall redevelopment of the wider site. Outline planning permission (Z/2014/0587/O) was previously granted on 30.03.2015 for a hotel and 3 retail units (bulky goods only) on the current application site as part of the redevelopment of the former Olympia Leisure Centre site (see approved site layout drawing below). The majority of the wider site has since been redeveloped and comprises two 3G pitches, a children's play area, car parking and associated works including fencing and landscaping. The application site is currently the only portion of the wider site which has not been developed.
	 <i>Approved Site Layout Plan - Z/2014/0587/O</i>
4.14.2	The proposal would result in the loss of open space. Policy OS 1 of PPS 8 sets out a presumption against the loss of open space. In this case it is considered that the redevelopment of the wider site for open space, sport and recreational facilities represents an overall gain in the provision of open space in the immediate area which is an important material consideration and is considered to outweigh the loss of open space on the application site. In addition, the previous permission established the principle of commercial uses on the site. As such, it is considered that the loss of Public Open Space to be acceptable and compliant with Policy OS 1.
4.15	Impact on the character and appearance of the area
4.15.1	The site is bisected by Windsor Way and the proposed discount supermarket is to be located on the northern side whilst the drive through café is to be located to the south. The supermarket is proposed to be located adjacent to the eastern boundary with parking, access and landscaping between the building and the Boucher Road. During the PAD process, officers advised that the building should be moved forward to the

	back of the footpath to establish a strong building line along Boucher Road and create a sense of arrival at the entrance to the National Football Stadium. However, the applicant advised that it would not be commercially viable to have a car park to the rear of the building and also stated that there is no policy requirement to enhance the area as it is not within a Conservation Area or Area of Townscape Character. As an alternative, officers consider that a greater emphasis should be placed on the quality of associated public realm/landscape to mitigate against the proposed development. The applicant has agreed to provide public realm improvements along the Boucher Road site frontage and the Urban Design Officer considers that enhanced public realm provision would also complement the significant investment in the high-quality public realm works associated with the redevelopment of Windsor Park while reflecting aspirations contained within the Transformation South / West Masterplan to address poor environmental quality across this wider area. Materials to be used in Public Realm enhancements along the Boucher Road frontage will be subject to agreement with DFI Roads and a condition is proposed to secure agreement prior to application
4.15.2	Servicing of the proposed supermarket is proposed to the north of the site and side of the proposed supermarket which will be largely screened from public view given the proximity of the adjoining retail warehousing at 8-10 Boucher Road to the north.
4.15.3	The proposed design of the supermarket is reflective of the standard Lidl Concept Store design. The building is two storeys and is proposed to be finished in large glazed areas at the entrance to the building, smooth white render, grey rendered plinths, dark grey zinc cladding and blue/grey limestone cladding panels. PV panels are proposed on a section of the rear wall (eastern elevation) and on the roof. The primary elevation fronting Boucher Road includes windows of varying sizes at both ground and first floor level creating an appropriate solid to void ratio and along with the variety of materials proposed will break up the long frontage of the building and is welcomed by the Urban Design Officer. The design and materials are considered acceptable given the context of the predominantly commercial area within which the site is located.
4.15.4	The Urban Design Officer highlights that emphasis has been placed on the corner of the building which returns from Boucher Road onto Olympia Way. At this location, the building has been designed to address both frontages with a slightly taller corner element that returns onto both elevations. This prominent, primarily glazed element, includes an overhanging roof supported by slender angled columns which covers a modest plaza at the supermarket entrance, incorporates high quality surfacing that lifts the quality of this threshold to the building and reflects the quality of more recent public realm works associated with the redevelopment of the stadium. Complemented by honed blue/grey limestone cladding panels that pick up on the tonality of the adjacent Olympia Leisure Centre, this glazed corner component would allow views into and out of the building and will help to animate and activate this stretch of Olympia Way.
4.15.4	Parking, access arrangements and landscaping for the drive through cafe are proposed between the building and Boucher Road/Windsor Way. Servicing of the drive through cafe is proposed in the southern part of the site between the drive through building and the southern boundary.
4.15.5	The design of the drive-through café comprises a rotunda which extends into a part single and part two storey block. This building is proposed to be finished in a range of materials including green glazed brick at the entrance to the building, grey engineered bricks, corrugated steel wall cladding, perforated aluminium cladding, zinc cladding and grey polymer roof with standing seems and an aluminium glazing system. The Urban Design Officer considers that the variety in materials will add visual interest to the building. The Urban Design Officer highlights that amendments to its articulation

	have included the insertion of more glazing to break up large sections of blank brickwork, particularly to the prominent circular element, which also helps to increase passive surveillance to the external seating area. Green glazed brick has also been introduced to the entrance area which places emphasis on this element and improves building legibility.
4.15.6	The design and layout of the development is considered acceptable, and adequately respects the existing context in terms of building locations and set-backs. The landscaped areas to the front of the Boucher Road will positively contribute to local townscape and assist in mitigating the visual impact of hard-surfacing (i.e. car parking) of the site. Materials and detailing are also considered acceptable taking account of built form within the locality of the site.
4.16	Compatibility with adjacent uses
4.16.1	The application site sits to the south-west of an existing residential community. It is proposed to erect a 2m close boarded acoustic timber fence around the small portion of the building/site which extends towards Olympia Drive/Olympia Parade. The Urban Design Officer considers that this will help with visual screening of plant when viewed from the rear. Environmental Health has considered the impacts on adjoining residential amenity in terms of noise, odour and air quality and is satisfied that the proposal will not cause any adverse impact subject to conditions. Environmental Health recommends conditions restricting hours of operation of both the supermarket and the drive through and deliveries/servicing to protect residential amenity. The visual impact of the proposed development on the adjoining residential community is considered to be minimal given that the proposed building will be located against a backdrop of existing commercial premises on Boucher Road when viewed from Olympia Parade and Olympia Drive.
4.16.2	A representation has been received seeking the erection of a 2m fence along the length of the boundary with Midgely Park (to the immediate east of the site) to ensure that litter from users who park and eat does not get blown onto the property and to provide a screen preventing car lights 'flashing' onto the pitch during matches and training. The applicant has provided amended plans which propose the erection of a 2m high close boarded timber fence along part of the eastern boundary of the site adjacent to Midgely Park. Representatives from Midgely Park responded indicating that they had been liaising with the applicant (Lidl) regarding the revised planning submission and confirmed that they were satisfied with the amended proposal.
4.16.3	Concerns have been raised by the IFA regarding the potential to adversely impact on operations of the adjoining Windsor Park Football stadium on Match/Event days. Currently on such days (16 days per year) vehicular access to Windsor Way is restricted.
4.16.4	The proposed lease agreement between Belfast City Council (landowner) and the applicant (Lidl) will include a clause (see below) that will require access to the Boulevard (Windsor Way) to be restricted during Major Events i.e. 2 hours before a major event, the event itself and 1 hour after a major event, subject to extended periods of closure as may be required as part of the Safety Certificate issued in respect of a Major Event. The IFA has been advised of this requirement. BCC's Physical Programme team is satisfied that the lease agreement satisfactorily addresses the issue raised by the IFA.

	Lease Agreement Clause <i>“1.Full right and liberty for the Lessee and all persons expressly or by implication authorised by the Lessee in common with all other users to pass and repass on foot or with vehicles over the Boulevard shown pink and hatched black on pink on the plan for all purposes connected with the use and enjoyment of the Premises but <u>SUBJECT TO THE Lessee acknowledging that there will be reduced use of the Boulevard during Major Events and in such circumstances any access to or egress from the Premises over and along the Boulevard will be affected but that any such restriction will be strictly limited to;</u></i> <i>(i) the period which is not more than two hours prior to the Major Event</i> <i>(ii) the period of the Major Event save for any rights of egress from the Property over and across the Boulevard with or without vehicles for the employees of the Lessee, its sub-tenants and assigns and</i> <i>(iii) the period of one hour after the Major Event <u>but subject to such extended period of closure as may be required pursuant to the terms of the Event Safety Certificate issued in respect of the Major Event.</u> In this regard the Council will use all reasonable endeavours to ensure that any extended period of closure will not extend beyond the period referenced herein and in all other respects this right shall be unaffected</i> <i>2.In relation to paragraph 1 (iii) the Council agrees that in circumstances where; the Council is considering making it a condition of the Event Safety Certificate that the period of closure of the Boulevard will extend beyond the period which is one hour after the Major Event ("the Proposed Condition") it will immediately notify the Lessee of the Proposed Condition and will <u>permit the Lessee it's subtenants and assignees to make representations to the Council</u> and/or any other relevant Statutory Body in relation to the Proposed Condition and will reasonably consider any such representations prior the issue of the Event Safety keep the Lessee fully informed in relation to the progress and/or outcome of the proposed direction, the direction and/or application.</i> <i><u>Major Events</u> “those events referred to at paragraph 4.3 Schedule 3 of the Overarching Agreement but which for the avoidance means <u>not more than 16 events</u> in one calendar year”</i>
4.16.5	Officers are satisfied that the applicant has willingly engaged with the Council to ensure that the safety process around major events is not compromised and consider that adequate mechanisms are in place through the proposed lease agreement to ensure that the boulevard (Windsor Way) will be restricted during major events and therefore will not impact on the safety or operations of the adjoining football stadium/club. Furthermore, the lease agreement enables the Council as landowner to impose further restrictions if considered necessary. Council officers have engaged with both applicant and the IFA on this matter, which is considered to have been appropriately addressed.
4.17	Access, parking and traffic management
4.17.1	The proposed development is to be accessed from Boucher Road and straddles both sides of Windsor Way. Parking is proposed on both sides of Windsor Way and a total of 139 car parking spaces including 6 disabled spaces and 2 electric vehicle charging points/spaces are proposed along with 16 bicycle parking spaces within the development. Provision has also been made for 15 drive through queuing spaces.

4.17.2	The site is accessible and well served by public transport and is close to an existing rail halt (Adelaide) and metro bus stops serving the Boucher Road.
4.17.3	DFI Roads has no objections to the proposed development subject to conditions which are set out below. The development is considered to comply with the relevant provisions of the SPPS, the BUAP and PPS 3.
4.18	Waste Management
4.18.1	The applicant has confirmed that waste generated at the store is to be transferred back to LIDL's Regional Distribution Warehouse at Nutts Corner for recycling and sorting. The waste generated on the site is to be collected by the same HGVs that deliver goods to the store.
4.18.2	BCC Waste Management Team are content with the waste arrangements and consider that there is sufficient accommodation for waste.
4.19	Environmental Considerations - Drainage, Contamination, Noise
4.19.1	Drainage The application is supported by a Flood Risk Assessment. The proposal has been considered against policies FLD 1-5 of Revised PPS15. DFI Rivers has raised no objections under Policies FLD 1, 2, 3, 4 and 5.
4.19.2	NI Water has objected to the proposal on the basis that there is insufficient water treatment capacity available to service the proposed development and that the public foul system cannot presently serve this development proposal without significant risk of environmental harm and public dis-amenity including pollution, flooding and detrimental impact on existing properties. NI Water has advised that they plan to upgrade the foul sewerage system in this Drainage Area and while this remains subject to prioritisation and the availability of funding, NI Water is recommending connections to the system are curtailed.
4.19.3	NI Water confirm that the existing public water distribution network has the capacity to supply this current proposal and acknowledge that the Article 154/156 requisitioned storm sewer laid in 2017 was designed to serve the entire Olympia Village Centre as envisaged in outline application Z/2014/0587/O. NI Water therefore accepts that this current development proposal can be served by this storm sewer.
4.19.4	NI Water makes allowance for existing significant committed development across the city including extant planning permissions. Such development, which includes un-implemented permissions across the city, will not all come forward at once.
4.19.5	Notwithstanding the information provided by NI Water, in practical terms it is considered unreasonable for the Council to withhold planning permission for the proposed development given NI Water's pre-existing commitments to connect to significant levels of un-implemented development across the city. Moreover, NI Water has not provided evidence that the proposed development would have a direct and detrimental impact on waste-water infrastructure or environment, particularly in the context of impacts over and above what has already been committed across the city.
4.19.6	Furthermore, there is no evidence before the Council that the proposal, either of itself or in combination with other development, would likely have significant impact on

	protected environmental assets including Belfast Lough or that the proposed development would be hydrologically linked to the Lough.
4.19.7	NI Water confirms that it has a programme for WWTW improvements which will increase capacity over the coming years. Whilst NI Water advises that it cannot support the proposal at this time, some additional capacity will be available from July 2023 as a result of the completion of initial upgrade work, subject to an Impact Assessment.
4.19.8	Notwithstanding it would be unlikely that the development would be completed prior to 1 st July 2023 if planning permission is granted and the applicant's team has advised that the completion date is likely to be c. 9 months from when approval is granted.
4.19.9	DAERA NIEA Water Management Unit recommend a condition (see below) requiring agreement on the method of sewage disposal prior to development of the site which is considered acceptable to ensure that approval is sought for connection to the foul sewerage network before development commences. This condition is set out below.
4.19.10	For the reasons set out above officers are of the view that it would be unreasonable to refuse this application based on NI Water's objection.
4.20	Contamination
4.20.1	The application is supported by a Land Contamination Assessment which has been considered by both DAERA:NIEA and Environmental Health. Neither have raised objections and both have provided conditions/informatives if permission is granted.
4.21	Noise
4.21.2	The application is supported by a Noise Impact Assessment which has been considered by Environmental Health who have no objections based on noise grounds subject to conditions relating to hours of operation, delivery times, final details on the specification, location and noise level of plant noise levels and erection of acoustic fence/screen.
4.22	Odour
4.22.1	The application is supported by an Odour Impact Assessment which has been considered by Environmental Health who have no objections based on odour grounds subject to a condition relating to the installation of a kitchen extraction and odour abatement system.
4.23	Air Quality
4.23.1	The application is supported by an Air Quality Impact Assessment. Environmental Health has reviewed the proposal and has no objection.
4.24	Impact on Designated Sites/Natural Heritage Assets
4.24.1	In accordance with Regulation 43(1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended) Shared Environmental Services (SES) on behalf of the Council has carried out an appropriate assessment and having considered the nature, scale, timing, duration and location of the project, SES advises that <i>'having considered the nature, scale, timing, duration and location of the project, it is concluded that it would not be likely to have a significant effect on any European site,</i>

	<i>either alone or in combination with any other plan or project and therefore an appropriate assessment is not required. In reaching this conclusion, no account was taken of measures intended to avoid or reduce potential harmful effects of the project on any European site.'</i>
4.24.2	Belfast City Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 25/02/2022. This found that the project would not be likely to have a significant effect on any European site. The proposal is considered compliant with PPS 2.
4.25	Pre-Application Community Consultation
4.25.1	In accordance with the requirements of Section 27 of the Planning Act (NI) 2011, the applicant served a Proposal of Application Notice (PAN) on Belfast City Council on 12 th October 2020 (LA04/2020/2045/PAN). Belfast City Council responded confirming that the PAN and associated approach met the requirements of Section 27 of the Planning Act and was acceptable subject to additional consultation with South Belfast Partnership Board, South West Neighbourhood Renewal Partnership and Blackstaff Residents Group. Additional consultation with surrounding properties beyond those adjoining the boundaries of the site through a leaflet drop was also advised. The Council also recommended that the applicant should employ alternative engagement method(s) such as further electronic engagement through for example the provision of web based engagement, social media or Community Surveys as set out in the Covid-19 Emergency Planning Guidance (PACC) in the absence of a Pre-Application Community Consultation public event.
4.25.2	A Pre-Application Community Consultation Report has been produced to comply with the statutory requirement laid out in Section 28 of the Planning Act (Northern Ireland) 2011. The purpose of a PACC report is to confirm that pre-application community consultation has taken place in line with statutory minimum requirements. The report has confirmed advertising for the public event and that the public event took place in accordance with section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015. The report also confirmed that a site notice was placed on the site for at least 5 weeks and that a letter with details of the proposal, preliminary drawings and CGIs were hand delivered to over 400 properties within a 200-metre radius of the site boundary as per the Council's advice. In addition, details of the proposal and preliminary drawings were provided on Lidl's website (https://www.lidl-ni.co.uk/information/property/boucher-road-belfast) and comments were invited. The report also confirms that virtual meetings were held with representatives of the Blackstaff Residents' Association (BRA) and the Irish Football Association (IFA).
4.25.3	The report states that feedback to the proposal from the local community was generally very positive. Comments from local residents included that that the proposal will bring new much needed jobs to the area; a new Lidl store will provide quality goods, low prices and competition; it will be a convenient facility, especially for people without a car; glad to see a new Lidl, they pay fair prices to suppliers and like to buy locally; the new store will avoid the need to travel to Lidl stores elsewhere within Belfast. The report also confirms that a letter from the Blackstaff Residents Association was received in support of the proposals.
4.25.4	The report further advise that a number of concerns were raised by local residents including: traffic congestion; cars parked on Windsor Way at the current accesses to

4.25.5	the sites that affect pedestrian accessibility and mobility impaired persons; proposal would not resolve existing waste and anti-social behaviour issues. <i>In response to the above issues the report states that 'In relation to traffic congestion, surveys have been undertaken by the applicant and the impact of the proposal has been assessed in a Transport Assessment. This shows that the proposal will have a very low impact on the local road network. It is proposed that the existing accesses to the site will be altered. They will be maintained by the applicant and it will ensure that they are kept clear – it would not be in its interests to have the vehicular accesses to its car parks obstructed. Pedestrian crossings over the accesses and across Windsor Way are also proposed and this will aid pedestrian movement. In relation to waste, the applicant will have its waste collected every day – it will be taken back to Nutts Corner and recycled in the same HGVs that deliver goods. The applicant has excellent environmental sustainability credentials and employs a number of measures including high levels of recycling. Anti-social behaviour is not a noted issue with Lidl stores.'</i> The Pre-Community Consultation Report submitted satisfactorily demonstrates that the applicant has complied with the requirements of Sections 27 and 28 of the Planning Act (NI) 2011 and Section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015 and has adhered to Council recommendations during the PAN process. The PACC report is considered acceptable.
Neighbour Notification Checked Yes	
Summary of Recommendation: Having regard to the development plan, relevant policy context and other material considerations including the representations received the proposed development is considered acceptable and it is recommended that full 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 to deal with any other matters which may arise.	
Draft Conditions: 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. No external finishes shall be 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 all external finishes. Reason: In the interests of the character and appearance of the area. 3. The gross retail floor space pf the store hereby approved shall not exceed 2,223sqm.	

Reason: To safeguard the vitality and viability of the City Centre and other Centres within the catchment.

4. The gross net floor space of the retail store hereby approved shall not exceed 1,425sqm

Reason: To safeguard the vitality and viability of the City Centre and other Centres within the catchment.

5. Of the net retail floor space of the retail unit hereby approved, no less than 1,140 square metres shall be used for the sale and display of the items listed below and for no other purpose, including any other purpose in Class A1 of the Planning (Use Classes) Order (Northern Ireland) 2015

- (a) food non-alcoholic beverages, alcoholic drink;
- (b) tobacco, newspapers, magazines, confectionery; (c) stationary and paper goods;
- (d) toilet requisites and cosmetics;
- (e) household cleaning materials; and
- (f) other retail goods as may be determined in writing by the Council as generally falling within the category of 'convenience goods' or as generally being appropriate to the trading in these premises.

Reason: To control the nature, range and scale of the retail activities to be carded out at this location in order to protect the vitality and viability of town centres and other centres within the catchment.

6. No internal operations, including the construction of or extension to mezzanine floors, increasing the floor space available for retail use or subdivision to form additional units shall be carried out without the prior written consent of the Council.

Reason: To control the nature, range and scale of the retail activities to be carried out at this location in order to protect the vitality and viability of town centres and other centres within the catchment.

7. Of the net retail floor space not more than 285 square metres of the sales area shall be used only for the retail sale of comparison goods and for no other purpose.

Reason: To control the nature, range and scale of the retail activities to be carded out at this location in order to protect the vitality and viability of town centres and other centres within the catchment.

8. Notwithstanding the details set out in the Landscape Plan Drawing No. 10B – Landscape Proposal published by the Council on 12th September 2022, final details of the hard landscaping along the Boucher Road site frontage, including a programme for implementation, shall be submitted to and approved in writing by the Council prior to occupation of any part of the development. The landscaping shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the area.

9. All hard and soft landscaping works shall be carried out in accordance with the approved details as set out in Drawing No. 10B – Landscape Proposal published by the Council on 12th September 2022 and as agreed by the Council under condition 7. The landscaping 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.

Reason: In the interests of the character and appearance of the area.

10. Deliveries to or service collections from the hereby approved development shall only be permitted between the hours of 07:00-23:00hrs Monday to Friday; between the hours of 08:00-23:00hrs on a Saturday and between the hours of 10:00-22:00hrs on a Sunday.

Reason: Protection of residential amenity against adverse noise.

11. No customers shall be served or remain in the hereby approved supermarket outside the following hours:

Monday to Friday	07:00 - 23:00 hrs
Saturday	08:00 - 21:00 hrs
Sunday	13:00 - 18:00 hrs

Reason: Protection of residential amenity against adverse noise.

12. No customers shall be served in the hereby approved drive through café outside the hours of 08:00 – 23:00hrs.

Reason: Protection of residential amenity against adverse noise.

13. Prior to installation of any plant and equipment at the hereby approved supermarket, details of all plant and specification of all plant and equipment along with an accompanying final assessment by an acoustic consultant shall be submitted to and agreed in writing by the Council. The assessment shall demonstrate that the cumulative operation of all chosen on site plant will not arise in adverse impact at nearby sensitive receptors, particularly at night. The development shall be carried out in accordance with the agreed details.

Reason: Protection of residential amenity against adverse noise.

14. The rating level ($dB_{LA,T}$) from the combined operation of all plant and equipment at the hereby permitted development shall not exceed the representative daytime and night time background noise level ($dB_{LA90,T}$) at the closest residential receptors when measured and determined in line with BS4142:2019.

Reason: Protection of residential amenity against adverse noise.

15. Prior to operation of the hereby approved supermarket, an acoustic timber fence to a height of 2m and of a mass no less than 15kg/m² shall be erected to the plant compound as shown on Drawing No. 02E - 'Proposed site plan – site finishes' published by the Council on 12 September 2022 and on Drawing No. 13 - 'Acoustic Fence Construction Details' published by the Council on 22 February 2022. The acoustic fence shall be retained in accordance with this specification at all times.

Reason: Protection of residential amenity against adverse noise.

16. Prior to operation of the hereby approved supermarket, a 2m high parapet screen shall be erected around the rooftop plant and equipment as shown on Drawing No. 08a - 'Proposed

Lidl elevations –A1’, Rev F published by the Council on 23 May 2022. The parapet screening shall be retained thereafter in accordance with this specification.

Reason: Protection of residential amenity against adverse noise.

17. Prior to commencement of operation of the hereby approved drive-through café, a proprietary kitchen extraction and odour abatement system shall be installed. This shall comprise an extraction canopy, fan and grease filtration as well as the additional odour abatement measures outlined in the Irwin Carr Odour and Air Quality Letter dated 21st January 2022, namely: fine filtration followed by a UV Ozone system to achieve a high level of odour control in line with relevant industry good practice guidance for commercial kitchen exhaust systems.

Reason: protection of amenity against adverse odour impact.

18. Prior to commencement of construction on site, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Council. The CEMP shall outline the methods to be employed to minimise any noise, vibration and dust impacts associated with site preparation and construction operations demonstrating the use of ‘best practicable means’. The plan shall pay due regard to BS 5228:2009+A1:2014 Code of practice for Noise and vibration on construction and open sites, and IAQM Guidance on the Assessment of dust from demolition and construction 2014. All construction works thereafter must be carried out in accordance with the approved management plan.

Reason: Protection of the amenity of nearby premises.

19. Prior to the operation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the RSK Ireland Ltd report entitled ‘Lidl Northern Ireland GmbH, Updated Remediation Strategy, Lands at Boucher Road, Belfast, 603086-R2(01), February 2022’ have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (commercial). It must demonstrate that the identified human health contaminant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. In particular, this Verification Report must demonstrate that:

- a) A minimum 1000mm capping layer has been emplaced in the area shown in Figure 3 of the Remediation Strategy, formed from material that is demonstrably suitable for use (commercial).
- b) Gas protection measures commensurate with the site’s Characteristic Situation 2 classification have been provided to the development, comprising:
 - A cast in situ monolithic reinforced ground bearing raft or reinforced cast in situ suspended floor slab which is well reinforced to control cracking and has minimal penetrations.
 - A gas resistant membrane which meets all requirements of Table 7 of BS 8485:2015+A1:2019.

Gas protection measures must be verified in line with the requirements of CIRIA C735.

Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.

20. If during the carrying out of the development new contamination or risks to the water environment are encountered, that has not previously been identified, all related works shall cease immediately, and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health or environmental risks being identified, a Remediation Strategy and subsequent 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 in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health and protection of environmental receptors to ensure the site is suitable for use.

21. No development should take place on-site until details of the method of sewage disposal have been submitted to and agreed in writing by the Council. The development shall be carried out in accordance with the agreed details.

Reason: To ensure protection of the aquatic environment.

22. No development shall commence on site (including demolition, site clearance and site preparation) unless a Final Environmental Construction Management Plan has been submitted to and approved in writing by the Council. The Final Environmental Construction Management Plan shall include measures to control noise, dust, vibration and other nuisance during the demolition/construction phase. No development (including demolition, site clearance and site preparation) shall be carried out unless in accordance with the approved Final Environmental Construction Management Plan.

Reason: To safeguard the amenities of the area. Approval is required upfront because construction works have the potential to harm the amenities of the area.

23. In the event that piling is required, no development or piling work should commence on this site until a piling risk assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", has been submitted in writing and agreed with the Planning Authority. The methodology is available at:

<http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environmentagency.gov.uk/scho0501bitt-e-e.pdf>

No piling shall take place unless in accordance with the approved details.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

24. The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing Nos.02E & 03D uploaded to the Planning Portal 12th September 2022, prior to the operation of any other works or other development hereby permitted.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

25. 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 before the

development hereby permitted becomes operational and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

26. Any existing street furniture or landscaping within the visibility splays as conditioned above shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

27. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with Drawing Nos.02E & 03D uploaded to the Planning Portal 12th September 2022. Such areas shall not be used for any purpose other than the parking and turning of vehicles and such areas shall remain free of obstruction for such use at all times.

Reason: To ensure adequate car parking, servicing and traffic circulation within the site.

28. The development hereby permitted shall not become operational until cycle parking facilities have been provided in accordance with Drawing Nos.02E & 03D uploaded to the Planning Portal 12th September 2022.

Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.

29. The development hereby permitted shall not operate unless in accordance with the Service Management Plan uploaded to the Planning Portal 2nd November 2022.

Reason: In the interests of road safety and the convenience of road users.

Notification to Department (if relevant) – Not Required

Date of Notification to Department: N/A

Response of Department: N/A

Representations from Elected Members: Yes

- 1) Christopher Stalford MLA
- 2) Cllr. Tracy Kelly
- 3) Edwin Poots MLA

ANNEX	
Date Valid	10th December 2021
Date First Advertised	31st December 2021
Date Last Advertised	08 th April 2022
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Boucher Crescent, Belfast, BT12 6QU The Owner/Occupier, 10 Boucher Road,Belfast,Antrim,BT12 6HR The Owner/Occupier, 14 Boucher Road,Belfast,Antrim,BT12 6HR William Dickson BEM, 177 Bates Avenue Malone Lower Belfast The Owner/Occupier, 46 Olympia Parade,Belfast,Antrim,BT12 6NT The Owner/Occupier, 9 Boucher Road,Belfast,Antrim,BT12 6HR The Owner/Occupier, Chain Reaction, Unit 1 Balmoral Plaza, 24 Boucher Road, Belfast Tracy Kelly DUP Constituency Office,127-145 Sandy Row,Belfast,BT12 5ET Christopher Stalford MLA DUP Constituency Office,127-145 Sandy Row,Belfast,BT12 5ET The Owner/Occupier, General Manager, Linfield Football Club, Donegall Avenue, Windsor Park, Belfast, BT12 6LW The Owner/Occupier, Howdens, 5-7 ,Boucher Road,Belfast,Antrim,BT12 6HR The Owner/Occupier, Midgely Park, 12 Boucher Road, Belfast, BT12 6HR Neil Morrow, New Midgley Park, Boucher Road Belfast BT12 6HR The Owner/Occupier, Olympia Leisure Centre, Boucher Road, Belfast, BT12 6HR The Owner/Occupier, SERE Motors Belfast, 11-13 ,Boucher Road,Belfast,Antrim,BT12 6HR The Owner/Occupier, Tesla, 15 Boucher Road, Belfast, BT12 6NT The Owner/Occupier, Tim Hortons, 24 Boucher Road, Belfast The Owner/Occupier, Windsor Park Football Stadium, Donegall Avenue, Belfast, BT12 6LW	
Date of Last Neighbour Notification	07 th November 2022
Date of EIA Determination	4th January 2022
ES Requested	No
Drawing Numbers and Title	

01 – Location Map published 06.01.22
02E – Proposed Site Plan – Finishes published 12.09.22
03C- Proposed Site Plan – Levels published 12.09.22
05A – Drive Through Plans and Elevations Rev G published 31.05.22
06 - Lidl Ground Floor Plan published 06.01.22
07 - Lidl First Floor Plan published 06.01.22
08A – Proposed Lidl Elevations published 23.05.22
09A – Proposed Street Elevation and Site Sections Rev A published 31.05.22
10B - Landscape Proposal published 12.09.22
11 – Proposed Roof Plan - Drive Thru published 06.01.22
12 – Proposed Roof Plan – Lidl published 06.01.22
13 – Jakoustic Fence Details published 22.02.22
14 – Trolley Bay – Proposed Plan and Elevations published 31.05.22

This page is intentionally left blank

ADDENDUM REPORT	
Committee Meeting Date: 14 th March 2023	
Application ID: LA04/2022/1479/F	
Proposal: Partial redevelopment of former Kennedy Way Waste Water Treatment Works to include the development of new Mechanical & Electrical (M&E) workshops, storage, changing facilities and ancillary offices (development to include three new buildings 1) the main hub building; 2) a store to hold an alternative bottled water supply; and 3) a generator store), access improvements, parking, service yards, storage areas, contractors compound, boundary fencing, cesspool, solar PV panels and landscaping.	Location: Former NI Water Ltd Sewage Treatment Works Blackstaff Road Belfast BT11 9DT
Referral Route: Major Development	
Recommendation:	Approve subject to conditions
Applicant Name and Address: Northern Ireland Water NI Westland House 40 Old Westland Road Belfast BT14 6TE	Agent Name and Address: Resolve Planning & Development Innovation Factory Forthriver Business Park 385 Springfield Road Belfast BT12 7DG
Background This application was deferred for a site visit by the Planning Committee on 14 February 2023 to allow Members the opportunity to undertake a site visit. The Committee site visit took place on 24 February 2023. The Committee should read this Addendum Report in conjunction with the original full planning report, appended. Recommendation As per the previous Committee report, the recommendation to approve subject to conditions remains unchanged. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.	

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 14 February 2023	
Application ID: LA04/2022/1479/F	Target Date:
Proposal: Partial redevelopment of former Kennedy Way Waste Water Treatment Works to include the development of new Mechanical & Electrical (M&E) workshops, storage, changing facilities and ancillary offices (development to include three new buildings 1) the main hub building; 2) a store to hold an alternative bottled water supply; and 3) a generator store), access improvements, parking, service yards, storage areas, contractors compound, boundary fencing, cesspool, solar PV panels and landscaping.	Location: Former NI Water Ltd Sewage Treatment Works Blackstaff Road Belfast BT11 9DT
Referral Route: Major Development	
Recommendation:	Approve subject to conditions
Applicant Name and Address: Northern Ireland Water NI Westland House 40 Old Westland Road Belfast BT14 6TE	Agent Name and Address: Resolve Planning & Development Innovation Factory Forthriver Business Park 385 Springfield Road Belfast BT12 7DG
Executive Summary: This application seeks full planning permission for the partial redevelopment of former Kennedy Way Waste Water Treatment Works to include the development of new Mechanical & Electrical (M&E) workshops, storage, changing facilities and ancillary offices (development to include three new buildings 1) the main hub building; 2) a store to hold an alternative bottled water supply; and 3) a generator store), access improvements, parking, service yards, storage areas, contractors compound, boundary fencing, cesspool, solar PV panels and landscaping. The site comprises the site of the former Kennedy Way Waste Water Treatment Works which ceased use in 2000. The key issues to be considered in the assessment of this application are: - The principle of the proposed use at this location - Impact on the character and appearance of the area - Compatibility with adjacent uses - Access, parking and traffic management - Environmental Considerations – Drainage, Contamination, Noise, Impact on Designated Sites/Natural Heritage Assets NI water (applicant) advise that the existing NI Water ‘Bretland House’ facility must be cleared to facilitate the main extension of the Belfast Waste Water Treatment Works at Duncrue which is a	

key and strategic outcome of the DFI-led Living With Water Programme (the Belfast Strategic Drainage Infrastructure Plan) and that the Kennedy Way Hub proposal forms a fundamental part of the works required to upgrade the Belfast WWTW at Duncrue, the proposal is therefore of strategic importance to both NI Water and the Department for Infrastructure led Living With Water Programme (LWWP).

Consultees are content with the proposal subject to conditions and no third party objections have been received.

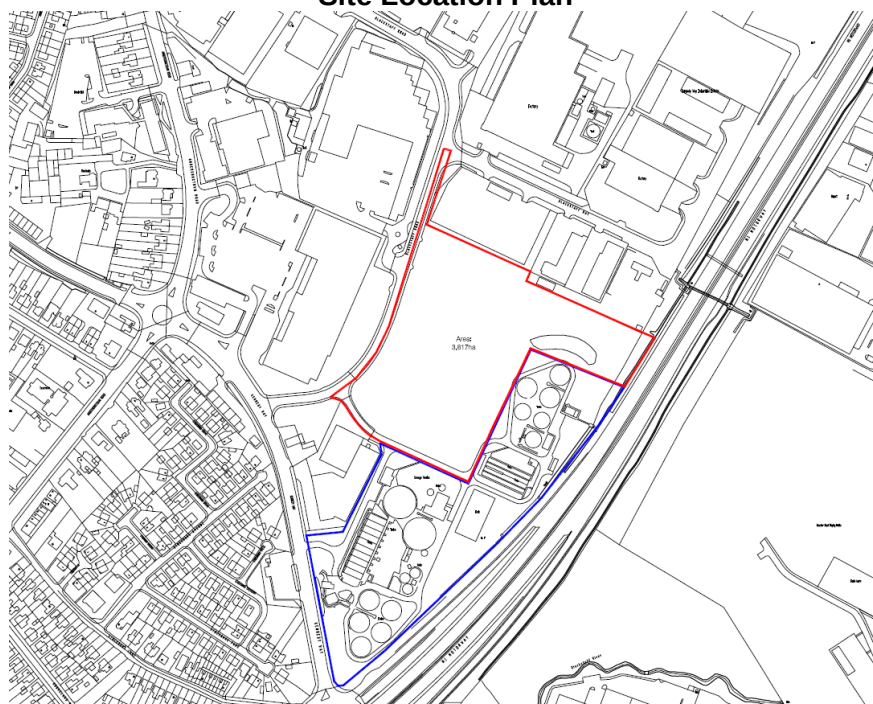
Recommendation

Having regard to the development plan, relevant policy context and other material considerations, the proposed development is considered acceptable and it is recommended that full planning permission is granted subject to conditions.

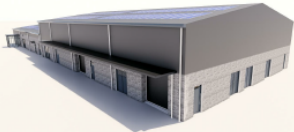
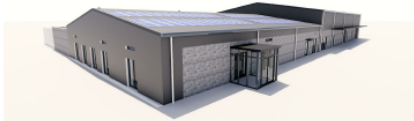
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and deal any other issues which might arise.

Signature(s):

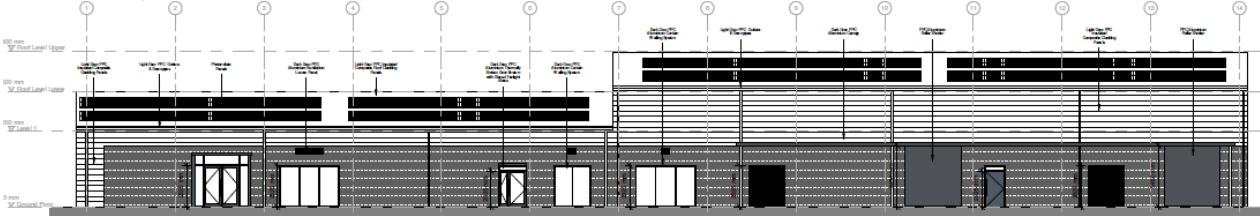
Site Location Plan

[illegible]

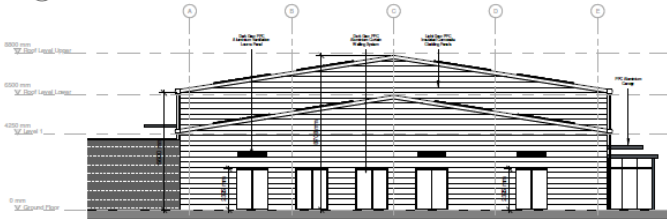
Hub Elevations



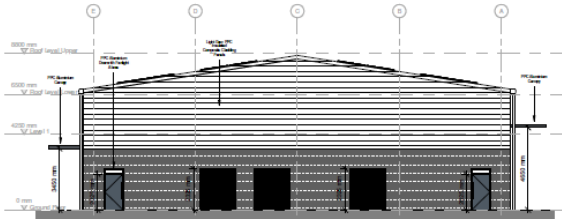
3D Views of Proposed Hub Building



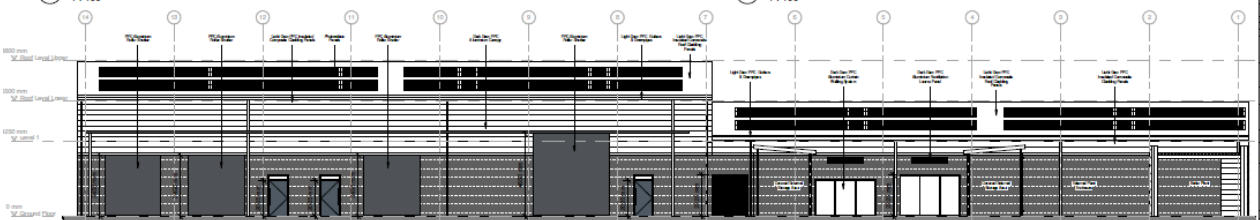
1 Elevation 1
1:100



2 Elevation 2
1:100

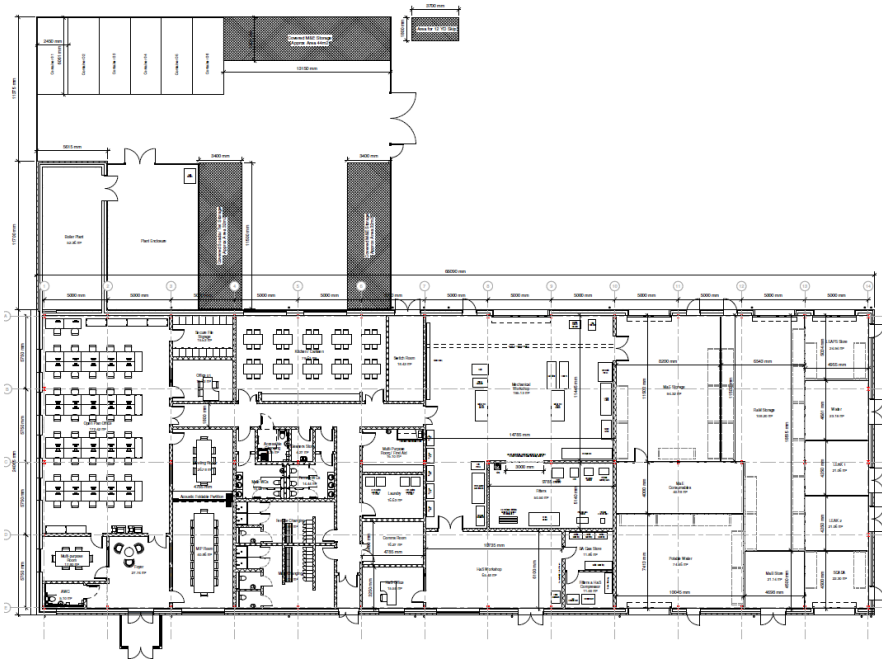


3 Elevation 3
1:100



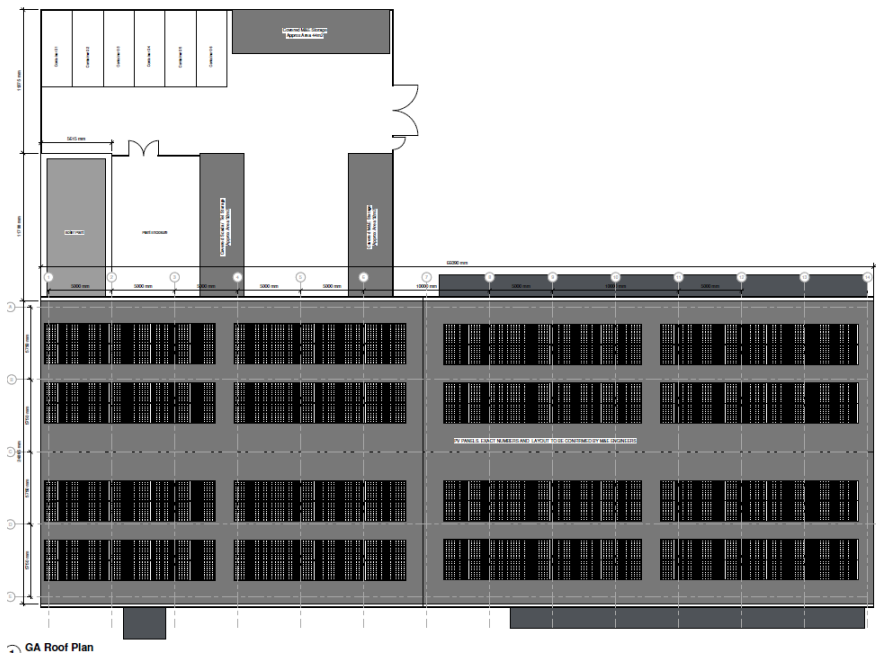
4 Elevation 4
1:100

Hub Ground Floor Plan

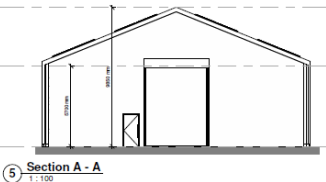
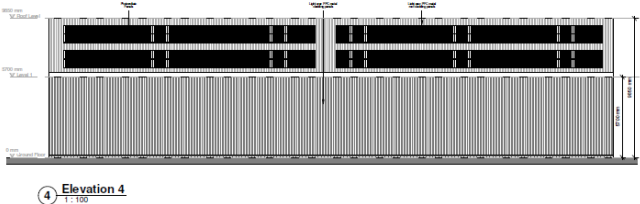
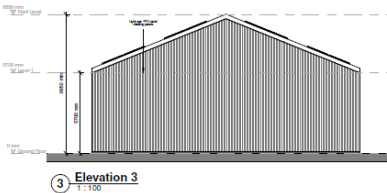
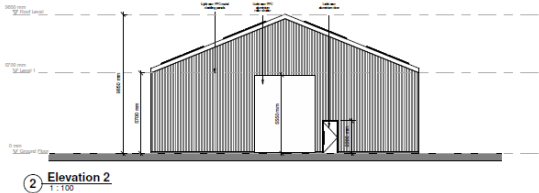
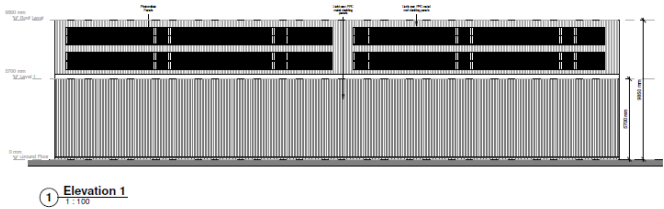


1 Proposed Ground Floor Plan
1:100

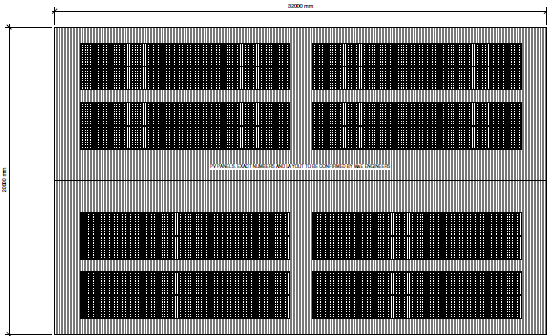
Hub Roof Plan



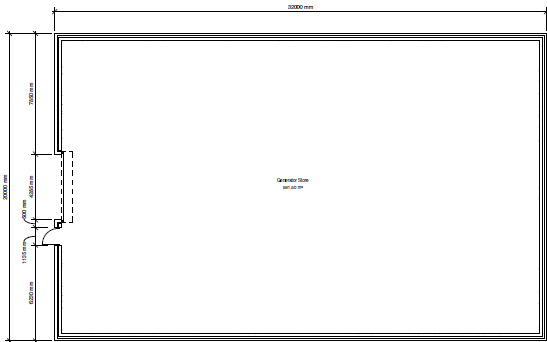
Alternative Water Supply Building (AWS) Elevations



Generator Store Floor Plans



2 Proposed Roof Plan
1 : 100



1 Proposed Ground Floor Plan
1 : 100

CGIs
CGI of Hub showing front entrance



CGI of Hub showing rear yard of Hub building**CGI of Alternative Water Supply Building**

2.0	Characteristics of the Site and Area The site is located off the Blackstaff Road within an existing commercial/industrial area and comprises part of a former waste water treatment works that operated on the site until 2000 and has now been decommissioned. The M1 Motorway abuts part of the eastern boundary of the site. Blackstaff Road is located along the western boundary, Belfast City Council Civic Amenity Site and existing industrial/employment units are located to the immediate north of the site. An existing access road runs along the southern boundary of the site.
3.0	Description of Proposal 3.1 The application seeks full planning permission for the partial redevelopment of former Waste Water Treatment Works to include the development of new Mechanical & Electrical (M&E) workshops, storage, changing facilities and ancillary offices (development to include three new buildings 1) the main hub building; 2) a store to hold an alternative bottled water supply; and 3) a generator store), access improvements, parking, service yards, storage areas, contractors compound, boundary fencing, cesspool, solar PV panels and landscaping. 3.2 The application follows a Pre-Application Discussion (PAD) with officers.

4.0	Planning Assessment of Policy and Other Material Considerations
4.1	Planning Assessment of Policy and Other Material Considerations Regional Planning Policy • Regional Development Strategy 2035 (RDS) • Strategic Planning Policy Statement for Northern Ireland (SPPS) • Planning Policy Statement 3 (PPS 3) - Access, Parking and Movement • Planning Policy Statement 13 (PPS 13) - Transportation and Land Use • Planning Policy Statement 15 (PPS 15) - Flood Risk Local Planning Policy Context • Belfast Urban Area Plan (2001) BUAP • Draft Belfast Metropolitan Area Plan (2015) • Draft Belfast Metropolitan Area Plan (2004) Other Material Considerations • Belfast Agenda Community Plan • Developer Contributions Framework (2020)
4.2	Planning History LA04/2022/0668/PAN - Partial redevelopment of former Kennedy Way Waste Water Treatment Works to include the development of new Mechanical & Electrical (M&E) workshops, storage, changing facilities, ancillary offices, access improvements, parking, service yards, boundary fencing and landscaping. It is proposed to develop three buildings on the site: 1) the main hub building; 2) a store to hold an alternative bottled water supply; and 3) a generator store, Sewage Treatment Works, Blackstaff Road, Belfast, BT11 9DT. PAN acceptable 11.04.2022 LA04/2021/1325/PAD - Partial redevelopment of former NI Water operational land at Blackstaff Road / Kennedy Way, Belfast to include M&E workshops, storage, changing facilities and associated offices, access improvements, parking, service yards, boundary fence and landscaping, Sewage Treatment Works, Blackstaff Road, Belfast, BT11 9DT.
4.3	Consultation Responses
4.3.1	Statutory Consultation Responses Responses from statutory consultees are summarised below. Further detail concerning their feedback is provided in the main assessment section of the report, where appropriate. DFI Roads – No objection subject to conditions. NI Water – No objection. NI Water response confirms that until such times as there is available capacity at Belfast Waste Water Treatment and downstream wastewater network its proposed to discharge foul sewage to a cesspool which will be emptied via a tanker as necessary. Public water main available to serve the development. DFI Rivers Agency – No objection subject to a condition. DAERA (NIEA) – <i>Water Management Unit</i> - No objection subject to conditions. <i>Drinking Water Inspectorate</i> – No objection <i>Regulation Unit Land and Groundwater Team</i> – No objection subject to conditions. <i>NED</i> – no objection. Shared Environmental Services – No objection subject to conditions. SES advises that the project would not have an adverse effect on the integrity of any European site

	either alone or in combination with other plans or projects subject to mitigation measure proposed as conditions.
4.3.2	Non-Statutory Consultation Responses Responses from non-statutory consultees are summarised below. Further detail concerning their feedback is provided in the main assessment section of the report, where appropriate. Environmental Health – No objection subject to conditions. BCC Tree Officer – No objection subject to conditions. Economic Development Unit – Recommend that Employability and Skills during both the construction or operational phases of development should not be applied.
4.4	Representations
4.4.1	The application has been advertised and neighbours notified. No third party objections have been received.
5.0	Planning Assessment
5.1	The key issues to be considered in the assessment of this application are: • The principle of the proposed use at this location • Impact on the character and appearance of the area • Compatibility with adjacent uses • Access, parking and traffic management • Environmental Considerations – Drainage, Contamination, Noise, Impact on Designated Sites/Natural Heritage Assets An assessment of the above issues is set out below.
5.2	Background
5.2.1	The proposed development was the subject of a PAD process which included input from DFI Roads, BCC Tree Officer and Environmental Health.
5.3	Development Plan Context
5.3.1	Section 6(4) of the Planning Act (Northern Ireland) 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.
5.3.2	The adoption of the Belfast Metropolitan Area Plan (BMAP) in 2014 was declared unlawful as a result of a judgement in the court of appeal delivered on 18 May 2017. This means that the Belfast Urban Area Plan 2001 (BUAP) provides the statutory plan context for the area.
5.3.3	Draft BMAP 2015 (dBMAP 2015), in its most recent, post-examination form remains a significant material consideration when making planning decisions. It was at the most advanced stage possible prior to adoption. However, in assessing this application regard is also had to the provisions of draft BMAP which was published in 2004 (dBMAP 2004).

5.3.4	In dBMAP 2004 part of the site is identified as a Park and Ride site within the Belfast Metropolitan/Settlement Development Limit. In dBMAP 2015 the site is on unzoned land within the Belfast Metropolitan/Settlement Development Limit. Within the BUAP the site is unzoned land within the development limit of Belfast.
5.3.5	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.
5.4	Need for the Proposed Development
5.4.1	The Planning Statement accompanying the application states <i>that 'The need for the Kennedy Way Hub building arises as a direct result of the requirement to upgrade the existing Belfast Wastewater Treatment Works, which is a key and strategic outcome of the DFI-led Living With Water Programme (the Belfast Strategic Drainage Infrastructure Plan). The Strategic Drainage Infrastructure Plan demonstrates that the Belfast WWTW needs to be significantly increased in capacity to facilitate economic growth, reduce the risk of flooding and achieve future stringent final effluent discharge consent standards in order to help improve the water quality of Belfast Lough. Without the Belfast WWTW upgrade, none of these objectives can be met.... Recent appraisals undertaken by NI Water have identified that the adjoining NI Water 'Bretland House' facility must be cleared to facilitate the main extension of the Belfast WWTW and Bretland House staff must therefore be relocated in order to facilitate the main Belfast WWTW upgrade works currently scheduled for 2024. The new Kennedy Way Hub building, as proposed in this planning application, will provide replacement facilities for those staff currently based at Bretland House whose relocation needs are not already being planned for through other NI Water projects. The provision of this alternative accommodation will allow Bretland House to be demolished and an Inlet Sewer diverted prior to the main Belfast WWTW works commencing.'</i>
5.4.2	The Map below shows the existing Bretland House site (6 acres) adjacent to Belfast Waste Water Treatment Works, Duncrue. 

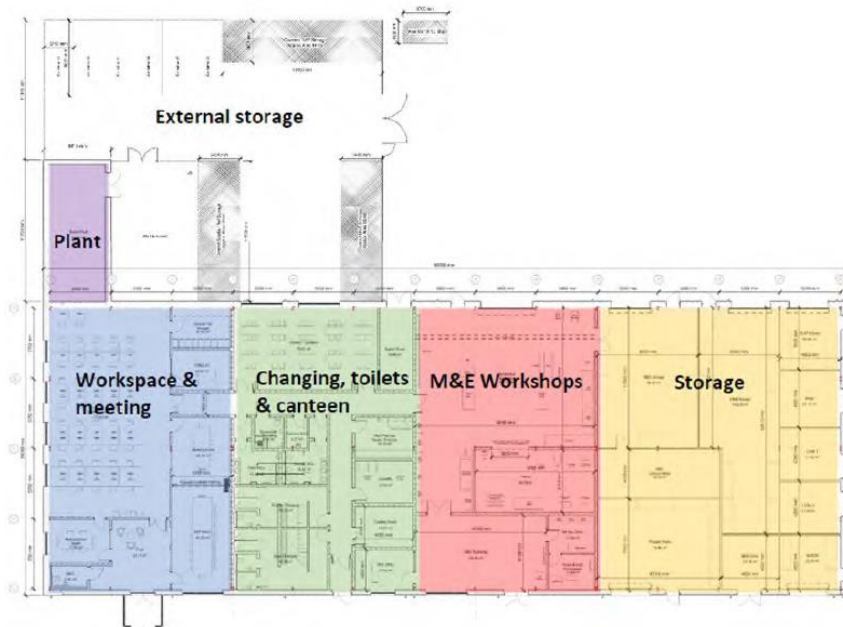
5.4.3	The need for a replacement facility as a result of relocation of Bretland House to facilitate the upgrade to Belfast Waste Water Treatment Works is a material consideration that supports the case for the proposed development.
5.4	Policy Context/Principle of Proposed Uses
5.4.1	The site is located within a primary commercial/industrial/ employment area. The proposal primarily comprises a Class B2 (Light Industrial Use) and Class B4 (Storage and Distribution) uses. Offices are also proposed within the Hub building. The applicant's team has advised that the function of the office space within the hub building is ancillary to its principal function and its purpose is to provide a supporting role to the main use of the building as an M&E workshop and that it would not be operationally possible to provide the office element in a town centre location with the main industrial use on a separate site elsewhere in the city, because the main industrial use relies on the support provided by the office staff. Officers are satisfied that the proposed office use is ancillary to the primary use of the main Hub building.
5.4.2	Policy PED 1 of PPS 4 – Economic Development in Settlements states that proposals for Class B2 and B4 uses will be permitted in an area specifically allocated for such purposes in a development plan or in an existing industrial / employment area provided it is of a scale, nature and form appropriate to the location. Elsewhere in cities and towns such proposals will be determined on their individual merits. The site is not zoned as an employment /industry area in either versions of draft BMAP or the BUAP. However, it is located adjacent to an existing employment/industry and commercial area. The proposal would support the strategic objectives of NI Water to upgrade the Belfast Waste Water Treatment Works. The proposed development is considered in principle to comply with Policy PED 1 and meet the core principles of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and objectives of the Belfast Agenda.
5.4.3	Policy PED 9 – General Criteria for Economic Development also applies to the proposed development and further assessment of the proposed development is set out below. Policy PED 9 states that <i>'a proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria'</i>. Assessment of the criteria is set out below. (a) it is compatible with surrounding land uses; <i>It is considered that the proposal is compatible with the surrounding uses for reasons set out above.</i> (b) it does not harm the amenities of nearby residents; <i>No residential properties are located in close proximity to the site.</i> (c) it does not adversely affect features of the natural or built heritage; <i>NIEA Natural Environment Division (NED) has considered the impacts of the proposal on designated sites and other natural heritage interests and has no concerns subject to condition to ensure the satisfactory implementation of the Invasive Species management Plan. SES advises the proposal would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects subject to mitigation measures which are included as recommended conditions.</i> <i>There are no built heritage assets in close proximity to the site. In summary the proposed development is not considered to adversely affect features of the natural or built heritage.</i> (d) it is not located in an area at flood risk and will not cause or exacerbate flooding; <i>The site is not located in a floodplain. Rivers Agency has considered the proposal against Policy FLD 1 and considers that it is not applicable to this development and raises no objections.</i>

	(e) it does not create a noise nuisance; <i>Environmental Health has considered the impact of the proposed development and has no concerns relating to noise subject to a condition.</i> (f) it is capable of dealing satisfactorily with any emission or effluent; <i>Environmental Health has considered the impact of the proposed development and has no objections relating to air quality/emissions subject to a condition. NI Water has no objections to the proposed development with regard to waste water infrastructure.</i> (g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified; <i>DFI Roads has considered the traffic impact of the proposal and has raised no objections subject to conditions.</i> (h) adequate access arrangements, parking and manoeuvring areas are provided; <i>DFI Roads has considered the proposed access, parking and manoeuvring arrangements and has raised no objection subject to conditions.</i> (i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport; <i>The access arrangements proposed include two access points and operation of a one way system for lorries and vans. The site is located close to Kennedy Way and a regular bus service is available in close proximity to the site. The development supports a range of modes of transport and is considered to meet the needs of those with impaired mobility and is convenient to public transport route.</i> (j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity; <i>The site layout and building design are considered to be of an appropriate design quality. Photovoltaic (solar) panels are proposed on the roof which will promote sustainability. Landscaping proposals are proposed which will promote biodiversity in the area and serve to improve the character and appearance of the area.</i> (k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view; <i>Security fencing (2.4m high paladin fencing) around the perimeter of the site is proposed and will provide an appropriate means of enclosure. Existing birch trees along the Blackstaff Road boundary will be retained along with new planting proposed within the site will provide an adequate degree of screening of storage areas.</i> (l) is designed to deter crime and promote personal safety; <i>Perimeter fencing and gates at the access points entrance and exit to the site will secure the site and act as deterrent against crime. Car parking and access to the building/office is segregated from lorry loading/parking bays which will serve to promote personal safety for users.</i> (m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape. <i>Not applicable.</i>
5.4.4	The scale, nature and form of the development is considered appropriate to the location and compatible with surrounding uses. The proposal is considered to satisfy the criteria set out in Policy PED 1 and PED 9.
5.5	Scale, Design, Layout
5.5.1	The proposed development comprises three buildings as set out below:- • Hub – this is the main building accommodating mechanical and electrical (M&E) workshops, stores, welfare and administrative support; • The Alternative Water Supply Store (AWS) - stores water containers and bottles of drinking water deployed to the community in the event drinking water main supply is interrupted; and

- Generator Store – This building stores mobile electrical generators used during water operations within the Belfast area and beyond.

5.5.2

The hub building is the main operational building proposed and comprises of three types of accommodation (as set out in the plan below) for mechanical and electrical workshops, workspace and meeting space, storage and changing facilities, toilets and canteen along with plant. The height of the Hub building varies across its length. The lowest part is 6.5 m rising to 8.8m. The M&E workshops are accessed from the eastern (rear) elevation whilst the ancillary offices are accessed from the western elevation thereby providing segregated safer entrances.

**5.5.3**

The Planning Statement states that *'around 100 operational and maintenance staff will need to be assigned to a new hub location arising from the requirement to demolish Bretland House and that the Hub building will incorporate a management control centre and a major incident emergency control centre. It will also have welfare facilities and include a canteen, showers and laundry areas'*. The Planning Statement further states that *'It is operationally essential that the Hub management staff and operatives are accommodated at their operational base – the proposed new Kennedy Way Hub. Its proximity to the M1 motorway, makes it an ideal route access for the Hub's staff vehicles. In the event of any major incident, its Major Incident Centre (Bronze Command) within the Hub building can be quickly activated with management control staff directing operations and with the ability to deploy staff and plant to site as rapidly as possible.'*

5.5.4

The Alternative Water Supply building will be used for the storage of emergency bottled water (a minimum of 200 pallets) and a water tanker fast fill station. In addition, there will also be a large portable generator shed complete with a specialist ventilation system for generator testing. Portable generators stored at the Hub can be quickly moved to a remote site as necessary for use by operational staff. All of the proposed facilities will be provided in a secure protected site. The Kennedy Way Hub will be a working depot for maintenance of water and wastewater infrastructure throughout Belfast and areas beyond and the proposed business hours are 24/7.

5.5.5

The design of the Hub, Alternative Water and Generator Stores reflect typical warehouse type accommodation. All three buildings are of similar scale and appearance

	to industrial buildings in the surrounding area and are long span portal framed buildings with composite cladding. Walls are proposed to be finished in grey cladding and blue/grey brick. Windows are proposed to be finished in grey aluminium frames, roof to be finished in grey cladding and doors in grey steel, grey roller shutter goods doors and glazed aluminium entrance doors.
5.5.6	The height, scale, massing, design, layout and materials of the proposed development are acceptable and compatible with the surrounding context and comply with the SPPS and PPS4.
5.7	Impact on the character and appearance of the area
5.7.1	The site is located in a predominantly commercial/industrial/employment area. Belfast City Council Civic Amenity Site is located to the immediate north along with existing industrial/employment units. The Westwood Shopping Centre is located to the west. Lands abutting the site to the south and southeast are owned by NI Water and form part of the former Waste Water Treatment Works. The M1 motorway runs along the eastern boundary of the site. The nearest existing residential property is located approximately 115 to the south at Stockmans Crescent. The Traffic impact has been considered by DFI Roads who raise no objection. Environmental Health has considered amenity impacts and are content that no adverse impact by way of noise, odour air quality would arise from the development. Japanese knotweed and Himalayan Balsam were identified as being present on the site and the applicant has submitted an Invasive Species Management Plan (ISMP) which sets out steps to control and manage the species to facilitate the proposed development. Measures have been implemented to eradicate the species and this process is ongoing. The (ISMP) has been reviewed by NIEA Natural Environment Division who raise no objection and recommend a condition ensuring that the development adheres to the ISMP.
5.7.2	It is considered that the proposed development will not give rise to adverse impacts and is compatible with the surrounding area and complies with the SPPS.
5.8	Access Parking and Traffic Management
5.8.1	Two access points to the site are proposed from the Blackstaff Road and a one-way access route for lorries and vans is proposed through the site segregating lorries and vans from cars/staff traffic. Parking for 64 cars/vans and 11 HGV lorries is proposed and includes 6 electrical charging points. A sheltered cycle store and providing parking for bicycles is also proposed on site.
5.8.2	DFI Roads has no objections to the proposed development subject to conditions which are set out below. The proposal is considered to comply with the SPPS and PPS 3.
5.9	Environmental Considerations
	Drainage
5.9.1	The application is supported by a Flood Risk Assessment and Drainage Assessment. The proposal has been considered against policies FLD 1-5 of Revised PPS15. DFI Rivers have raised no objections under Policies FLD 1, 2, 3, 4 and 5 subject to a condition seeking the submission of a final drainage plan prior to construction.
5.9.2	NI Water has no objection to the proposed development and advises that although Belfast WWTW and catchment are both operating at capacity this proposal can be approved on the basis of no additional loading. It is proposed to discharge foul sewage to a cesspool which will be emptied by a tanker as necessary. This arrangement will be

	in place until such times as there is capacity at both the WWTW and wastewater network. NI Water advise that there is a public water main within 20m of the proposed development boundary which can adequately service these proposals.
5.9.3	Contamination The application is supported by a Land Contamination Assessment which has been considered by both DAERA, NIEA and Environmental Health. Neither have raised objections and both have provided conditions/informatives if permission is granted.
5.9.4	Noise The application is supported by a Noise Impact Assessment which has been considered by Environmental Health who has provided a condition should permission be granted.
5.9.5	Air Quality The application is supported by an Air Quality Impact Assessment which has been considered by Environmental Health which has no objection subject to a condition as set out below.
5.9.6	Odour The application is supported by an Odour Impact Assessment which has been considered by Environmental Health who has no objection.
5.10	Impact on Designated Sites/Natural Heritage Assets
5.10.1	The proposed development is located adjacent to an unnamed watercourse that connects to the features in Belfast Lough via the Turf Lodge Stream and Lagan System and therefore there is potential that the development could impact on a number of designated sites.
5.10.2	In accordance with Regulation 43(1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended) Shared Environmental Services (SES) on behalf of the Council has carried out an appropriate assessment and having considered the nature, scale, timing, duration and location of the project, SES advises that the development would not have an adverse effect on the integrity of any European site, either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including mitigation measures. This conclusion is subject to mitigation measures being conditioned in any approval which require the development to be carried out in accordance with the drainage plan submitted and the requirement for at least a 10m buffer between the location of any refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and any watercourse or drains present onsite or adjacent to the site. SES considers that adherence to these conditions will negate any potential pollution issues at both construction and operational phases from affecting connected European Site features. Both conditions are set out in full below.
5.10.3	Belfast City Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 01/02/2023. This found that the project would not have an adverse effect on the integrity of any European site.

5.11	Pre-Application Community Consultation
5.11.1	In accordance with the requirements of Section 27 of the Planning Act (NI) 2011, the applicant served a Proposal of Application Notice (PAN) on Belfast City Council on 25 th March 2022 (LA04/2022/0668/PAN). Belfast City Council responded confirming that the PAN and associated approach met the requirements of Section 27 of the Planning Act and was acceptable subject to additional consultation with the MP for West Belfast. A digital public consultation event via a dedicated NI Water website was proposed between 02 and 20 May 2022.
5.11.2	A Pre-Application Community Consultation Report has been produced to comply with the statutory requirement laid out in Section 28 of the Planning Act (Northern Ireland) 2011. The purpose of a PACC report is to confirm that pre-application community consultation has taken place in line with statutory minimum requirements. The report has confirmed advertising for the public event and that the public event (digital public consultation event) took place in accordance with section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015. The report also confirmed that a leaflet was distributed to neighbouring properties. The report states that feedback was limited to one response which raised issues regarding additional traffic on Blackstaff Road.
5.11.3	The applicant's responded to the issue raised by advising that the application is accompanied by a Transport Assessment Form (TAF) that considers the impact of the development on traffic congestion and road safety which concludes that <i>"the low number of vehicles generated by the proposed development will have a minimal transport impact during AM and PM peak periods"</i> . The response advises that the TAF was also submitted in draft to DFI Roads via the PAD process, who raised no objection to the draft development proposal.
5.11.2	The Pre-Community Consultation Report submitted satisfactorily demonstrates that the applicant has complied with the requirements of Sections 27 and 28 of the Planning Act (NI) 2011 and Section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015 and has adhered to Council recommendations during the PAN process. The PACC report is considered acceptable.
Neighbour Notification Checked Yes	
Summary of Recommendation: Having regard to the development plan, relevant policy context and other material considerations, the proposed development is considered acceptable and it is recommended that full 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 any other issues which might arise.	
Draft Conditions: 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. All landscaping works shall be carried out in accordance with the approved details on Drawing No. 16C – Planting Plan. 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 proposed trees or plants indicated on the approved scheme 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.

Reason: In the interests of the character and appearance of the area

3. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any existing trees or planting to be retained as indicated on the approved drawings 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.

Reason: In the interests of visual amenity.

4. Prior to commencement all tree protective measures, protective barriers (fencing) and ground protection shall be erected or installed in accordance with the British Standard 5837: 2012 (section 6.2) on any trees to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.

Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.

5. If roots are accidentally damaged the Council must be immediately notified in writing and given the opportunity to inspect the damage before it is covered over. The roots must be wrapped in wet hessian wrap until the arrival of an arborist or Council tree officers. Remedial works to roots/trees shall be submitted to and agreed in writing by the Council. The development shall not proceed unless in accordance with the approved details.

Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees.

6. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices, service runs / cables or fires within the RPA of trees within the site and adjacent lands during the construction period.

Reason: To avoid compaction within the RPA of existing trees to be retained.

7. The Kennedy Way Hub Tree Survey Report [Arboricultural Method Statement and Plan] by M. Large Tree Services dated 16 Sept 2022 submitted in support of the application shall be adhered to in full during the construction process.

Reason: To safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees.

8. No development shall commence (other than site clearance, enabling works or works to fulfil this condition) until a Detailed Remediation Strategy has been submitted to and approved in writing by the Council. The Remediation Strategy shall consider the MCL Consulting Ltd report entitled 'Project Number: P2565_2_Issue 4, Phase 3 Remediation Strategy, Kennedy Way, Belfast, Client: McAdam Design, Issued: January 2023'. The Remediation Strategy

shall follow best practice and must demonstrate how the identified contaminant linkages are to be demonstrably broken and no longer pose a potential risk to human health. It must also detail how the proposed remedial works are to be verified. The development shall not be carried out unless in accordance with the approved Remediation Strategy.

Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.

9. Prior to operation of the development, a Verification Report shall be submitted to and approved in writing by the Council. The Verification Report must be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. It must demonstrate that the mitigation measures outlined in the agreed Remediation Strategy have been implemented and have broken the relevant contaminant linkages and that the site no longer poses a potential risk to human health.

Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.

10. If during the carrying out of the development, or through the completion of any updated risk assessment for the proposal, new contamination is encountered that has not previously been identified, all related works shall cease immediately, and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health risks being identified, a Remediation Strategy and subsequent 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 in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use. The development shall be carried out in accordance with the approved details.

Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health and for the protection of environmental receptors to ensure the site is suitable for use.

11. Prior to operation of the development, alternative means of mechanical ventilation that is suitably acoustically attenuated shall be installed to the hub building in accordance with section 4.1.1 of the RPS Group report entitled '*Noise Impact Assessment, NI 2588 Kennedy Way Belfast*', referenced NI 2588, dated June 2022.

Reason: Protection of amenity.

12. In the event that any substantial centralised combustion sources (boilers, CHP, biomass or generators) are proposed and there is a risk of impact at relevant receptor locations as per the criteria detailed within the Environmental Protection UK and Institute of Air Quality Management, Land-use Planning & Development Control: Planning For Air Quality (January 2017), an updated Air Quality Impact Assessment shall be submitted to and approved in writing by the Council prior to the installation of the plant. The assessment shall include details of the combustion plant to be installed, to include emission rates and flue termination heights of the proposed combustion systems and must demonstrate that there will be no exceedances of the Air Quality Strategy objectives at relevant human receptor locations, associated with operation of the proposed combustion plant and with the overall development. The development shall be carried out in accordance with the approved details.

Reason: Protection of human health against adverse air quality impact.

13. The dust management measures, as detailed within Appendix D (*Dust Management Plan*) of the *RPS Group Report entitled 'Air Quality Impact Assessment, Partial Redevelopment of Former NI Water Operational Land at Blackstaff Road/Kennedy Way*, referenced NI 2588, dated July 2022 shall be implemented throughout the duration of the construction phase of the development.

Reason: Protection against adverse air quality impacts.

14. A suitable buffer of at least 10m must be maintained between the location of any refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and any watercourse or drains present onsite or adjacent to the site.

Reason: To protect the features of European Sites indirectly hydrologically connected in Belfast Lough from adverse effects.

15. The drainage for the site shall be constructed in accordance with the approved drainage plan on drawing No. 17D – Proposed Drainage Layout (BRA-MCA-ST1-00-DR-CP-2000 Rev P6).

Reason: To protect the features of European Sites indirectly hydrologically connected in Belfast Lough from adverse effects.

16. Prior to the construction of the drainage network, a final drainage assessment, compliant with FLD 3 and Annex D of PPS 15, shall be submitted to and agreed in writing by the Council. The Final Drainage Assessment shall demonstrate the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event. The development shall not be carried out unless in accordance with the approved details.

Reason – In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

17. No development shall commence until the applicant has submitted evidence in writing to the Council for its agreement demonstrating that the risks to groundwater and other environmental receptors due to on-site contamination of the ground and groundwater have been effectively assessed. This evidence should include but not be limited to:

- Groundwater quality monitoring data and a detailed quantitative risk assessment to investigate the risks to groundwater from hydrocarbon contamination identified at the site (WS01),
- If unacceptable risks to groundwater are identified provision of remedial criteria as soil and groundwater concentrations that would not pose a risk to receptors. The remedial criteria are required to be derived through quantitative risk assessment based on the conceptual site model.

If unacceptable risks to receptors are identified a remediation strategy will be required to address those risks.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

18. The development hereby permitted shall not commence until a detailed remediation strategy to address all unacceptable risks to environmental receptors identified from Condition 17. This strategy must be submitted to and agreed in writing by the Council and should identify all unacceptable risks on the site, the remedial objectives/criteria and the measures which

are proposed to mitigate them (including maps/plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program, etc).

Reason: Protection of environmental receptors to ensure the site is suitable for use.

19. The development hereby permitted shall not be occupied until the remediation measures as described in the remediation strategy submitted under Condition 17 have been implemented to the satisfaction of the Council. The Council must be given at least 2 weeks written notification prior to the commencement of remediation work.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

20. In the event that piling is required, no development or piling work should commence on this site until a piling risk assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", has been submitted in writing and agreed with the Planning Authority. The methodology is available at:

<http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>

Reason: Protection of environmental receptors to ensure the site is suitable for use.

21. The applicant must adhere to the agreed Invasive Species Management Plan (ISMP) for this site and Waste Transfer Notes must be retained where they are required.

Reason: To control and reduce the spread of non-native species.

22. The development shall not become operational until the weather protected cycle parking has been provided in accordance with the approved plans.

Reason: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.

23. The development shall not become operational until hard surfaced parking areas have been provided and permanently marked in accordance with the approved plan. These facilities shall be permanently retained.

Reason: To ensure acceptable parking facilities on the site.

24. Pedestrian crossing points including tactile paving shall be provided at all road junctions in accordance with the DETR / Scottish Office publication "Guidance on the use of Tactile Paving Surfaces".

Reason: In the interests of pedestrian safety.

25. The visibility splays, shall be provided in accordance with Drawing Nos. 14C and 26B, prior to the operation of any other works or other development hereby permitted.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

26. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted becomes operational and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interest of road safety and the convenience of road users.

Notification to Department (if relevant) - Not Required

Date of Notification to Department:

Response of Department:

Representations from Elected Members:- None

ANNEX	
Date Valid	9th August 2022
Date First Advertised	26th August 2022
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 1,6a ,Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 11 Blackstaff Road,Belfast,Antrim,BT11 9DT The Owner/Occupier, 14a ,Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 16a ,Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 19 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 19a ,Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 1c ,Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT The Owner/Occupier, 2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT The Owner/Occupier, 2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT The Owner/Occupier, 2 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 3 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT The Owner/Occupier, 3,3 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 4,4-5 ,Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 45 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 47 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 5 Blackstaff Road,Belfast,Antrim,BT11 9DT The Owner/Occupier, 5 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 5-8a Dc Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 6 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 6,5 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 7 Blackstaff Road,Belfast,Antrim,BT11 9DT The Owner/Occupier, 9 Blackstaff Road,Belfast,Antrim,BT11 9DT The Owner/Occupier, Blackstaff Recycling Centre (Belfast CC), Blackstaff Way, Belfast BT11 9BQ The Owner/Occupier, Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim,BT11 9DT The Owner/Occupier, Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT The Owner/Occupier, Ess,Blackstaff Way,Ballymurphy,Antrim, The Owner/Occupier, Factory 10,Blackstaff Way,Ballymurphy,Belfast,Antrim,BT11 9DT The Owner/Occupier, Factory 7,Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim,BT11 9DT The Owner/Occupier, Former Kennedy Enterprise Centre, 2 Blackstaff Road, Belfast, Antrim,BT11 9DT	

The Owner/Occupier, olly Business Park,Blackstaff Way, Ballymurphy, Belfast, Antrim, BT11 9DS

The Owner/Occupier, Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Office,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, R ,Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT

The Owner/Occupier, Unit 1,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 1-2,Westwood Retail Park,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 10,5 Kennedy Way,Belfast,Antrim,BT11 9BQ

The Owner/Occupier, Unit 10,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 10,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 11 ,Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9BL

The Owner/Occupier, Unit 11,5 Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 11,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 12,5 Kennedy Way,Belfast,Antrim,BT11 9BQ

The Owner/Occupier, Unit 12,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 14,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT

The Owner/Occupier, Unit 14,5 Kennedy Way,Belfast,Antrim,BT11 9BQ

The Owner/Occupier, Unit 14,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 15,5 Kennedy Way,Belfast,Antrim,BT11 9BQ

The Owner/Occupier, Unit 15a,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 16,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT

The Owner/Occupier, Unit 16,5 Kennedy Way,Belfast,Antrim,BT11 9BQ

The Owner/Occupier, Unit 16/17/18,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 17,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT

The Owner/Occupier, Unit 17,5 Kennedy Way,Belfast,Antrim,BT11 9BQ

The Owner/Occupier, Unit 17-18,Westwood Shopping Centre,Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 18,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT

The Owner/Occupier, Unit 18,5 Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 19,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 19a,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT

The Owner/Occupier, Unit 19b,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT

The Owner/Occupier, Unit 1a,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT

The Owner/Occupier, Unit 2,3 Blackstaff Way,Ballymurphy,Belfast,Antrim,BT11 9DT

The Owner/Occupier, Unit 2,5 Kennedy Way,Belfast,Antrim,BT11 9BQ

The Owner/Occupier, Unit 2,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 20,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 20,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 21,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 21,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 22,5 Kennedy Way,Belfast,Antrim,BT11 9BQ

The Owner/Occupier, Unit 22,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 22,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 23,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 24,5 Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 24,Kennedy Enterprise Centre,2 Blackstaff Road, Belfast, Antrim, BT11 9DT

The Owner/Occupier, Unit 24,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 25,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 26,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 27,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 28,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 29,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ

The Owner/Occupier, Unit 3,Kennedy Enterprise Centre,2 Blackstaff Road, Belfast, Antrim, BT11 9DT

The Owner/Occupier, Unit 3,Westwood Retail Park,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 3,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ

The Owner/Occupier, Unit 3,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 39,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT

The Owner/Occupier, Unit 4,48 Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 4,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 4,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 4-5,Westwood Retail Park,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 4-5,Westwood Retail Park,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 5 ,Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim,BT11 9DT

The Owner/Occupier, Unit 5,5 Kennedy Way,Belfast,Antrim,BT11 9BQ

The Owner/Occupier, Unit 5,Blackstaff Road,Belfast,Antrim,BT11 9DT

The Owner/Occupier, Unit 5,Kennedy Enterprise Centre,2 Blackstaff Road, Belfast, Antrim, BT11 9DT

The Owner/Occupier, Unit 5,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 5/6,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 6,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT

The Owner/Occupier, Unit 6,48 Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 6,5 Kennedy Way,Belfast,Antrim,BT11 9BQ

The Owner/Occupier, Unit 6,Westwood Retail Park,51 Kennedy Way,Belfast,Antrim, BT11 9BQ

The Owner/Occupier, Unit 6,Westwood Retail Park,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 6,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 6/7,D C Silencers Complex,Kennedy Way, Belfast, Antrim, BT11 9AP

The Owner/Occupier, Unit 7,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT

The Owner/Occupier, Unit 7,48 Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 7,5 Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 7,D C Silencers Complex,Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 7,Westwood Retail Park,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 7,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 7,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 7b,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim, BT11 9DT

The Owner/Occupier, Unit 8,48 Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 8,5 Kennedy Way,Belfast,Antrim,BT11 9BQ

The Owner/Occupier, Unit 8,Westwood Retail Park,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 8,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ

The Owner/Occupier, Unit 8,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ The Owner/Occupier, Unit 9,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ The Owner/Occupier, West Belfast Enterprise Centre,Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim,BT11 9DT The Owner/Occupier, Westwood Shopping Centre,Kennedy Way,Belfast,Antrim,BT11 9BQ	
Date of Last Neighbour Notification	31st August 2022
Date of EIA Determination	30th August 2022
ES Requested	No
Drawing Numbers and Title	
01 – Site Location Plan 03C – Proposed Site Layout Plan 04C – Proposed layout Levels 05 – Proposed AWS Ground Floor and Roof Plan 06 – Proposed AWS Elevations and Sections 07 – Proposed Generator Store Ground Floor and Roof Plan 08 – Proposed Generator Store Elevations and Sections 09 – Proposed Hub Ground Floor Plan 10 – Proposed Hub Roof Plan 11 – Proposed Hub Elevations 12 – Proposed Hub Sections 13 – Proposed Site Sections 14C – Proposed Visibility Splays – Secondary Access 15C – Proposed Visibility Splays 16C – Planting Plan 17D – Proposed Drainage Layout 18C – Proposed Layout fencing 19C – Proposed Layout Kerbs 20C – Proposed Layout Surfacing 21 – Pavement Construction Details 22 – Ground Mounted PV Cells 23 – Above Ground Bunded Fuel Tank 24 – Cycle Shelter Stands 25B- Tree Root Protection Zones 26B – Proposed Whitelining Plan	

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 14 th March 2023	
Application ID: LA04/2022/0311/F	Target Date:
Proposal: Erection of 40 no. residential units and 2 no. commercial units with associated car parking, cycle storage servicing, landscaping with access off Balmoral Avenue.	Location: The King's Hall and RUAS site south of Upper Lisburn Road/Balmoral Avenue west of Harberton Park and north-east of Balmoral Golf Club, Belfast, BT9 6GW.
Referral Route: Objections received - Proposal is for over 12 residential units	
Recommendation:	Approve subject to conditions and a Section 76 Agreement
Applicant Name and Address: KH Residential Ltd Rushmere House 46 Cadogan park Belfast BT9 6HH	Agent Name and Address: Turley 3 Joy Street Belfast BT2 8LE
Executive Summary: This application seeks planning permission for the erection of 40 no. residential units and 2 no. commercial units with associated car parking, cycle storage servicing, landscaping with access off Balmoral Avenue. In the BUAP 2001 the site is located within the development limit of Belfast and is not zoned for any use. In draft BMAP 2015 (v2004 and v2014) the site is located within the Belfast Metropolitan/Settlement development limit and is not zoned for any specific use. The main issues to be considered in the assessment of this application are: • Principle of development • Impact on the Conservation Area • Height, Scale, Massing Design, Layout and Materials • Impact on surrounding amenity • Impact on the setting of the listed King's Hall • Landscaping • Access, Movement and Parking • Environmental (Contamination, Noise, Air Quality) • Drainage/Flood Risk Eight objections have been received regarding the proposed development raising concerns relating to the access arrangements from Balmoral Avenue, the traffic impact of the proposed development and impact on neighbouring amenity. The Balmoral Avenue access arrangements were approved as part of Phase 1 of the King's Hall redevelopment (restoration and extension to the listed King's Hall) and are in operation. DFI Roads has raised no objection to the proposed access arrangements from Balmoral Avenue to serve the site. The siting of the proposed development has sought to maximise separation distances between it and adjacent properties	

which are considered to be sufficient to ensure that no adverse impact will result to neighbouring amenity.

Consultees raise no objection to the proposed development.

This application is a standalone application in its own right and is not dependent on other development on the wider site.

Recommendation

Having regard to the development plan, relevant policy context and other material considerations including third party representation, the proposal is considered acceptable and approval is recommended subject to conditions and a Section 76 to secure green travel measures and management of open space.

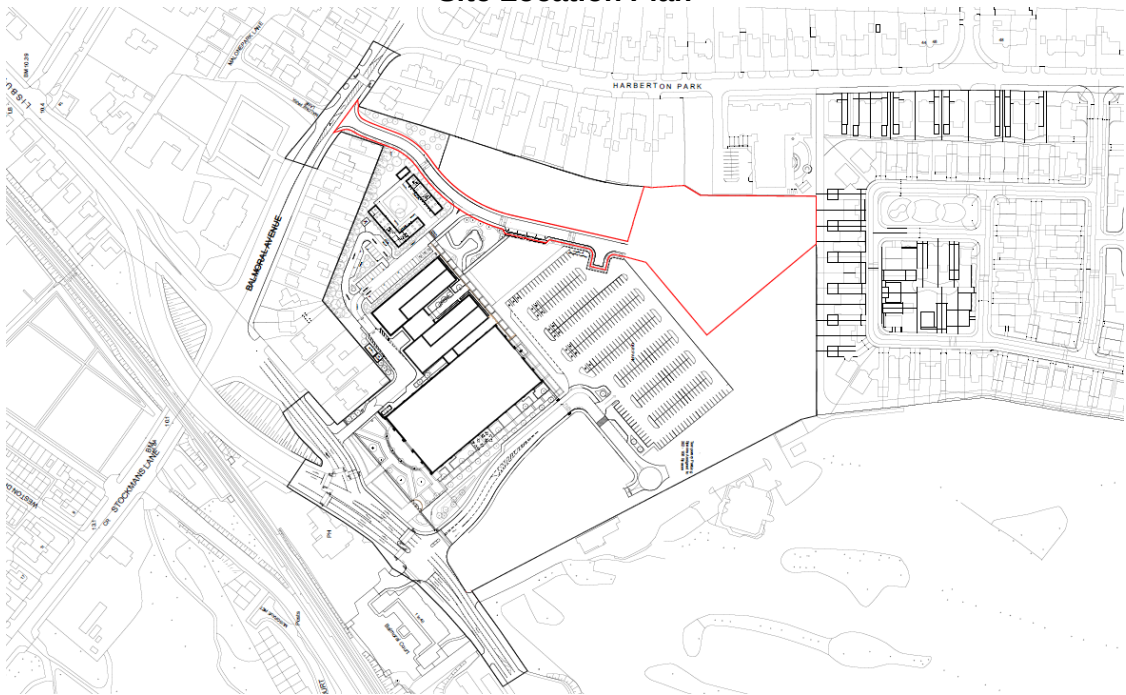
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 Agreement and any other issues which might arise.

Signature(s):

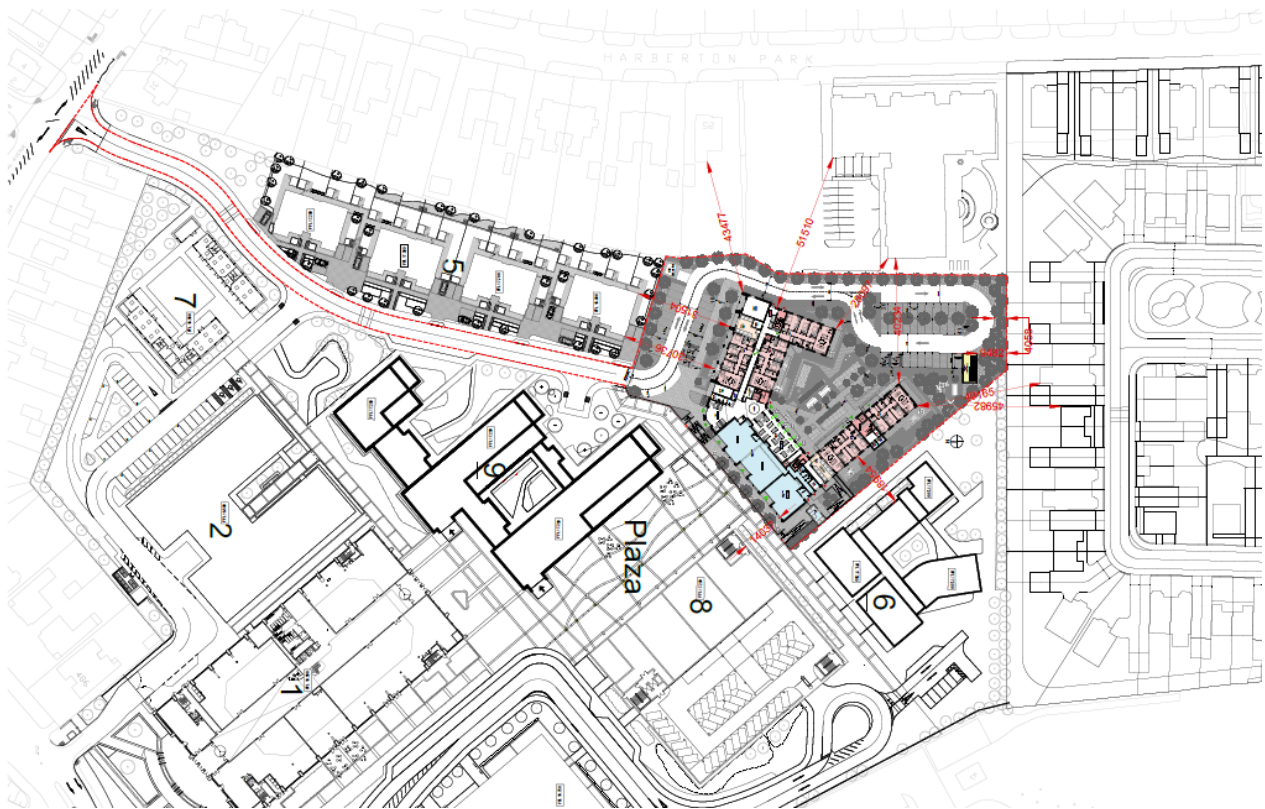
Case Officer Report

1.0 Drawings

Site Location Plan



Site Layout



Floors Plans
Ground Floor Plan



First Floor Plan



Second Floor Plan



Third Floor Plan



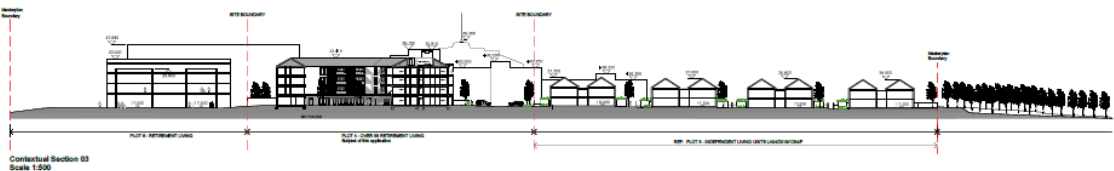
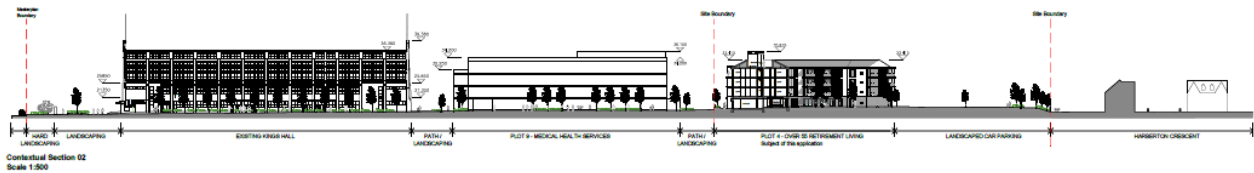
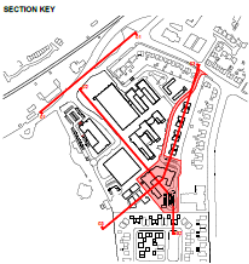
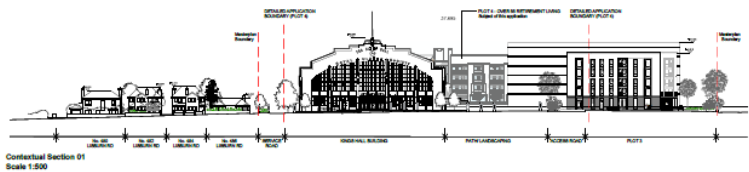
Elevations

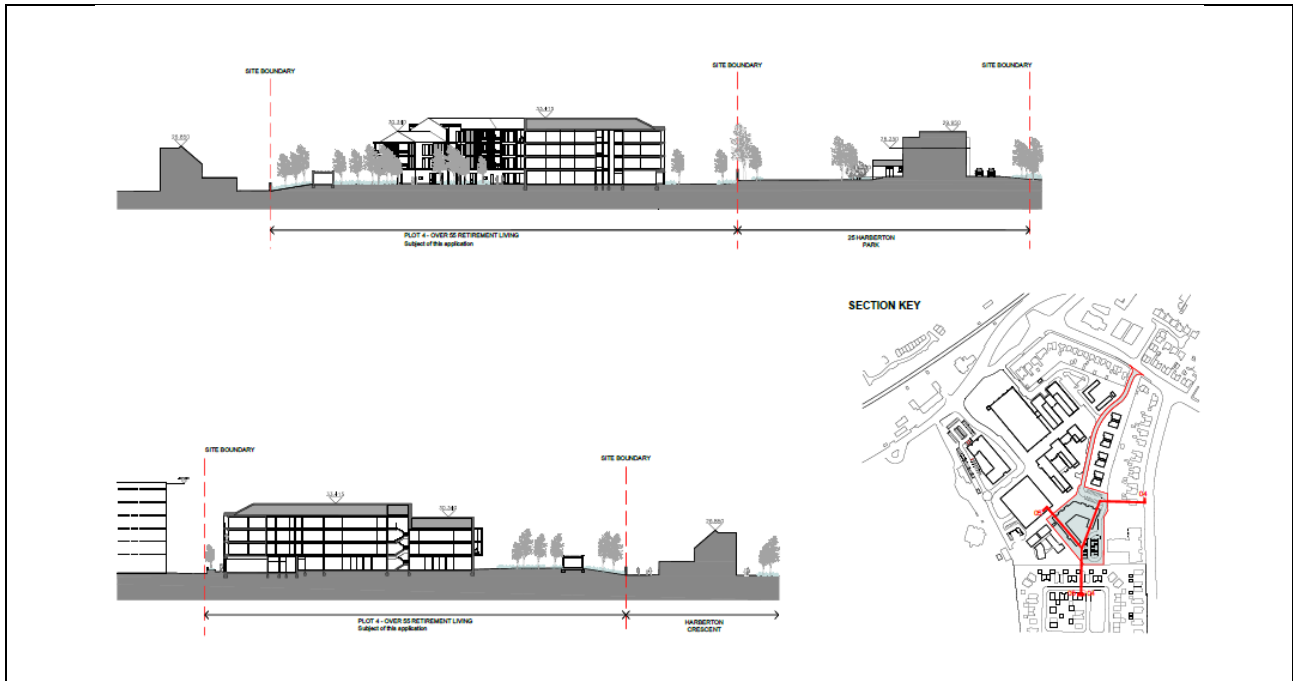


Landscape Plan



Contextual Sections





2.0	Characteristics of the Site and Area
2.1	The site is part of the King's Hall complex and sits in the southern corner of the lands. Works are ongoing on the site in relation to a number of recent approvals (see planning history below) and some buildings on the site have been demolished as part of the Phase 1 planning approval (LA04/2018/0040/F). Part of the site abuts the Malone Conservation Area and the access arrangements at the junction of Balmoral Avenue fall within the Malone Conservation Area.
2.2	Part of the north eastern boundary of the site is defined by a wall along the curtilage of Nos. 23 and 25 Harberton Park with mature planting within the individual gardens. The site abuts a new residential development comprising 16 apartments within the King's Hall site which is accessed off Balmoral Avenue. The site is adjacent to Harberton Park Hall a recently constructed development providing accommodation for older people at land east of Harberton Park and to the south of no 25 Harberton Park. To the south is an existing residential development at Harberton Crescent.
2.3	The eastern boundary between the site and adjacent Harberton Park Hall is defined by a close boarded fence. The southern boundary adjacent to Harberton Crescent is defined by a close boarded fence.
3.0	Description of Proposal
3.1	The development proposes the erection of 40 no. residential units and 2 no. commercial units with associated car parking, cycle storage servicing, landscaping with access off Balmoral Avenue.
4.0	Planning Assessment of Policy and Other Material Considerations
4.1	Regional Planning Policy - Regional Development Strategy 2035 (RDS) - Strategic Planning Policy Statement for Northern Ireland (SPPS) - Planning Policy Statement 3 (PPS 3) - Access, Parking and Movement

	• Planning Policy Statement 6 (PPS 6) - Planning, Archaeology and the Built Heritage • Planning Policy Statement 7 (PPS 7) – Quality Residential Environments • Planning Policy Statement 8 (PPS8) – Open Space, Sport and Outdoor Recreation • Planning Policy Statement 13 (PPS 13) - Transportation and Land Use • Planning Policy Statement 15 (PPS 15) - Flood Risk Local Planning Policy Context • Belfast Urban Area Plan (2001) BUAP • Draft Belfast Metropolitan Area Plan 2015 (v2004) • Draft Belfast Metropolitan Area Plan 2015 (v2014) • Belfast Local Development Plan Draft Plan Strategy 2035 Other Material Considerations • Creating Places • Belfast Agenda Community Plan • Developer Contributions Framework (2020)
4.2	Planning History
4.2.1	<i>On the site:-</i> LA04/2019/2989/F – Erection of a care home with associated car parking, servicing, landscape and access off Balmoral Avenue, The King's Hall and RUAS site south of Upper Lisburn Road/Balmoral Avenue west of Harberton Park and north east of Balmoral Golf Club, Belfast, BT9 6GW. Permission granted 20.1.21. LA04/2018/0040/F - Demolition of 29 Balmoral Avenue, demolition of existing non-listed building on site (including conference facility, showgrounds and stables). Refurbishment, creation of new floorspace and change of use from King's Hall venue to primary health care centre (including ancillary retailing and cafe). Erection of 2 storey side extension, repositioned access to Upper Lisburn Road, alterations to existing Balmoral Avenue access, internal access roads, public realm and landscaping, surface level car parks and associated site works including boundary treatments, The Kings Hall and RUAS Site, South Of Upper Lisburn Road/Balmoral Avenue, West of Harberton Park And North-east Of Balmoral Golf Club, Belfast BT9 6GW. Permission granted 16.04.2019
4.2.2	<i>Relevant planning history adjacent to the site:-</i> LA04/2017/1394/F - Erection of supported accommodation for older people comprising 28 one bedroom and 4 two bedroom apartments and associated communal space including dining and social areas; kitchen: staff facilities comprising office and changing rooms: laundry room: external landscaped garden: car parking: dedicated vehicular access off Harberton Park and associated landscaping (32 apartments in total) at Land East of Harberton Park to the South of no 25 Harberton Park, Belfast. Permission granted 13.03.2018. LA04/2018/0047/DCA - Demolition of 29 Balmoral Avenue, 29 Balmoral Avenue, Belfast. Consent granted 16.04.2019. LA04/2018/0048/LBC - Conversion of, alterations to and side extension to King's Hall to accommodate Primary Health Care Centre, demolition of existing extensions to

King's Hall and relocation and restoration of existing railings and pillars to the front of King's Hall, The King's Hall And RUAS Site, South Of Upper Lisburn Road/Balmoral Avenue, West of Harberton Park And North East Of Balmoral Golf Club, Belfast, BT9 6GW. Consent granted 16.04.2019.

LA04/2019/1254/F - Erection of independent living complex 16No. units with associated landscaping, parking and access off Balmoral Avenue, Land at former Kings Hall and RUAS Complex, located to the east of the King's Hall and to the rear of Nos. 7-23 Harberton Park, Belfast, BT9 6GW. Permission granted 18.09.20

LA04/2019/2848/F – Construction of day nursery/playschool facility to replace existing temporary day care nursery and reconfiguration of car park approved under LA04/2018/0040/F with associated landscaping and access works, Lands at Kings Hall Complex, Lisburn Road, Balmoral Belfast, BT9 6GW. Permission granted 29.06.20.

LA04/2020/0747/F - Application under section 54 of the Planning Act (NI) 2011 in respect of planning approval LA04/2018/0040/F seeking to vary condition No. 39 to amend the approved layout Drawing No.38 Road layout geometry and levels Phase 1 to reflect the amended layout, The Kings Hall and RUAS site, south of Upper Lisburn Road/Balmoral Avenue, west of Harberton Park and north-east of Balmoral Golf Club, Belfast, BT9 6GW. Permission granted 29.06.20.

LA04/2020/0845/O - Outline planning permission for a mixed use regeneration proposal with all matters reserved for retirement living at plot 6, medical or health services at plot 9, multi storey car park, local retail uses, restaurant and cafe uses, leisure and gym facilities at plot 8, associated internal access roads, associated new public realm and amenity open space including central plaza and access from Upper Lisburn Road (as per planning approval reference LA04/2018/0040/F); and no matters reserved for residential development (81 apartments) at plot 3 with ground floor local retail use/restaurant and cafe uses/leisure and gym facilities, associated landscaping, car parking and access from Upper Lisburn Road (as per planning approval reference LA04/2018/0040/F) and reconfiguration of temporary car park to the rear of King's Hall (approved under LA04/2018/0040/F), Land at Kings Hall and RUAS site south of Upper Lisburn Road/Balmoral Avenue West of Harberton Park and North East of Balmoral Golf Club Belfast BT9 6GW. Permission Granted 02.12.21.

LA0420211753F - Retrospective application for minimal change of elevational treatment and position from original planning approval of Family Room, Kings Hall Complex, Belfast, BT9 6GW. Permission Granted 02.02.22.

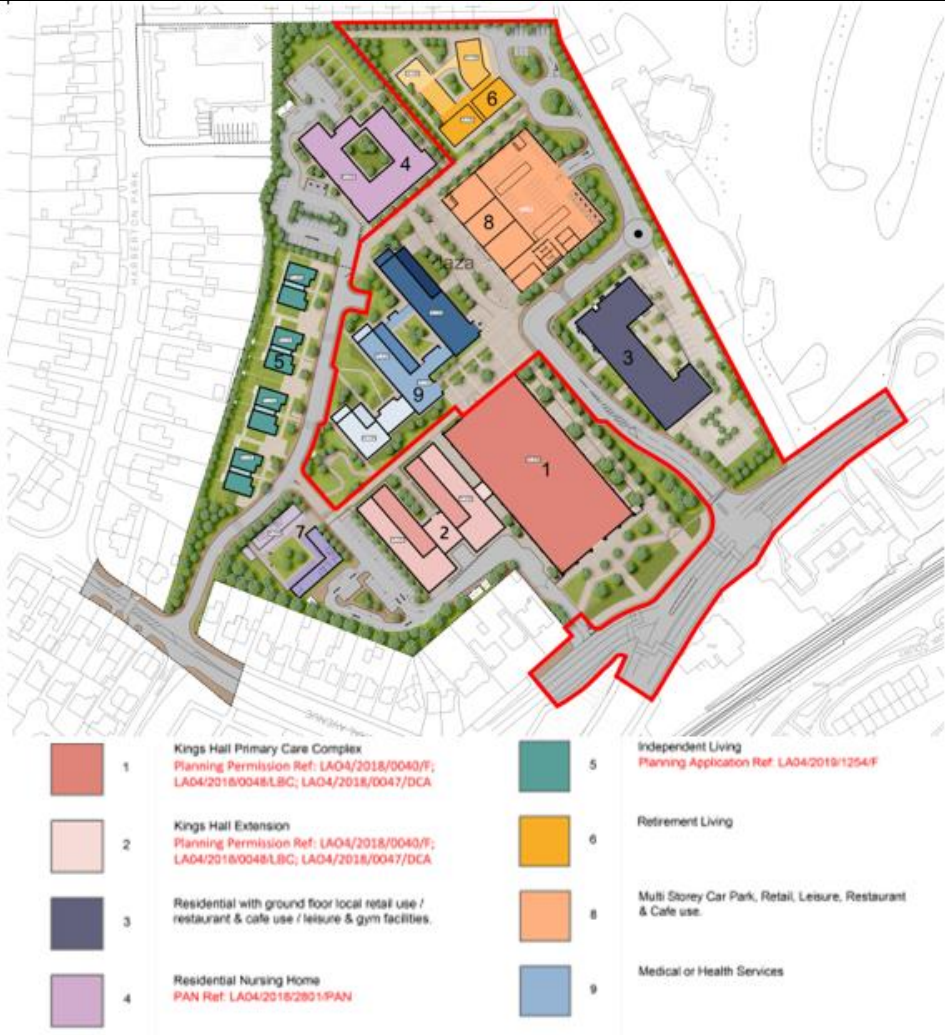
LA04/2023/2430/RM – Application for approval of reserved matters application for a medical facility in accordance with outline planning permission LA04/2020/0845/O, seeking approval of layout, scale, appearance and landscaping details on Land at Kings Hall and RUAS site south of Upper Lisburn Road/Balmoral Avenue, west of Harberton Park and North East of Balmoral Golf Club Belfast BT9 6GW, Belfast, BT9 6GW. Under consideration.

LA04/2023/2401/F - Full planning application for temporary approval of decked car park on lands forming Plot 6 of outline planning approval LA04/2020/0845/O for the provision of 210 parking spaces at ground and first floor level, including means of access and boundary treatment, for provision of parking until car parking on Plot 8 is operational, The Kings Hall, 488-516 Lisburn Road, Malone Upper, Belfast, Antrim, BT9 6 GW.

4.3	Statutory Consultation Responses
4.3.1	Responses from statutory consultees are summarised below. Further detail concerning their feedback is provided in the main assessment section of the report, where appropriate. DFI Roads – No objection subject to conditions. DFC HED – No objection. NI Water – No objection. NI Water response confirms that the receiving Waste Water Treatment facility has sufficient capacity to serve this proposal and that there is a public foul sewer, public surface water sewer and public water main to serve the development. DFI Rivers Agency – No objection. DAERA (NIEA) – Water Management Unit - No objection. <i>Drinking Water Inspectorate</i> – No objections refer to standing advice, <i>Regulation Unit Land and Groundwater Team</i> – No objection subject to conditions. Shared Environmental Services (SES) – No objection. Proposed development would have no conceivable impact on the features of any European designated site.
4.3.2	Non-Statutory Consultation Responses Responses from non-statutory consultees are summarised below. Further detail concerning their feedback is provided in the main assessment section of the report, where appropriate. Environmental Health – No objection subject to conditions. BCC Urban Designer – No objection subject to condition. BCC Tree Officer – No objection subject to conditions. BCC Waste Management Unit – No objection. Satisfactory provision has been made for waste storage. NIHE – The above planning application forms part of a wider concept plan with outline approval LA04/2020/0845/O. 45 units of social housing is being supported and developed on plot 6 of the concept plan. We therefore do not request any further social housing on the site.
4.4	Representations
4.4.1	The application has been advertised and neighbours notified. Eight third party objections have been received. The issues raised in the objections include: • contrary to policy QD 1 of PPS 7 • bulk and mass of the development is out of keeping with neighbouring 2 storey properties • proposal will overlook the garden and patio area to the rear of No. 25 Harberton Park and permit views into rear bedrooms, living room and kitchen and other dwellings 1-23 Harberton Park would suffer loss of amenity due to overlooking. • Separation distances in Design & Access Statement inaccurate and misleading • Overshadowing of adjacent garden (No. 25 Harberton Park), rear living area, kitchen and bathrooms at times of the year when the sun is lower in the sky • proposal does not appear to have taken into account the effect this development would have on the character of the conservation area • more care needed to ensure the development is not detrimental to neighbouring properties and the overall appearance of the neighbouring conservation area

	• King's Hall development now progressing as a large residential development rather than a mixed-use development as originally described • High density apartment development represents a significant intensification in terms of residential units and number of vehicles • Unpredictability of further changes may permit additional users of Balmoral Avenue access • Notice outside the Nursery advertising a 'Coffee Pod' • Lack of management within the site to prevent unauthorised users to enter/egress the site via Balmoral Avenue access • Lack of management within the development site to control a barrier to prohibit a through road between Lisburn Road and Balmoral Avenue • Lack of detail as to how right hand turn ban on traffic exiting Balmoral Avenue is to be managed • car-parking not in accordance with current departmental guidance, evident that apartments attract residents with the capacity to use individual vehicles, thus generating parking requirements in excess of departmental guidance; significant under-provision of car parking which will cause parking pressure on adjoining highways within the King's Hall complex and other roadways accessed from Balmoral Avenue • Increased vehicular presence will intensify vehicular movements via Balmoral Avenue, no indication that traffic modelling has been undertaken • Upgraded access to the development site in close proximity to No. 27 Balmoral Avenue contravenes planning guidance and will create access and road safety issues for the occupant and other road users • Historic modelling of Balmoral junction has always been questionable and the incremental increase (through multiple applications) does not appear to have been reassessed. • Newly designed road traffic arrangements outside No. 27 Balmoral Avenue will have severe major road traffic implications for occupant and other road users and will lead to access and road safety issues and will crystallise most obviously, immediately adjacent to No. 27 Balmoral Avenue including its rear garden; • Impact on the amenity of No. 27 Balmoral Avenue is obviously being noise from traffic stopping, starting, and turning at the Balmoral Avenue junction, alongside the increase in pollutants in the air at this junction; • no evidence that either noise or air pollution has been considered by the developer, when making this Application, and to date there is no indication that BCC has undertaken any assessment of these pollutions; • No evidence that BCC Environmental Health reconsulted in December 2021 at the time of the previous application. New Application further intensifies the impact on the amenity of property at 27 Balmoral Avenue. • Consider road way entrance is non-compliant • This proposal will be detrimental to neighbouring properties on Balmoral Avenue and Harberton Park • It will cause increased traffic to the Balmoral Avenue access, both from residents and service vehicles, onto an already a very busy road. • already difficult to access properties on Balmoral Avenue between Balmoral Avenue access road and the Harberton Park/Balmoral Avenue junction with the current volume of traffic. • Concerns about nursery traffic already utilizing the Balmoral Avenue access road for drop offs and parking, despite agreement from site developers that Lisburn Rd access would be used.
--	--

	• Area becoming very built up residential area, which is not alignment with the previous proposal of a mixed use site. • Additional noise, pollution and privacy concerns. • Impact of another large building does not fit in with the established character of this area. Impact on the quiet residential area of Balmoral which has enjoyed a green and leafy lifestyle. • Concerns regarding traffic impact/Traffic will have a serious environmental impact on this residential four blocks of apartments leading up from Balmoral Avenue. • Impact (of another large building) on the established character of a neighbourhood. • Adverse environmental effects from traffic. • The ethos of the Kings Hall development is of Health and Well-being of the older person in particular. The addition of a further 40 no. residential units is contributing to an overpopulated and increased density of the area together with the ensuing environmental pollution of any associated increase in traffic. Number of residential units is excessive, request for a marked reduction in the number. • The proposed increased number of residents would also place increased loading on the water and energy systems of the already large site. • Kings Hall Lane is occupied by elderly drivers who have to reverse out from parking onto a newly busy road • Problems with cars being parked on Kings Hall Lane • Existing difficulties with cars exiting Balmoral Avenue and turning right. An additional 40 units would cause severe congestion.
4.5	Planning Assessment Application Background
4.5.1	The application site forms part of the wider King's Hall complex for which an indicative masterplan has been submitted (as set out below) for the comprehensive redevelopment of the overall site. This masterplan has no official status but has been used as a framework for ongoing development on the wider site.
4.5.2	As set out above under 'Planning History' planning permission has been previously granted for a number of elements within the complex including the restoration of and extension to the listed King's Hall (Phase 1) (Plots 1 & 2 - LA04/2018/0040/F) with associated listed building (LA04/2018/0048/LBC) and conservation area consents (LA04/2018/0047/DCA). Planning permission has also been granted for a variation of condition (LA04/2020/0747/F) to the car parking layout to facilitate the approved relocation of a day nursery on the site (Plot 7 - LA04/2019/2848/F). In addition, permission has been granted for 16 independent living units with associated landscaping, parking and access off Balmoral Avenue (Plot 5 - LA04/2019/1254/F). These units are now occupied. Permission was granted for 81 apartments (under construction) (no matters reserved), a multi-storey car park with ancillary commercial uses, medical/health facility and apartments. Permission has also been granted for a Care Home on the current application site (Plot 4 - LA04/2019/2989/F). The current application is considered a standalone application in its own right within the King's Hall complex and is not dependent on other development on the wider site.



4.6 Key Issues

4.6.1 The key issues to be considered in the assessment of this application are:

- Principle of development
- Impact on the Conservation Area
- Height, Scale, Massing, Design, Layout and Materials
- Impact on surrounding amenity
- Impact on the setting of the listed King's Hall
- Landscaping
- Access, Movement and Parking
- Environmental (Contamination, Noise, Air Quality)
- Drainage

An assessment of the above issues is set out below.

4.7 Development Plan Context

4.7.1 Section 6(4) of the Planning Act (Northern Ireland) 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.

4.7.2	The adoption of the Belfast Metropolitan Area Plan (BMAP) in 2014 was declared unlawful as a result of a judgement in the court of appeal delivered on 18 May 2017. This means that the Belfast Urban Area Plan 2001 (BUAP) provides the statutory plan context for the area.
4.7.3	Draft BMAP 2015 (v2014), in its most recent, post-examination form remains a significant material consideration when making planning decisions. It was at the most advanced stage possible prior to adoption. However, in assessing this application regard is also had to the provisions of draft BMAP 2015 which was published in 2004 (v2004).
4.7.4	<i>Belfast Urban Area Plan 2001 (BUAP)</i> Within the BUAP the site is unzoned land within the development limit of Belfast.
4.7.5	<i>Draft BMAP (2004 and 2014) designations</i> In dBMAP (v2004) the site is unzoned land within the Belfast Metropolitan/Settlement Development Limit. In dBMAP (v2014) the site is also unzoned land within the Belfast Metropolitan/Settlement Development Limit.
4.7.6	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.
4.8	Principle of Development/ Policy Consideration of Proposed Uses
4.8.1	Policy SFG2 of the RDS seeks to grow the population of the City of Belfast. Policy SFG3 of the RDS seeks to enhance the role of Belfast City Centre as the regional capital and focus of administration, commerce, specialised services and cultural amenities.
4.8.2	The SPPS sets out five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. The SPPS states at paragraph 1.13 (page 7) that a number of policy statements, including PPS3, and PPS7 remain applicable under 'transitional arrangements.
4.8.3	Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-17 highlight the importance of creating shared space, whilst paragraphs 4.23-27 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported.
4.8.4	The primary use of the site is for residential development. The site is not zoned for any specific use in draft BMAP or the BUAP and the proposed residential use does not conflict with the development plan or planning policy context. Furthermore, a number of residential developments have been approved and one enacted to date while another is under construction within the wider King's Hall complex. Residential developments abut the site to the north along King's Hall Lane, to the north-east along Harberton Road and the south/south-west in Harberton Crescent. The proposed

	residential use is considered compatible with surrounding existing land uses and acceptable in principle. Further consideration of the residential scheme against PPS 7 and the SPPS is set out below.
4.8.5	Two ground floor commercial units are proposed comprising 482 sqm. Supporting documents indicate that the proposed uses would fall with Class A1: Shops and Class A2: Financial, professional and other services which are main town centre uses. The policy considerations for proposed retail development is set out below.
4.8.6	The SPPS introduces new retail policy under 'town centres and retailing' at pages 101-105, replacing previous considerations within Planning Policy Statement 5. Paragraph 6.270 states that <i>'the aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS.'</i>
4.8.7	Paragraph 6.273 states planning authorities must adopt a town centre first approach for retail and main town centre uses. Paragraph 6.280 states that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date LDP. Where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused. In this case there is not an up-to-date LDP and a sequential test is not required for this application.
4.8.8	Paragraph 6.281 requires applications for main town centre uses to be considered in the following order of preference (and consider all of the proposal's catchment): - primary retail core; - town centres; - edge of centre; and - out of centre locations, only where sites are accessible by a choice of good public transport modes.
4.8.9	No guidance has been published to date by DFI to assist in interpretation and application of SPPS policy.
4.8.10	Paragraph 6.97 of the SPPS states that "planning authorities should generally adopt a positive and constructive approach to determining applications for appropriate sustainable economic development informed by the provisions of the LDP, the SPPS and all other material planning considerations. Where proposals come forward on land not identified for economic development through the LDP, the planning authority must consider and assess the proposal against a wide range of policy considerations relevant to sustainable development, such as integration with transportation systems (particularly public transport), synergy with existing economic development uses, and use of previously developed land or buildings."
4.8.11	BMAP strategic retail policy for Belfast is set out at pages 54-58 Part 3 volume 1 and page 28 part 4 volume 2. The BMA retail strategy seeks to: - promote Belfast City Centre as the leading shopping centre in the Plan Area and Northern Ireland; - Outside City and Town Centres the nature and scale of retail development is to be controlled in order to protect the vitality and viability of the city and town centres and

	retail development to be focused on designated District Centres, Shopping / Commercial Areas and Designated Commercial Nodes on designated Arterial Routes and designated Local Centres.
4.8.12	The nature and scale of the proposed commercial units is not considered significant nor would they adversely impact on the vitality and viability of existing protected centres but rather serve a local retail/business function. The site is well served by public transport with Balmoral Station in close proximity and an established bus route along the Lisburn Road/Upper Lisburn Road. The principle of retail/services development is considered acceptable at this location.
4.8.13	An objection received raised concerns that the King's Hall development was now progressing to a largely 'residential development' rather than a 'mixed use development' as originally described. The site is not zoned for a specific use in the relevant development plans and the proposed use is assessed on its own merits. Notwithstanding, the overall King's Hall complex currently has medical related uses (Data works/ Diaceutics and Spa Medica Hospital), a childrens' day nursery and housing on the site. Furthermore, other planning approvals include residential (Plots 3 and 6), multi-storey car park with retail development at ground floor level (Plot 8) and Medical/Health Services (Plot 9) which will provide for a mixed-use complex.
4.9	Height, Scale, Massing, Design, Layout and Materials
4.9.1	The proposal has been assessed against the SPPS and Policy QD1 of Planning Policy Statement 7.
4.9.2	Policy QD1 of PPS7 states that <i>'Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area'</i> Furthermore, <i>'All proposals for residential development will be expected to conform to all of the following criteria:'</i> <i>a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;</i>
4.9.3	The proposal development is essentially 'C' shaped with the primary frontage terminating views along the internal spine route/Plaza from Upper Lisburn Road with wings extending either side towards the boundaries with Harberton Park and Harberton Crescent respectively. The two primary elevations of the building address both the key spine route alongside the King's Hall as well as the geometry of Balmoral Avenue. A hierarchy of elevational treatment has been applied to these facades through a rhythm of projecting bays and the use of red clay facing brick with dark grey aluminium windows and spandrels alongside sections of reconstituted stone. The building also incorporates pitched tiled roof forms and feature chimney stack elements, both of which nod to characteristics of neighbouring residential architecture. The fulcrum point at which both elevations meet has been purposefully designed as the primary residential entrance to the building and contributes to its overall legibility.
4.9.4	The ground floor commercial units are located on the primary elevation fronting the proposed plaza (approved under planning approval LA04/2020/0845/O). The massing of the proposal is not considerably different from the previously approved four storey

	care home on the site with the eaves and ridge height consistent with the previous approval on the site. The primary elevation is 15.16m high to the ridge and 17.6m at the highest point (top of chimney stacks) with the block extending to the east and west of the central corner feature. The extended western arm of the building drops from four storeys (max. height 15.8m) to three storeys (max height 12m) towards the southern/south-western boundary.
4.9.5	The site is set back within the overall King's Hall complex and the development proposes a building of suitable civic presence and articulation, which reflects its prominent location terminating views along the spine route from the main entrance to the site off Upper Lisburn Road.
4.9.6	Chimneys frame the corner feature on the primary elevations and are also proposed at either end of the primary elevations. The chimney stacks which are slim in profile, will sit below the upper parapet height of the listed King's Hall and are considered to add visual interest to the overall design.
4.9.7	Secondary rear/side facing elevations comprise a light grey clay facing brick at ground floor level with white painted render to upper floors which the Urban Design Officer considers will result in a contrasting, lighter and yet more intimate character when compared to the red brick public facing facades. The rear elevation facing onto the internal courtyard comprises projecting balconies with PPC aluminium white vertical louvre screens along half of the length of the balcony to provide privacy screening and metalwork planters along the remaining half with metal railings above. Projecting balconies are also proposed on the end of the rear blocks. Openings vary in size across the rear elevations providing an appropriate solid to void ratio and are proposed to be finished in dark grey uPVC. Separation distances (28m to Harberton Hall and between 38m and 45m to the nearest properties in Harberton Crescent) between the balconies and rear of properties in adjoining plots are considered sufficient. Existing boundary treatments and proposed planting along the site boundary in combination with the adequate separation distances will ensure no adverse impact on the amenity of adjoining residential neighbours.
4.9.8	The western/north-western boundary which abuts Plot 06 is finished in a similar manner to the rear elevations. Privacy screens have been incorporated into the design and extend along two thirds of the length of the balcony with metal planters and railings for one third of the length. The screens/louvres are proposed to be angled to maximise south facing light and to mitigate overlooking into proposed apartments on Plot 06.
4.9.9	The internal courtyard provides communal amenity provision and an attractive outlook for prospective occupiers. Proposed materials complement those used to the front of the building, including paving flags to patios and pathways and resin bound to more intimate gathering spaces. Large picnic benches allow for informal outdoor gathering and dining while the lounge patio provides a more formal outdoor dining space while an additional seating area with timber pergola to the north of the courtyard optimises the warmer south facing aspect. The landscape plan proposes a mix of semi-mature, ornamental shrub planting, hedge planting and bulb planting provides for a range of textures and ensures seasonal interest throughout the year. A generous shared resident's lounge opens out directly onto the courtyard.
4.9.10	The Urban Design Officer considers that scale, height and massing generally align with the approved permission which assessed relationships between multiple buildings across the wider King's Hall site and is considered appropriate to the surrounding context. The scale, height, massing, design and layout of the proposed development is

	comparable to that approved under planning approval LA04/2019/2989/F and is considered appropriate to the character of the area and respects the surrounding context and complies with criterion (a) of Policy QD 1, PPS 7.
4.9.11	The Urban Design Officer considers that the depth of the proposed development plan has been designed to maximise natural light to penetrate the building, with rooms placed either side of a shared internal corridor. Each of the proposed apartments has an outlook to the side, front, rear or internal courtyard of the proposed block which is acceptable providing for passive surveillance of the parking and open space areas. The apartments comprise 21, 2 bed apartments which range from 91 to 94 sqm and 19, 3 bed apartments which range from 124 to 138 sqm. All of the apartments exceed the recommended space standards as set out in PPS 7 and the draft LDP. <i>b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;</i>
4.9.12	The site sits adjacent to the listed King's Hall building. HED consider that the development is far enough away from the listed building as to have minimal impact on the setting of the listed King's Hall and that it uses sympathetic materials and techniques which respects the listed building. It is considered that the scale and design of the proposed building will allow the listed King's Hall to retain its primacy within the site and the proposed development will not adversely impact on the setting of the listed King's Hall. See Impact on Listed Building paragraph 4.1.4 below). The site does not lie within an area of archaeological potential and there are no archaeological or built heritage on the site.
4.9.13	There are no landscape features on the site at present and therefore no impact on existing trees/hedges within the site. Proposals include hard and soft landscaping for the site which comprise paving around the perimeter of the building and within part of the parking area, buffer, shrub and tree planting along the site boundaries and within the courtyard. <i>c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;</i>
4.9.14	Policy OS 2 of PPS 8 (Open Space, Sport and Recreation) states that 'The Department will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development' and that 'A normal expectation will be at least 10% of the total site area.' Policy OS 2 also states that 'An exception to the requirement of providing public open space will be permitted in the case of apartment developments or specialised housing where a reasonable level of private communal open space is being provided.'
4.9.15	All of the apartments have private amenity space in the form of a private garden at ground floor level or balconies at upper levels ranging from 11sqm to 230sqm per apartment. In some cases apartments benefit from two balconies. In addition, communal amenity space is provided in the form of the courtyard. The average level of private amenity provision per apartment is 63sqm and significantly exceeds the recommended standards of between 10 and 30sqm per apartment as set out in Creating Places. A residents' lounge is also proposed at ground floor level with access to the internal courtyard. Given the generous level of amenity space proposed it is considered that the

	proposed development meets the exception test set out in Policy OS2. In addition, there are a number of public open space areas in close proximity to the site including the existing pocket park within the King's Hall complex and Musgrave Park.
4.9.16	The landscaping proposals include 90 new trees to be located throughout the site proposing a mix of trees which will help provide screening and visual amenity as well as promoting biodiversity. The landscaping proposals will serve to soften the impact of the development and provide a framework around and within the amenity areas proposed for residents.
4.9.17	The Tree Officer considers that the proposed landscaping will help enhance the site area and link into surrounding trees and proposed landscaping within the context of earlier phases of development on the King's Hall site and that when the proposed trees establish and develop a natural shape over time, they could help provide visual amenity offering, contribute to privacy aspects and promote biodiversity. The Tree officer has no objections to the proposed landscaping subject to conditions.
4.9.18	The proposal complies with the recommended standards set out in Creating Places and Policy OS 2, PPS 8 and complies with Policy QD1 criterion (c), PPS 7.
	<i>d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;</i>
4.9.19	Given the size of the development local neighbourhood facilities are not required to be provided and therefore criterion (d) of Policy QD 1 does not apply to the development. The development is well located to avail of existing neighbourhood facilities/amenities in the area such as recreational facilities (Musgrave Park), schools, community facilities and retail developments (Lisburn Road Arterial route/Boucher Road). Notwithstanding 2 commercial units are proposed within the development which would serve local needs.
	<i>(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;</i>
4.9.20	A network of pedestrian paths/footpaths will be provided within the Kings' Hall complex and will be further expanded as the site is developed. These footpaths will provide direct access to Balmoral Avenue and Lisburn Road facilitating convenient and accessible access by all to public transport including metro services along the upper Lisburn Road and Balmoral Train Stop. The existing paths will enable ease of movement for pedestrians and cyclists linking to the network of adjoining streets/roads. Cycle parking is proposed within the development and supports alternative modes of transport. Existing traffic calming measures in the form of speed bumps are provided along the access from Balmoral Avenue to the site i.e. along Kings Hall Lane. The proposal complies with Policy QD1 criterion (e).
	<i>(f) adequate and appropriate provision is made for parking;</i>
4.9.21	The existing approved access from Balmoral Avenue is proposed to access the development. Fifty-one parking spaces including 4 disabled spaces along with parking of 42 cycles are proposed on site.
4.9.22	An objection was received regarding the under provision of car parking associated with the development. The Transport Assessment sets out the required parking level under the 'Parking Standards' and indicates that 67 spaces would be required for the

	residential units and 26 for the commercial units (93 in total). Policy AMP 7 states that <i>'Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic'</i> The policy goes on to set out a number of instances where a reduced level of car parking may be acceptable which include <i>'where, through a Transport Assessment, it forms part of a package of measures to promote alternative transport modes; or where the development is in a highly accessible location well served by public transport;'</i> A total of 51 spaces are proposed to serve the development. Green Travel measures set out in the Travel Plan including the provision of a travel card for each unit for 3 years and discounted membership of a car club are proposed to support the reduced level of parking. The site is well served by public transport with the Balmoral Train Station close by and Metro bus services operating frequently along the Lisburn Road. DFI Roads has raised no objection to the level of parking on the site. The proposed level of parking is considered acceptable and compliant with Policy AMP 7.
4.9.23	An objection raised concerns that the roadway entrance from Balmoral Avenue is non-compliant. An enforcement investigation has been opened regarding this matter and is ongoing. Notwithstanding, DFI Roads has raised no objection to the use of the existing Balmoral Avenue access to serve this development.
4.9.24	An objection raised concerns regarding the unpredictability of further changes which may permit additional users of Balmoral Avenue access. Any traffic impacts of further applications, if received will be assessed taking into account existing and committed developments and each application will be considered on its own merits.
4.9.25	A further objection point raised concerns regarding the lack of management within the development to prevent unauthorised users to enter/egress the site via Balmoral Avenue access. The Balmoral Avenue access is provided to serve the approved 16 independent living units, and restricted access to the King's Hall (Phase 1). The internal road (King's Hall Lane) will be private i.e. will not be adopted by DFI Roads and will be the responsibility of the developer/applicant to manage/maintain. A condition is attached to the Phase 1 approval stating that <i>'There shall be no vehicular through route between the Lisburn Road access and the Balmoral Avenue access except to permit servicing. The access is to be controlled by a permanent barrier under 24 hour control.'</i> A barrier is in place at the entrance to the King's Hall Phase 1 site to limit access and vehicular access to and parking for the nursery is via the Lisburn Road entrance.
4.9.26	A point made in an objection raised concerns regarding how the right-hand turn ban on traffic exiting Balmoral Avenue is to be managed. Failure to adhere to road traffic restrictions would be an enforcement matter for the PSNI.
4.9.27	Concerns have also been raised regarding the impact on the Balmoral Avenue access of additional traffic generated as a result of the development and difficulties exiting from that access and turning right. The upgraded access from Balmoral Avenue has been through a rigorous assessment by DFI Roads including a safety audit as part of the previous approval on the site (Ref:LA04/2018/0040/F) and the subsequent discharge process (Ref: LA04/2019/2972/DC).

4.9.28	DFI Roads has considered the objections received insofar as they relate to carparking and traffic management/impact and has raised no objection to the access or parking arrangements for the proposed development subject to conditions. The proposal is therefore considered compliant with PPS 3 and criteria (e) and (f) of Policy QD 1, PPS 7. <i>(g) the design of the development draws upon the best local traditions of form, materials and detailing;</i>
4.9.29	Materials along primary elevations include red clay facing brick (also along part of the side blocks), PPC dark grey aluminium windows, doors and louvres dark grey galvanised and PPC metalwork gates. Finishes to the rear and side of the blocks include white/light grey clay facing brick, white and dark grey render/pre-cast concrete, dark grey PVC doors and windows, white galvanised and PPC steel balconies aluminium louvres, white galvanised and PPC metalwork planters, balustrades and balconies. The materials will complement existing built development on the King's Hall site and HED consider that the materials are sympathetic to the listed King's Hall. The proposal is considered to comply with criterion (g) of Policy QD 1, PPS 7. <i>h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;</i>
4.9.30	There is an established residential development located to the east and south of the proposed development. A new residential development within the King's Hall site has now been constructed and is occupied and abuts part of the northern boundary of the site. Boundaries with Harberton Park are defined by a wall with mature trees within Nos. 23 and 25 Harberton Park. Concerns have been raised regarding the proximity of the proposed development to existing dwellings on Harberton Park. Separation distances between the rear of the nearest property at 25 Harberton Park to the proposed development is 43.5m. The separation distance along with existing mature planting within the curtilage of No. 25 and 23 Harberton Park and existing boundary walls along with proposed planting along the eastern boundary of the site are considered adequate to ensure no adverse impact on the amenity of adjoining existing neighbours on Harberton Park in terms of overlooking, overshadowing and loss of privacy.
4.9.31	The separation distance between the recently constructed dwellings within the King's Hall (on King's Hall Lane) and the proposed dwellings ranges between 30.7m and 31.5m. Proposed planting on either side of King's Hall Lane along with the separation distances are considered adequate to ensure no impact on the amenity of these properties. The separation distance between the rear of the closest existing dwellings to the south at Harberton Crescent and the proposed development (3 storeys) is 40.1m and is considered adequate to ensure no adverse impact on neighbouring amenity. The separation distance between the proposed dwelling and the adjacent Harberton Hall is 28m and is considered adequate. The separation distance between the proposed development and the proposed residential development on Plot 06 ranges from 13.75 to 18.9m and is considered acceptable. Tilted louvres on balconies have been proposed to mitigate overlooking into proposed apartments on Plot 06. The separation distances between the proposed development and adjacent existing neighbours are generally in accordance with Creating Places and are considered acceptable in this urban location.
4.9.32	The proposed commercial units on the ground floor have separate access and servicing routes and will provide active ground floor uses fronting onto the plaza. Environmental Health recommend conditions regarding the hours of uses of the commercial units and associated outdoor seating area to ensure no adverse impact on the amenity of existing

	and prospective occupants. It is considered that the proposed commercial uses do not conflict with the residential use.
4.9.33	The Urban Design Officer considers that the building footprint has been purposefully set back from site boundaries to reduce any impact to adjoining properties. It is considered that the proposed development will not create and adverse impact on the existing adjacent land uses and therefore complies with criterion (h) of Policy QD 1, PPS 7.
4.9.34	An objection raises concerns that the proposal impacts on the established character of a neighbourhood. The impact of the development on the neighbouring properties both within the King's Hall site and in the surrounding context have been considered and the proposed development is considered acceptable and compliant with PPS 6, PPS 7 and the SPPS. <i>i) the development is designed to deter crime and promote personal safety.</i>
4.9.35	The proposed development will allow the parking and communal open space areas to be overlooked providing surveillance and a secure environment and promoting the safety of prospective occupiers and therefore complies with criterion (i) of Policy QD 1, PPS 7.
4.10	Impact on the setting of the Listed King's Hall
4.10.1	The proposed site falls within the setting of the listed King's Hall and paragraph 6.12 of the SPPS and Policy BH 11 (Development affecting the Setting of a Listed Building) of PPS 6 apply.
4.10.2	Policy BH 11 states that the Council will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met: (a) The detailed design respects the listed building in terms of scale, height, massing and alignment (b) The works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and (c) The nature of use proposed respects the character of the setting of the building
4.10.3	When viewed from the Lisburn Road access point the building will be read in association with the Listed King's Hall. It is considered that there is sufficient distance (approximately 100m) between the listed King's Hall and the proposed building and in addition a development plot is located between both (see indicative masterplan above) ensuring that the listed King's Hall will retain visual prominence.
4.10.4	HED consider that the development is far enough away from the listed building as to have minimal impact on the setting of the listed King's Hall and that it uses sympathetic materials and techniques which respects the listed building.
4.10.5	It is considered that the scale and design of the proposed building will allow the listed King's Hall to retain its primacy within the site and the proposed development will not adversely impact on the setting of the listed King's Hall. The proposed development therefore complies with Policy BH 11 and Section 91 of the Planning Act (Northern Ireland).

4.11	Impact on the Conservation Area
4.11.1	The site boundary abuts the Malone Conservation Area adjacent to Nos. 23 and 25 Harberton Park and at the entrance from Balmoral Avenue access. There is no change proposed to the existing boundary treatment to the rear of Nos. 23 and 25 Harberton Park or at the Balmoral Avenue access. Additional planting along the boundary with Nos. 23 and 25 Harberton Park is proposed as part of the development.
4.11.2	The proposed access arrangement at the junction of Balmoral Avenue has been established through planning approval LA04/2018/0040/F. A condition of that permission requiring full engineering details to be submitted to and approved in conjunction with DFI roads at this junction has been discharged by the Council (Ref: LA04/2019/2972/DC). Number 29 Balmoral Avenue which was within the Malone Conservation Area has been demolished in line with the associated Conservation Consent approval (LA04/2018/0047/DCA). On this basis there is no conflict with Policy BH 14 (Demolition in a Conservation Area) of PPS 6, paragraph 6.18 of the SPPS and Section 104 of the Planning Act (Northern Ireland) 2011. It is considered that the character and appearance of the Conservation Area will be preserved at this location.
4.12	Other Matters
4.12.1	An objection raised concerns that a sign outside the approved nursery advertising a 'Coffee Pod'. An enforcement investigation has been carried out regarding this matter. The coffee facility is ancillary to the nursery and is only available to those using the nursery. No enforcement action is considered necessary.
4.12.2	Concerns were raised about nursery traffic using the Balmoral Avenue access road for drop offs and parking, despite agreement from site developers that Lisburn Rd access would be used. The access to the nursery is via the Lisburn Road and no vehicular access to the nursery is available from Balmoral Avenue as there is a barrier in place to control traffic from Balmoral Avenue. It is noted that a sign is erected at the Balmoral Avenue entrance which advises 'No Entrance for Nursery Traffic' which provides a clear direction that the Balmoral Avenue access does not serve the nursery.
4.13	Environmental Matters (Drainage, Contamination, Noise, Air Quality)
	Drainage
4.13.1	The application is supported by a Drainage Assessment. The proposal has been considered against policies FLD 1-5 of Revised PPS15. DFI Rivers have raised no objections under Policies FLD 1, 2, 3, 4 and 5.
4.13.2	An objection raised concerns that the proposed increased number of residents would place increased loading on the water and energy systems of the already large site. NI Water raise no objection to the proposed development and advise that there is available capacity at the Waste Water Treatment Works and that there is a public foul sewer, surface water sewer and water main within 20m of the proposed development boundary which can adequately service these proposals (subject to obtaining approval to connect from NI Water).
	Contamination
4.13.3	The application is supported by a Land Contamination Assessment which has been considered by both DAERA, NIEA and Environmental Health. Neither have raised objections and both have provided conditions/informatives if permission is granted.

4.13.4 4.13.5 4.13.6 4.13.7 4.13.8 4.13.9	Noise A Noise Impact Assessment (NIA) was submitted with the application. Objections raised concerns regarding the impact of noise from additional traffic on No. 27 Balmoral Avenue and that the traffic will have a serious environmental impact on the residential four block of apartments leading from Balmoral Avenue and that the development would have serious environmental effects. Environmental Health has assessed the cumulative traffic movement noise impact and note that the Noise Impact Assessment submitted predicts that the cumulative noise impact associated with Plot 4 and approved Plots, 1,2, 4 and 5 using the new access road will not result in a significant increase in noise level associated traffic movements. Environmental Health highlight that the high existing noise level presented within the NIA at existing receptors including the objector at 27 Balmoral Avenue is based on levels with the neighbouring property adjacent to No. 27 Balmoral Avenue having already been demolished and which was the subject of an earlier Phase 1 approval for the development site. Environmental Health notes that there is a current planning application for a proposed boundary wall to the side boundary of No. 27 Balmoral Avenue and hope that this application being approved would provide a significant degree of noise mitigation. The application referred to (LA04/2022/1803/F) has been approved and officers consider that taking account of EH comments the construction of the wall will provide a significant degree of noise mitigation at No. 27 Balmoral Avenue. Environmental Health has also considered the impact of ground floor commercial uses including noise from patrons using the associated outdoor seating and associated plant and advise that Planning Service should consider if it is acceptable that private amenity areas (balconies above) be exposed to noise levels associated with the use of the outdoor seating areas. Environmental Health also recommend that the use of the seating areas is restricted by condition to between 8am and 3pm Monday to Friday and 10.00 am to 3pm on Saturdays and Sundays. Officers consider that the proposed conditions restricting the use of the seating areas would minimise any noise impact on amenity areas/prospective occupants along the primary (north-eastern and north - western) elevations. In addition, there is a significant communal amenity area to the rear of the building which occupants would benefit from along with an internal residents' lounge both offering a variety of alternative amenity provision for prospective occupants. Environmental Health recommend a number of conditions to mitigate noise impact which are set out below. Construction Impacts Environmental Health recommend a condition requiring the submission of a final Construction Environmental Management Plan (CEMP) prior to commencement of the development to control potential adverse effects associated with noise, dust and vibration during the construction phase of the development. Air Quality The application is supported by an Air Quality Impact Assessment (AQIA). Concerns were raised regarding the impact of pollution from additional traffic at No. 27 Balmoral Avenue. The AQIA has concluded that the impact of road vehicle exhaust emissions from the operation of the proposed development on local air quality is predicted to be not significant. Environmental Health has reviewed the AQIA and concludes that estimated transport emissions, as a result of the proposed development, are likely to have a negligible impact on nitrogen dioxide and particulate matter concentrations in
---	---

	the local area and therefore has no objection on Air Quality grounds subject to a condition regarding the installation of combustion plant.
4.14	Developer Obligations
4.14.1	Para 5.69 of the SPPS states that ' <i>Planning authorities can require developers to bear the costs of work required to facilitate their development proposals.</i> ' Relevant further guidance is provided by the Council's Developer Contribution Framework, adopted in 2020.
4.14.2	Green Travel Measures in the form of a travel card for each apartment for a period of 3 years and provision of discounted membership of a car club (50%) for a period of 3 years are proposed to support the proposed development. In addition, the management of the communal open space areas will be secured via the Section 76 Agreement.
4.14.3	The planning obligations will be included as part of the planning permission by means of a Section 76 planning agreement and complies with the adopted Developer Contributions Framework and the SPPS. Delegated authority is requested to finalise the S76.
Neighbour Notification Checked Yes	
Summary of Recommendation: Having regard to the development plan, relevant policy context and other material considerations including the objections and the extant permission on the site for a similar scaled development, the proposed development is considered acceptable and it is recommended that full planning permission is granted subject to conditions and a Section 76 to secure green travel measures and management of open space. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 and any other issues which might arise.	
Draft Conditions: 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. No external finishes 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 finishes. Reason: In the interests of the character and appearance of the area. 3. Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 and Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting those orders with or without modification), the commercial units hereby	

approved shall not be used other than for Classes A1 and A2 of the Planning (Use Classes) Order (Northern Ireland) 2015 and shall not be used for any other purpose without express planning permission.

Reason: Alternative use requires further consideration by the Council, having regard to the Local Development Plan and relevant material considerations.

4. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; a landscape management and maintenance plan shall be submitted to and approved in writing by the Council. The management plan should be prepared by a qualified and experienced arboricultural consultant and should include the following elements:
 - a) A statement of the overall design vision for landscaping scheme.
 - b) Type and frequency of management operations to achieve and sustain canopy, understorey and ground cover, and to provide reinstatement including planting where tree loss or vandalism occurs.
 - c) Frequency of safety inspections, which should be at least three yearly in areas of high risk, less often in lower risk areas
 - d) Confirmation that the tree pruning work is carried out by suitably qualified and insured tree contractors to British Standard 3998 (2010).

The development shall be carried out in accordance with the approved details.

Reason: Required to ensure that future landscaping within the site is satisfactorily safeguarded, managed and maintained in the long term /in perpetuity in the interest of nature conservation and the visual amenity of the area.

5. All landscaping works shall be carried out in accordance with the approved details on Drawing No. 15B – Landscape Plan published by the Council on 27. 10.2022. The works shall be carried out prior to the completion of the development unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme 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.

Reason: In the interests of the character and appearance of the area.

6. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any trees or planting indicated on the approved drawings 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.

Reason: In the interests of visual amenity.

7. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the RPA of trees within the site and adjacent lands during the construction period.

Reason: To avoid compaction within the RPA of existing trees to be retained.

8. Prior to installation, the final window schedule shall be submitted to and agreed in writing by the Council. The final window schedule shall detail the glazing configuration and associated sound reduction performance for the windows proposed to habitable rooms on all facades and floors of the hereby permitted development. The final window schedule shall be in line with the sound reduction performance deemed necessary in section 5.1.1 of the Irwin Carr letter dated 23rd February 2023 referenced Lt 001N 2021256 (King's Hall – plot 4). The development shall be carried out in accordance with the approved details.

Reason: Protection of residential amenity.

9. Prior to installation, confirmation of the specification of alternative means of ventilation shall be submitted to and agreed in writing by the Council. The specification shall be in line with the specification deemed necessary within section 5.1.2 of Irwin Carr letter dated 23rd February 2023 referenced Lt 001N 2021256 (King's Hall – plot 4). The specification submitted shall demonstrate that the system, if mechanical and when operating in standard operating duty, and/or where acoustically attenuated vents are to be installed and in the open position, will not compromise the recommended internal noise levels of habitable rooms outlined in British Standard BS8233:2014. The development shall be carried out in accordance with the approved details.

Reason: Protection of residential amenity.

10. Prior to occupation of the hereby permitted development, the approved final window schedule and approved alternative means of ventilation shall be installed.

Reason: Protection of residential amenity.

11. Prior to occupation of the hereby permitted development, the developer shall verify that the window schedule and alternative means of ventilation as approved have been installed by way of a written declaration from the supplier and installation contractor confirming such installation.

Reason: Protection of residential amenity.

12. Prior to occupation of the hereby approved development, the separating floor between ground floor commercial units and first floor residential units shall be constructed in line with or equivalent to the details presented in section 5.1.3 and appendix A of the Irwin Carr letter dated 23rd February 2023 referenced Lt 001N 2021256 (King's Hall – plot 4).

Reason: Protection of residential amenity.

13. Prior to operation of any plant and equipment associated with the ground floor commercial units, the plant room to the hereby approved development shall incorporate the mitigation measures identified in section 5.1.4 of the Irwin Carr letter dated 23rd February 2023 referenced Lt 001N 2021256 (King's Hall – plot 4).

Reason: Protection of residential amenity.

14. The ground floor commercial units shall not operate outside of the hours of 07:00hrs to 23:00hrs Monday to Saturday or outside of 09:00 to 22:00hrs on a Sunday.

Reason: Protection of residential amenity.

15. No deliveries to or commercial collections from the hereby approved commercial units shall take place outside of the hours of 07:00 to 23:00hrs Monday to Friday or outside of the hours of 10:00-22:00hrs on a Saturday or Sunday.

Reason: Protection of residential amenity.

16. The external seated area to the front of the ground floor commercial units shall only be permitted for use between the following hours:

- Between 08:00 - 15:00hrs Monday to Friday;
- Between 10:00 – 15:00hrs on a Saturday;
- Between 10:00 – 15:00hrs on a Sunday.

Reason: Protection of residential amenity.

17. Prior to commencement of development on site, including demolition, site clearance or site preparation, a final Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Council. The CEMP shall include measures to control noise, dust and vibration during the demolition / construction phase, demonstrating the use of 'best practicable means'. The CEMP shall demonstrate that dust, noise, and vibration levels will not have an adverse impact on nearby premises (including commercial premises).

The CEMP must also have due regard to Parts 1 and 2 of BS 5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites, Noise and Vibration. Dust management measures should be identified and implemented in accordance with the *IAQM Guidance on the Assessment of Dust from Demolition and Construction* dated February 2014 version 1.1. The CEMP and associated records must be made available to the Environmental Protection Unit at any time upon request.

Reason: Protection against adverse construction impacts.

18. In the event that centralised combustion sources (boilers, CHP or biomass) are proposed and there is a risk of impact at relevant human receptor locations as per the indicative criteria detailed within the Environmental Protection UK and Institute of Air Quality Management, Land-use Planning & Development Control: Planning For Air Quality (January 2017), a revised Air Quality Impact Assessment shall be submitted to and approved in writing by the Council prior to the installation of the combustion plant. The assessment shall include details of the combustion plant to be installed, to include emission rates and flue termination heights and it must demonstrate that there will be no exceedances of UK Air Quality Strategy objectives, associated with the proposed development, at relevant human receptor locations. The development shall be carried out in accordance with the agreed details.

Reason: In the interests of human health.

19. Prior to the occupation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the Brownfield Development Services report entitled 'Contaminated Land Risk Assessment, Plot 4 at the King's Hall Site, Belfast, BT9 6GW, Client: KH Residential Ltd, Report Reference: 59716-27, Report Date: January 2022' have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (residential with plant uptake). It must demonstrate that the identified human health contaminant linkages are effectively broken. The Verification

Report shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. In particular, this Verification Report must demonstrate that:

- a) All soft landscaped areas have been capped with at least 0.5m of soils that are demonstrably suitable for a residential with plant uptake end use.
- b) Gas protection measures commensurate with the Characteristic Situation 2 classification of the site have been installed within the entirety of the proposed development (Type B). In accordance with BS 8485:2015+A1:2019, these gas protection measures must provide a score of 3.5 and be verified in accordance with CIRIA C735.

Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.

- 20. If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related works shall cease immediately, and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health risks or risks to environmental receptors being identified, a Remediation Strategy and subsequent 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 in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health and the protection of environmental receptors to ensure the site is suitable for use.

- 21. In the event that piling is required, no development or piling work should commence on this site until a piling risk assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", has been submitted to and agreed in writing by the Council.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

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

Reason: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.

- 23. No residential dwelling shall be occupied until hard surfaced parking areas have been provided and permanently marked in accordance with the approved plan Drawing No. 02C – Proposed Site Plan (published by the Council on 27.10.22). These facilities shall be permanently retained.

Reason: To ensure acceptable parking facilities on the site.

- 24. No part of the commercial development hereby permitted shall become operational until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing, to provide for parking 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. The parking shall be made freely available without charge to all visitors.

Reason: To ensure adequate provision has been made for parking and traffic circulation within the site.

25. The development shall operate in accordance with the Service Management Plan (published by the Council 31.08.22).

Reason: In the interests of road safety and the convenience of road users.

26. The development shall operate in accordance with the Travel Plan Rev C (published by the Council on 23.09.22).

Reason: To encourage alternative modes of transport to the private car.

Notification to Department (if relevant): Not Required

Date of Notification to Department:

Response of Department:

Representations from Elected Members: None

ANNEX	
Date Valid	22nd March 2022
Date First Advertised	1st April 2022
Date Last Advertised	28th October 2022
Details of Neighbour Notification (all addresses) The Owner/Occupier, 11 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 13 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 15 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 17 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 19 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 2 Malone Park Lane, Belfast, Antrim, BT9 6NQ The Owner/Occupier, 21 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 23 Harberton Crescent, Belfast The Owner/Occupier, 23 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 25 Harberton Crescent, Belfast Gavin Gilbride, 25 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 27 Balmoral Avenue, Belfast, Antrim, BT9 6NW The Owner/Occupier, 27 Harberton Crescent, Belfast The Owner/Occupier, 29 Harberton Crescent, Belfast The Owner/Occupier, 3 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 31 Balmoral Avenue, Belfast, Antrim, BT9 6NW The Owner/Occupier, 4 Malone Park Lane, Belfast, Antrim, BT9 6NQ The Owner/Occupier, 5 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 6 Balmoral Avenue, Belfast, Antrim, BT9 6NW The Owner/Occupier, 7 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 9 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, Apartment 1, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim, The Owner/Occupier, Apartment 10, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim, The Owner/Occupier, Apartment 11, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim, The Owner/Occupier, Apartment 12, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim, The Owner/Occupier, Apartment 13, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim, The Owner/Occupier, Apartment 14, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim, The Owner/Occupier, Apartment 15, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim, The Owner/Occupier, Apartment 16, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim, The Owner/Occupier, Apartment 17, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim, The Owner/Occupier, Apartment 18, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim, The Owner/Occupier, Apartment 19, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,	

The Owner/Occupier, Apartment 2, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 20, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 21, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 22, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 23, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 24, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 25, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 26, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 27, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 28, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 29, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 3, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 30, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 31, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 32, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 4, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 5, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 6, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 7, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 8, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 9, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Dataworks, King's Hall Complex, Lisburn Road, Belfast
 The Owner/Occupier, Malone Kindergarten, Kings Hall Complex, Lisburn Road, Belfast.
 The Owner/Occupier, Apartment 1, King's Hall Lane, Belfast, BT9 6PS
 The Owner/Occupier, Apartment 2, King's Hall Lane, Belfast, BT9 6PS
 The Owner/Occupier, Apartment 3, King's Hall Lane, Belfast, BT9 6PS
 The Owner/Occupier, Apartment 4, King's Hall Lane, Belfast, BT9 6PS
 The Owner/Occupier, Apartment 5, King's Hall Lane, Belfast, BT9 6PS
 The Owner/Occupier, Apartment 6, King's Hall Lane, Belfast, BT9 6PS
 The Owner/Occupier, Apartment 7, King's Hall Lane, Belfast, BT9 6PS
 The Owner/Occupier, Apartment 8, King's Hall Lane, Belfast, BT9 6PS
 The Owner/Occupier, Apartment 9, King's Hall Lane, Belfast, BT9 6PS
 The Owner/Occupier, Apartment 10, King's Hall Lane, Belfast, BT9 6PS

The Owner/Occupier, Apartment 11, King's Hall Lane, Belfast, BT9 6PS The Owner/Occupier, Apartment 12, King's Hall Lane, Belfast, BT9 6PS The Owner/Occupier, Apartment 13, King's Hall Lane, Belfast, BT9 6PS The Owner/Occupier, Apartment 14, King's Hall Lane, Belfast, BT9 6PS The Owner/Occupier, Apartment 15, King's Hall Lane, Belfast, BT9 6PS The Owner/Occupier, Apartment 16, King's Hall Lane, Belfast, BT9 6PS	
Date of Last Neighbour Notification	22 nd December 2022
Date of EIA Determination	24th March 2022
ES Requested	No
Drawing Numbers and Title 01 – Site Location Plan 02C – Proposed Site Plan 03B – Ground Floor Plan 04A – First Floor Plan 05A – Second Floor Plan 06A – Third Floor Plan 07A – Elevations 01 and 02 08A – Elevations 03, 04 and 05 09A – Elevations 06-10 10A – Sections A-A, B-B, C-C and D-D 11A – Roof Plan 13A – Contextual Sections 14 - Proposed Cycle Store 15B – Landscape Plan 16B – Proposed Site Block Plan 17A – Contextual Sections 18 – Autotracks Refuse Vehicle Plan 19 – Autotracks Fire Tender Plan 20A – Plot 4 Proposed Road Layout	

Addendum Report

Development Management Report	
Application ID: LA04/2021/0319/F	Date of Committee: 14 th March 2023
Proposal: Proposed use of hard standing area as overflow car park with a free draining surface and soft landscaping scheme, to serve existing approved uses on-site.	Location: 115 Blacks Road, Belfast BT10 0NF - Lands to north of square golf training area east of the 3G Dome south of 45 and 46 Garnock Hill.
Referral Route: at the discretion of the Director of Planning and Building Control in accordance with paragraph 3.8.7 of the Scheme of Delegation	
Recommendation: Approval with conditions	
Applicant Name and Address: Colin Glen Trust 163 Stewartstown Road Dunmurry Belfast BT17 0HW	Agent Name and Address: Juno Planning 409 Lisburn Road Belfast BT9 7EW
ADDENDUM REPORT: This planning application was previously listed for Planning Committee on 14th February 2023. However, the application was withdrawn from the agenda in view of late information from the applicant. The late information is an email from the applicant's agent, dated 9th February 2023 and uploaded to the Planning Portal, which provides further justification for the proposed car park. The applicant's email states: <i>'The proposed overflow car park is part of the existing open space operations on the site and includes landscape planting. In this context we don't consider there to be a loss of open space. Notwithstanding, the removal of the overgrown vegetation was required to manage antisocial behaviour problems (of which Council and PSNI are both aware) and the provision of the overflow car park is required to support the 180,000+ members of the public who use the open space and recreation facilities every year; the re use and replanting of this area will therefore bring substantial community benefits that decisively outweigh the loss of the area of overgrown waste ground. It is notable that the overflow car park facilities are also used by people visiting the Council play parks on the access road where limited parking is provided, and that the Indoor Dome and Driving Range are both Council funded projects.'</i> Officers maintain that the area to which the application relates is Open Space in accordance with the PPS 8 definition. The Council's Physical Programme team has been asked to provide comments in relation to existing parking pressures in the area. In relation to the Council's play park, it states that at certain times of day the public park cars on the kerb beside the playground instead of parking in the car park and walking down. The photographs provided within the applicant's 'Car Park Analysis' from 3rd January 2023, as well as the CCTV images from the 8th and 15th January, are consistent with the response from the Physical Programme team in that cars are parking on kerbs in the area rather than existing	

spaces. The evidence demonstrates potential overspill from Colin Glen and other facilities in the area.

The applicant states that the provision of the overflow car park is required to support the members of public who use the open space and recreation facilities and the re use and replanting of this area would bring substantial community benefits that decisively outweigh the loss of the area of overgrown waste ground.

Whilst the condition of the area is not relevant under the definition of open space within PPS 8, it is evident there is a need for additional parking in the area and accepted that the proposed car park would support the function of Colin Glen and the community facilities provided within it.

Paragraph 5.8 of PPS 8 recognises that in relation to playing fields and sports pitches in urban areas, there may be exceptional circumstances where it is demonstrated that the retention and enhancement of the facility can only be achieved by the redevelopment of a part of the area. The redevelopment of the site is considered to support the Colin Glen Leisure facility and ensure adequate safe parking within. Whilst PPS 8 states that '*...applicants will generally be expected to demonstrate that their proposals are supported by the local community.*', in this case, given the evidence provided and nature of the issues, it is not considered that this is necessary.

In conclusion, given the evidence of need for the proposed car park, the characteristics of the land in question and that it is part of a much larger area of Open Space, on balance, it is considered that there are exceptional circumstances that decisively outweigh the loss of the open space. The proposal therefore satisfies Policy OS1 of PPS 8 and is acceptable.

Recommendation

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 the conditions.

Committee Report

Development Management Report	
Application ID: LA04/2021/0319/F	Date of Committee: 14 th February 2023
Proposal: Proposed use of hard standing area as overflow car park with a free draining surface and soft landscaping scheme, to serve existing approved uses on-site.	Location: 115 Blacks Road, Belfast BT10 0NF - Lands to north of square golf training area east of the 3G Dome south of 45 and 46 Garnock Hill.
Referral Route: at the discretion of the Director of Planning and Building Control in accordance with paragraph 3.8.7 of the Scheme of Delegation	
Recommendation: Refusal	
Applicant Name and Address: Colin Glen Trust 163 Stewartstown Road Dunmurry Belfast BT17 0HW	Agent Name and Address: Juno Planning 409 Lisburn Road Belfast BT9 7EW
Executive Summary: The application seeks planning permission for the creation and use of a hard standing area as overflow car park with a free draining surface and soft landscaping scheme, to serve existing approved uses on-site. The site is located at 115 Blacks Road. The site is within Colin Glen Leisure Park, which contains a playpark, sports pitches, a golf course and a driving range as well as associated parking. The proposed overflow car park is located off the access road and within close proximity to dwellings along Garnock Hill. The key issues relevant to consideration of the application are: • The principle of the proposal, including Loss of Open Space • Impact on amenity • Impact on the character and appearance of the area • Other considerations The site is located within lands reserved for landscape, amenity or recreation use within BUAP and is un-zoned "white land" within dBMAP. There have been no objections from consultees. Four objections have been received and are addressed within the main report. A statement was requested from the applicant to address the loss of open space under Policy OS 1 of PPS 8 but to date this has not been submitted. The statement was requested on the 27th June 2022 with further reminders sent on 6th August 2022, 15th September 2022, 10th November 2022, 12th December 2022, 20th December 2022 and 26th January. Without a statement to address the policy the application can only be determined on its merits as proposed. The proposal fails to accord with Policy OS 1 of PPS 8 with no exceptional circumstances advanced to justify the proposal.	

Recommendation

Having had regard to the development plan, relevant planning policies, and other material considerations, it is considered that the proposal should be refused.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the refusal reasons.

Case Officer Report

Site Location Plan



Proposed Block Plan



Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The application seeks full planning permission for the creation and use of hard standing area as overflow car park with a free draining surface and soft landscaping scheme, to serve existing approved uses on-site.
2.0	Description of Site
2.1	The site is located at 115 Blacks Road. The site is within Colin Glen Leisure Park, which contains a playpark, sports pitches, a golf course and a driving range as well as associated parking. The proposed overflow car park is located off the access road and within close proximity to dwellings along Garnock Hill.
2.2	The site is located within lands reserved for landscape, amenity or recreation use within BUAP and is un-zoned "white land" within dBMAP.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	LA04/2017/0919/F, Colin Park, 115 Blacks Road, Belfast, BT10 0NF, Construction of Sports Dome with internal lighting, machine room and 3M security fence (Additional Information). Permission Granted
3.2	S/2011/0149/F, Colin Valley Golf Club, Proposed new driving range building, Permission Granted.
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014) Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. DBMAP (both v2004 and x2014 versions) is a material consideration. The weight to be afforded to dBMAP is a matter of judgement for the decision maker. Given its advanced stage in the Development Plan process, it is considered that dBMAP (v2014) carries significant weight, save for retail policies relating to Sprucefield, Lisburn, which remain contentious.
4.3	Belfast Local Development Plan Draft Plan Strategy The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 of the SPPS states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.
4.4	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.5	Planning Policy Statement 3: Access, Movement and Parking
4.6	Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation

5.0	Statutory Consultees Responses DFI Roads- No objections
6.0	Non Statutory Consultees Responses Environmental Health- No objections Tree Officer- No objections following amendments.
7.0	Representations
7.1	The application was advertised on the 18 th February 2021 and neighbour notified on the 24 th February 2021 and the 15 th September 2021.
7.2	Four objections were received from residents of Garnock Hill, the housing to the immediate north, as summarised below: • Anti-social behaviour – Case Officer Response: there is no evidence that this would be a land-use planning matter in this case; this would be a police matter. • Management of landscaping • Lack of privacy • Noise and lights from cars • Potential for cars to hit fence – Case Officer Response: This would be a civil matter • Materials of car park • Lack of lighting • Cars parked at fence • Cars double parked • Amount of traffic • Health impacts associated with car fumes • Impact on wildlife • Climbing plants on fence not belonging to Colin Glen
9.0	Assessment
9.1	The key issues to be considered are: • The principle of the proposal, including Loss of Open Space • Impact on amenity • Impact on the character and appearance of the area • Other considerations
9.2	The principle of the proposal, including Loss of Open Space The proposed car park is located off the existing access road and north of the existing car parks. The car park contains a porous gravel surface and a proposed landscaping scheme to provide a buffer between the car park and residential properties on Garnock Hill to the immediate north. <i>Need for the proposed car park</i>
9.3	Policy AMP 10 of PPS 3 provides five criteria to be met for the extension of a private car park. The site is not within an area of parking restraint and therefore four criteria apply, as set out below. • The proposal does not significantly contribute to an increase in congestion, • It is not detrimental to local environmental quality;

	• The car park meets a need identified by the Department for Regional Development in Transport Plans or accepted by DRD following robust analysis provided by a developer; • It is compatible with adjoining land uses
9.5	A statement of need was provided by the applicant with the original application, which stated that the proposed car park is required to facilitate social distancing amid COVID-19 restrictions. It also stated that the landscaping scheme would remove the opportunity for anti-social behaviour. Anti-Social behaviour is not deemed sufficient justification for a car park as there are other ways to manage anti-social behaviour. Given that COVID-19 restrictions have now been removed by government there is no longer need for social distancing within the existing car park.
9.6	Given officers' concerns that the statement of need failed to address Policy AMP 10 of PPS 3, as outlined above, the applicant was afforded opportunity to submit further information. A further statement of need was submitted on the 20 th January 2023 and included a parking survey. The parking survey demonstrated that on the 3 rd , 7 th and 8 th January 2023, the existing car parks were full and this was supported by CCTV which showed cars parking on the access road rather than the car parks. Satellite imagery shows that since 2011 there has been no increase in formal car parking provision despite an increase in facilities. Officers consider that the parking statement, for which DFI Roads has not objected, satisfies Policy AMP 10 and sufficiently demonstrates a need for further car parking provision.
9.7	<i>Loss of Open Space</i> The application site is located within lands reserved for landscape, amenity or recreation use within BUAP and meets the definition of Open Space as defined in PPS 8. The area is situated within Colin Glen Park and while much of the vegetation and trees have been removed it is clear it provides an amenity value as a buffer between the existing dwellings and the park itself.
9.8	Policy OS1 of PPS 8 states that <i>'the Department will not permit development that would result in the loss of existing open space or land zoned for the provision of open space'.</i> <i>The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance.'</i>
9.9	The policy goes on to state that: <i>'An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. An exception will also be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area and where either of the following circumstances occur:</i> (i) <i>in the case of an area of open space of 2 hectares or less, alternative provision is made by the developer which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality; or</i> (ii) <i>in the case of playing fields and sports pitches within settlement limits, it is demonstrated by the developer that the retention and enhancement of the facility can only be achieved by the development of a small part of the existing space - limited to a maximum of 10% of the overall area - and this will have no adverse effect on the sporting potential of the facility. This exception will be exercised only once.'</i>
9.10	A statement was requested from the applicant to address the provisions of Policy OS 1 of PPS 8. This was formally requested by officers on the 27 th June 2022 but no statement was submitted. Further reminders were sent on 6 th August, 15 th September, 10 th

	November, 12 th and 20 th December 2022, and most recently 26 th January 2023. However, no response or further information to address the PPS 8 issue has been received.
9.11	The applicant has not demonstrated that any of the exception test set out in Policy OS 1 have been satisfied. It should be noted that where an exception on grounds of substantial community benefits, paragraph 5.5 of PPS 8 states that <i>'In such cases, applicants will generally be expected to demonstrate that their proposals are supported by the local community.'</i> There is no evidence that the proposal is supported by the local community, indeed, several objections to the applicant have been received from local people. The proposal fails to accord with Policy OS1 of PPS 8 and is unacceptable in principle.
	Impact on amenity
9.12	Four objections have been received from properties within Garnock Hill, the residential properties to the immediate north. Concerns were raised about anti-social behaviour, lack of privacy, noise and light from the cars, anti-social behaviour and cars hitting the fence.
9.13	The proposed hedgerow and existing fence would aid to provide privacy from the car park. The proposed landscaping and fence would provide a buffer from car lights while noise from cars parking would not be sufficient to cause an impact on amenity. Fumes from cars would not be a reason to refuse planning permission and Environmental Health has no objection to the proposal. The proposed car park would be an overflow car park which would be used during busy periods. However, given the facilities close at 10pm, cars would unlikely use the car park at unsociable hours. Were permission to be granted, conditions could be imposed to restrict the times that the car park could be used.
	Landscaping proposals
9.14	The landscaping proposals are considered high quality comprising of grassland, a hedgerow, existing trees and shrubs and the planting of 12 heavy trees. The Tree Officer has been consulted and had no objections.
9.15	An objection from a neighbouring resident questions how the landscaping will be managed and that the proposed planting is on a fence not within the ownership of the applicant. Revised plans have removed the climbing plants from the fence and conditions would be attached to ensure the landscaping proposals are carried out and permanently retained. An objection raises the possibility of damage to existing habitats through removal of trees, while trees appear to have been removed prior to the application being submitted they are not protected under a Tree Preservation Order. The proposals show no further trees to be felled within this application.
10.0	Summary of Recommendation:
10.1	The proposal fails to accord with Policy OS 1 of PPS 8 which seeks to protect open space. There are no material considerations which outweigh this policy presumption. It is therefore recommended that planning permission is refused.
10.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the refusal reasons.
11.0	DRAFT REFUSAL REASON:
	1. The proposed car park would result in the loss of existing open space and is contrary to Policy OS1 (Protection of Open Space) of Planning Policy Statement 8: Open Space. Sport and Outdoor Recreation.

This page is intentionally left blank

Committee Report

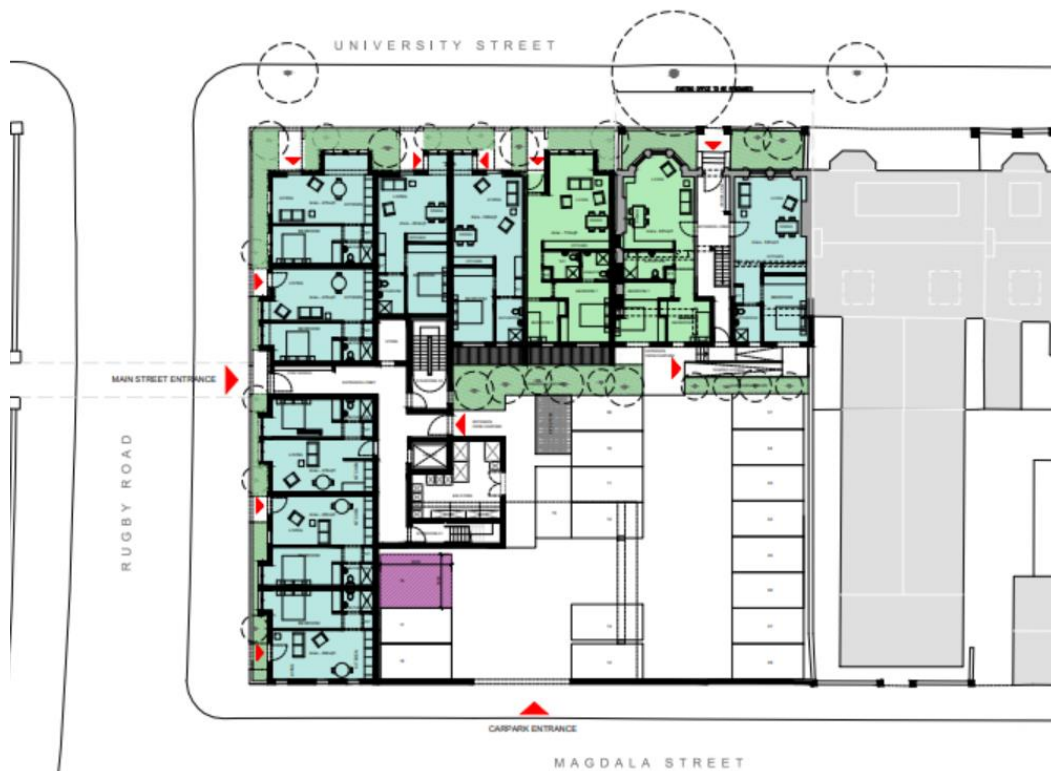
Development Management Report	
Application ID: LA04/2021/2396/F	Date of Committee: 14 th March 2023
Proposal: Conversion, alteration and demolition of rear return of former office building to 6No. apartments and construction of 30No. apartments, parking and associated developments.	Location: Land to the west and including No. 81 University Street Belfast.
Referral Route: Representation received that conflicts with the Planning Officer's recommendation (par. 3.8.2 (a) (i) of the Scheme of Delegation)	
Recommendation: Approval	
Applicant Name and Address: Botanic Development Company Ltd 9 Cranmore Gardens Belfast BT9 6JL	Agent Name and Address: Clyde Shanks Ltd 2 nd Floor, 7 Exchange Place Belfast BT1 2NA
Executive Summary: The proposal is for the conversion, alteration and demolition of rear return of former office building to 6No. apartments and construction of 30No. apartments, parking and associated developments. The key issues to be considered are: • Principle of development • Height, Scale, Massing, Layout and Design • Residential Amenity • Access / Parking / Movement pattern • NI Water Consultation • Consideration of Representation The application site consists of a surface level car park on its west side and an end-of-terrace building on its east side. The site is within the development limits for Belfast in both the extant and draft plans. In dBMAP it falls within a proposed Area of Townscape Character (designation BT 033 - Holyland). The north half of the site is within the Queen's Office Area. A previous application on the site under the reference LA04/2018/2192/F was refused and subsequently appealed (2019/A0030). The refusal was sustained for a lack of in curtilage parking. The applicant subsequently amended the parking layout by removing one ground floor apartment and adding two parking spaces as well as a package of green travel measures. This layout was submitted to the Council through a Pre Application Discussion (LA04/2021/0106/PAD) and found to be acceptable in principle. The same layout is proposed in this application and considered to overcome the sustained reason for refusal. No third-party objections have been received. Recommendation It is recommended that planning permission is granted subject to completion of the Section 76 Agreement with delegated authority given to the Director of Planning and Building Control to finalise the conditions.	

Case Officer Report

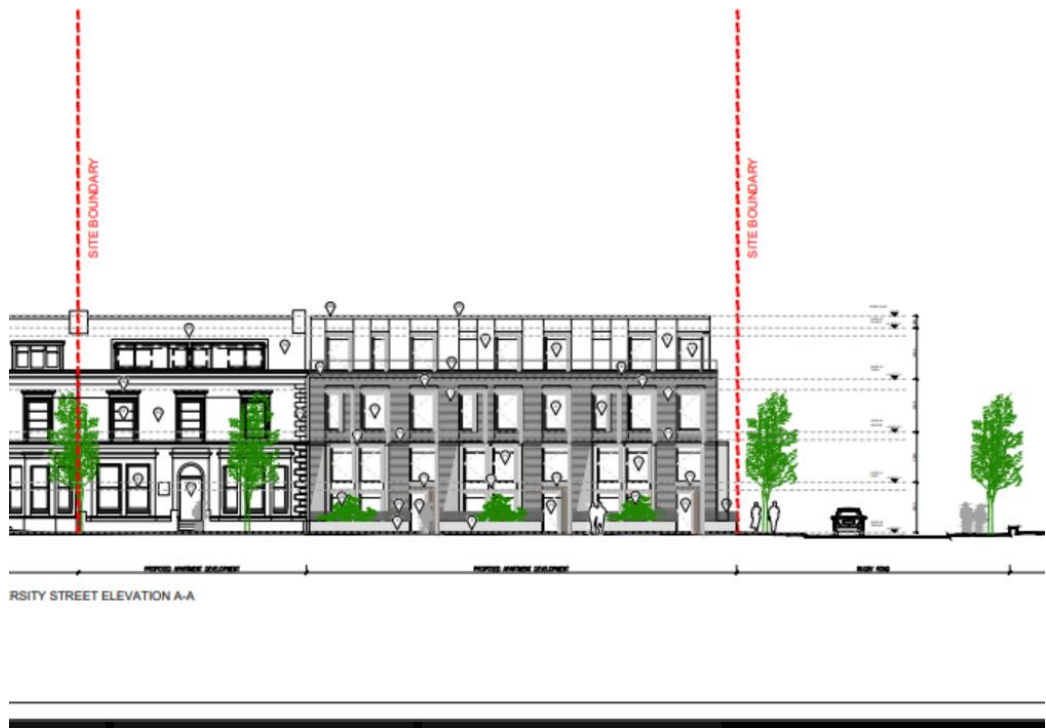
Site Location Plan



Proposed Ground Floor Plan



Proposed Elevations



Proposed Elevations



Characteristics of the Site and Area	
1.0	Description of Proposed Development The application seeks planning permission for the conversion, alteration and demolition of rear return of former office building to 6No. apartments and construction of 30No. apartments, parking and associated developments.
2.0	Description of Site The application site consists of a surface level car park on its west side and an end-of-terrace building on its east side. The building is north facing onto University Street. It is a two and a half storey, red brick building with double fronted bay windows. It has a pitched roof and an elongated rear return that extends the width and length of the site. Finished materials consist of red brick and corncicing detail. The site is bounded by streets on three sides: Magdala Street on its south; Rugby Road to the west; and University Street to the north. Mediation MI occupies the building that abuts the site to the east. The surrounding area is characterised mostly by late Victorian two and three storey terrace buildings, mostly In commercial use. The Fitzroy Presbyterian church, listed building, lies opposite the west of the site. The site is within the development limits for Belfast in both the extant and draft plans. In dBMAP it falls within a proposed Area of Townscape Character (designation BT 033 - Holyland). The north half of the site is within the Queen's Office Area.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History LA04/2018/2192, Land to the west of and including no 81 University Street Belfast BT7 1HL, Conversion, alteration and demolition of rear return of former office building to 6no. apartments and construction of 31 no apartments, parking and associated development (amended scheme), Dismissed at Appeal
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2015) (Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.) It is considered that significant weight should be afforded to the latest version of Draft BMAP (v2014) given its advanced stage in the Development Plan process, save for retail policies relating to Sprucefield, which remain contentious. Belfast Local Development Plan – Draft Plan Strategy
4.3	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered Sound and adopted. Paragraph 1.10 states that a transitional period will operate until

	such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.
4.4	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.5	Planning Policy Statement 3: Access, Movement and Parking
4.6	Planning Policy Statement 7: Quality Residential Environments
4.7	Planning Policy 12: Housing in Settlements
4.8	Development Control Advice Note 8: Housing in Existing Urban Areas
4.9	Development Control Advice Note 15: Vehicular Access Standards
4.10	Creating Places
5.0	Statutory Consultees Responses DFI Roads – No objection with conditions DFI Rivers- No objection with conditions NI Water- Objects
6.0	Non-Statutory Consultees Responses Environmental Health – No objections with conditions Shared Environmental Services- No objections with conditions NIEA- Advise the proposal has the potential to adversely affect the surface water environment
7.0	Representations The application was advertised on the 29 th October 2021 and neighbour notified on 10 th November 2021. One objection was received and is summarised below: • Lack of Parking • Potential Structural Damage • Noise Pollution associated with construction • Impact on Drainage
8.0	Other Material Considerations None
9.0	Assessment
9.1	The key issues to be considered are: • Principle of development • Height, Scale, Massing, Layout and Design • Residential Amenity • Access / Parking / Movement pattern • NI Water Consultation Principle of Development
9.2	When considering the principle of development the previous application and subsequent appeal is a key consideration. The previous application under the reference LA04/2018/2192 was for 37 apartments, this was amended during the appeal to 36. The application was refused for four reasons which are below:

	1. The proposed demolition of the rear return of No.81 University Street is contrary to the Strategic Planning Policy for Northern Ireland and Policy ATC 1 of the Addendum to Planning Policy Statement 6: 'Areas of Townscape Character' in that this building makes a positive contribution to the character of the proposed Holyland Area of Townscape Character. 2. The proposal is contrary to Policy QD1 of Planning Policy Statement 7: 'Quality Residential Environments' in that it would, if permitted, result in overdevelopment of the site due to its scale and massing, causing demonstrable harm to the character and appearance of the adjoining terrace and wider area. It is also of a design that fails to draw upon the best local traditions of form, materials and detailing, and would fail to maintain or enhance the distinctive character of the immediate locality and that of the proposed Holyland Area of Townscape Character. It would also lead to an undesirable precedent. 3. The proposal is contrary to the Strategic Planning Policy for Northern Ireland and Policy ATC 2 of the Addendum to Planning Policy Statement 6: 'Areas of Townscape Character' in that if permitted would, have an adverse impact on the proposed Botanic Area of Townscape Character in that it fails to maintain or enhance the overall character due to uncharacteristic plot to building ratio and layout, resulting in a detrimental impact on the spatial quality of the existing plot and ATC generally. 4. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear off the highway for the parking of vehicles which would be attracted to the site.
9.3	The application was appealed and refusal reasons 1 to 3 were not sustained. The commissioner found that in relation to the first refusal reason the contribution of the rear return to the character of the area to be limited and that its demolition would not give rise to any unacceptable visual impairment of the street scene. In respect to the second reason for refusal the commissioner concluded that the proposed development is of a design that would respect the surrounding context and comply with criteria (a) and (g) of Policy QD 1 of PPS 7. Given the commissioner concluded that the proposal would respect the surrounding context it was considered that the objection on the grounds of detriment to existing townscape character is not well founded and the third reason for refusal was not sustained.
9.4	In relation to refusal reason 4 the commissioner considered that while a reduction of in curtilage parking below 1 space per residential unit is justified, 16 spaces for a 36 unit residential development is insufficient and the proposed provision would be likely to prejudice road safety or significantly inconvenience the flow of traffic.
9.5	Subsequently the PAC decision concludes that the proposal is acceptable in principle subject to acceptable parking provision which will be considered in this report.
	Height, Scale, Massing, Layout and Design
9.6	The scale and massing of the proposal remains as previously considered under the reference LA04/2018/2192/F as a four storey building facing University Street and stepping back to three storeys along Magdela Street. The PAC within the appeal found the proposed scale and massing of the building acceptable and while contemporary in nature draws upon the best local traditions of form and detailing in terms of layout, scale, proportions,

	massing and appearance of buildings. The proposal is therefore considered to comply with Policy QD 1 of PPS 7.
9.7	The layout has been amended from the previous application by removing a ground floor apartment to allow for the creation of two parking spaces. The removal of this apartment does not materially impact the quality of the residential scheme. Residential Amenity
9.8	The proposed apartment layout remains as the previous application and residential amenity was not raised as a concern. All apartments remain to have sufficient outlook to the public street and there is no concern of an impact to the residential amenity of surrounding properties by way of overlooking or overshadowing. The parking layout has been amended and spaces moved closer to the rear of the ground floor apartments, a landscape buffer has been provided between the rear of the apartments and the car parking and this aids in protecting the amenity of potential residents.
9.9	Environmental Health were consulted and requested an Air Quality Impact Assessment in the event that a combustion plant is proposed at a subsequent design stage of the development, which has a single or combined NOx emission rate greater than 5mgs-1. The condition however is not deemed necessary, the applicant will require permission for any subsequent plant to serve the proposal and therefore this can be addressed in any further planning applications. Access / Parking / Movement pattern
9.10	This proposal has amended the parking layout to comply with the appeal decision. One ground floor apartment has been removed to allow for 18 parking spaces as a ratio of 0.5 spaces per apartment compared to 0.42 per apartment under the previous application. The proposal also includes a Travel Plan offering 100% funding for A-Link travel pass for Metro services and Belfast Bike membership for initial three years to help establish sustainable travel. Also 50% funding is offered for an initial three years for a car club. A Travel coordinator will also be appointed. DFI Roads were consulted and had no objections subject to conditions. The Green measures contained within the Travel Plan are subject to a S76 Agreement. Impact on the Listed Building
9.11	The site is located opposite Fitzroy Presbyterian Church. HED were consulted and had no objections as per their previous response to the reference LA04/2018/2192/F. The proposal therefore complies with the SPPS and Policy BH 11 in that the proposal will not impact the setting of a listed building. NI Water Consultation
9.12	NI Water were consulted and state that waste water treatment capacity is not available for the proposed development.
9.13	The Planning Committee gave officers delegated authority to deal with this issue at its meeting of 27 June 2022.
9.14	Given NI Water's obligation to connect to existing extant permissions across the city, together with a lack of robust evidence as to the direct impacts of the proposal, it is considered unreasonable to refuse permission on this ground.

9.15	The Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for undertaking an Appropriate Assessment where a proposal is likely to have a significant environmental effect on Belfast Lough, an environmentally protected Special Protection Area (SPA), RAMSAR and Special Area of Conservation (SAC). Water quality of the lough is a key consideration. The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also “in combination” impacts with other development.
9.16	A precautionary approach applies when applying the HRA Regulations. The onus is on NIW to provide evidence of likely actual impacts, rather than hypothetical impacts. In this case, NIW has not provided specific evidence to demonstrate that the proposal would likely have a significant environmental effect on Belfast Lough, but more general concerns that the site may be hydrologically linked to the lough and may harm its water quality. There is no direct evidence that this would be the case. Nevertheless, given the current use of the site and the scale and nature of the proposal, it is considered that the proposal could clearly intensification of the use of the site and demand on drainage infrastructure. SES and DAERA have therefore been consulted.
9.17	DAERA stated that if NIW advise it is not possible to connect the proposed development to mains sewer, then alternative arrangements will be required, and a Discharge Consent issued under the terms of the Water (NI) Order 1999 will be required for the discharge of sewage effluent from the proposed development. A negative condition will be attached for foul and surface water details to be submitted and agreed to prior to commencement of development.
9.18	SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.
	Consideration of Representation
9.19	One objection was received from Mediation Northern Ireland who occupy the neighbouring building at 83 University Street. The concerns raised are considered below:
9.20	The lack of existing parking, the times the parking survey were undertaken and the lack of consideration to the influx of commuters during working hours. The parking surveys were undertaken early in the morning and in the evening when residential parking is likely at its peak, these are deemed the most appropriate times to conduct a parking survey and DFI Roads had no objections. The applicant includes a package of green measures to encourage use of public transport and the development is in a sustainable location close to public transport. The existing car park on site appears to serve commuter parking and does not appear to be available to residents, while some displacement of cars from this car park may occur into residential streets nearby it would not be considered to have an unacceptable impact on the provision of car parking.
9.21	Potential Structural Damage It is the responsibility of the applicant to ensure the development will not cause structural damage to the neighbouring building and that the construction adheres to building regulations.
9.22	Noise Pollution associated with Construction It is accepted that any construction works in association with an approved development will cause noise. This is however temporary and not to an unacceptable degree.

9.23	Impact on Drainage This will be addressed with a negative condition and has been addressed in the section of the report titled NI Water Consultation.
9.15	Conclusion Having regard for the Development Plan, relevant material considerations and above assessment, the proposal is considered acceptable subject to the agreement of the Section 76. It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the conditions.
10.0	Summary of Recommendation: Approval
11.0	Draft Conditions 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and such areas shall remain free of obstruction for such use at all times. Reason: To ensure adequate car parking within the site. 3. No development shall commence on site (other than that required to fulfil this condition) unless the new access has been provided in accordance with the approved plans. The access shall be retained in accordance with the approved plans at all times. Reason: To ensure safe and convenient access to the development. 4. The development hereby approved shall not be occupied or operated unless covered bicycle storage has been provided in accordance with the approved plans. The covered bicycle storage shall be retained in accordance with the approved plans at all times. Reason: To ensure adequate provision and availability of cycle parking and encourage sustainable travel. 5. The development hereby approved shall not be occupied or operated unless in accordance with the approved Travel Plan uploaded to the planning portal on the 21st October 2021. Reason: To promote sustainable travel patterns and off-set the demand for vehicular movements and/or parking. 6. The development hereby permitted shall not be occupied or operated unless in accordance with the Service Management Plan uploaded to the Planning Portal on 21st October 2021. Reason: In the interests of road safety and convenience of road users.

	7. The development shall operate in accordance with the approved Waste Management Plan, published on the Planning Portal on 21st October 2021 and shall be implemented on completion of the development. Reason: In the interests of road safety and the convenience of road users. 8. No part of the development hereby approved shall be occupied or operated unless all redundant access/es from the site to the public road have been stopped up and closed in accordance with the approved plans. The redundant access/es shall be permanently retained as such. Reason: In the interests of road safety and convenience of road users. 9. No vehicular access gates or pedestrian access gates shall open out over the public footway or carriageway. Reason: In the interests of pedestrian safety and the convenience of other road users. 10. Prior to the commencement of any of the approved development on site, a final drainage assessment, compliant with FLD 3 & Annex D of PPS 15, and Sewers for Adoption Northern Ireland 1st Edition, including a detailed drainage network design, suitable maintenance and management procedures and a demonstration of how out of sewer flooding due to exceedance of the drainage network will be managed, must be submitted to the Planning Authority for its consideration and approval. Reason – To safeguard against flood risk to the development and from the development to elsewhere. 11. 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. Reason: To ensure appropriate foul and surface water drainage of the site. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.
Notification to Department (if relevant)	
N/A	
Representations from Elected members:	
None received.	

Committee Report

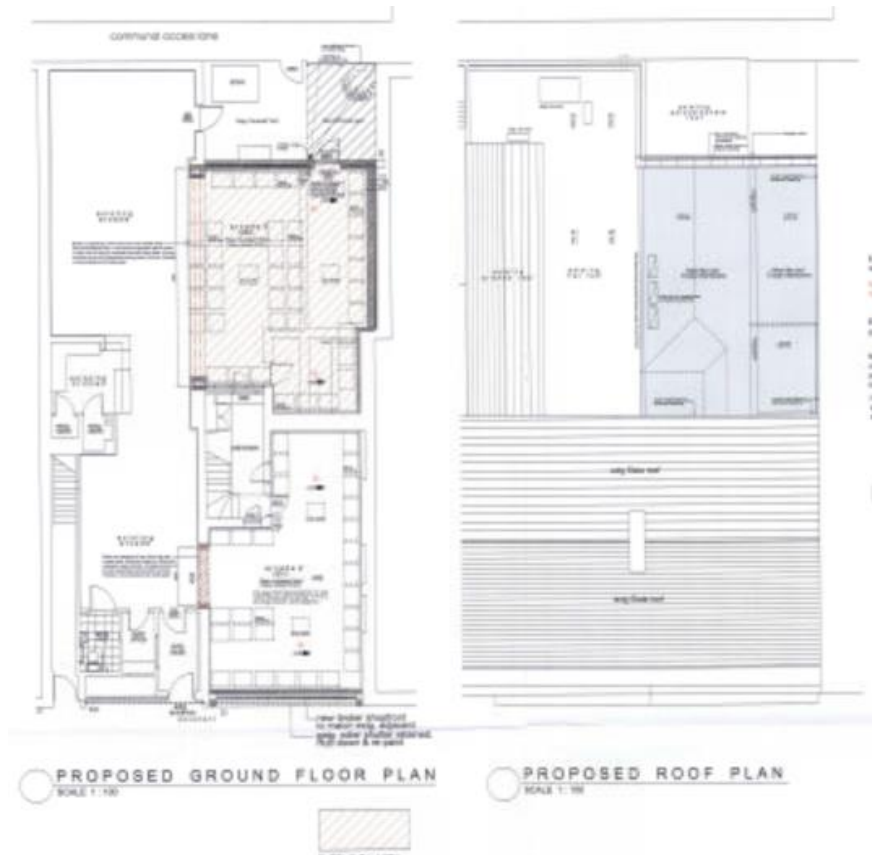
Development Management Report	
Application ID: LA04/2021/2846/F	Date of Committee: 14 th March 2023
Proposal: Change of use of ground floor of No. 23 to amusement arcade including extension and frontage alterations to allow for amalgamation with No. 22.	Location: 22/23 Shaftesbury Square Belfast BT2 7DB.
Referral Route: Amusement Arcade (par. 3.8.2 (d) of the Scheme of Delegation)	
Recommendation: Approval with conditions	
Applicant Name and Address: KB Shaft Limited 3 Forest Hills Newry BT34 2FL	Agent Name and Address: Conor Byrne 17 The Esplanade Holywood BT18 9JP
Executive Summary: The application seeks planning permission for change of use of ground floor of No. 23 Shaftesbury Square to amusement arcade including extension and frontage alterations to allow for amalgamation with No. 22 Shaftesbury Square. The ground floor of No. 23 is currently vacant with the last known use being retail. The unit has been vacant since at least 2014. The key issues to be considered are: • Principle of amusement arcade in this location • Impact on the character and appearance of the area • Impact on amenity The site is “white land” within BUAP and dBMAP and within the Belfast City Centre in both Development Plans. The surrounding area is of mixed character containing a variety of retail, offices, bars and restaurants. Other amusement arcades are within close proximity of the site. To the rear of the site are a number of terraced dwellings at Stroud Street. Environmental Health and DFI Roads offer no objections. Building Control, which is responsible for amusement licensing, is concerned that the proposal may result in a cumulative impact due to the number of amusement arcades in the surrounding area. There are other properties on the commercial frontage assigned to amusement arcade use and these are located at 14 Shaftesbury Square and 1-7 Donegall Road. Officers advise that the proposal is to extend an existing amusement arcade and not to create new amusement arcade premises. The site is located within the City Centre where main town centre uses such as this are acceptable in principle. There would be no harmful impacts on the character and appearance of the area, amenity or transportation. No third-party objections have been received. Recommendation It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the conditions.	

Case Officer Report

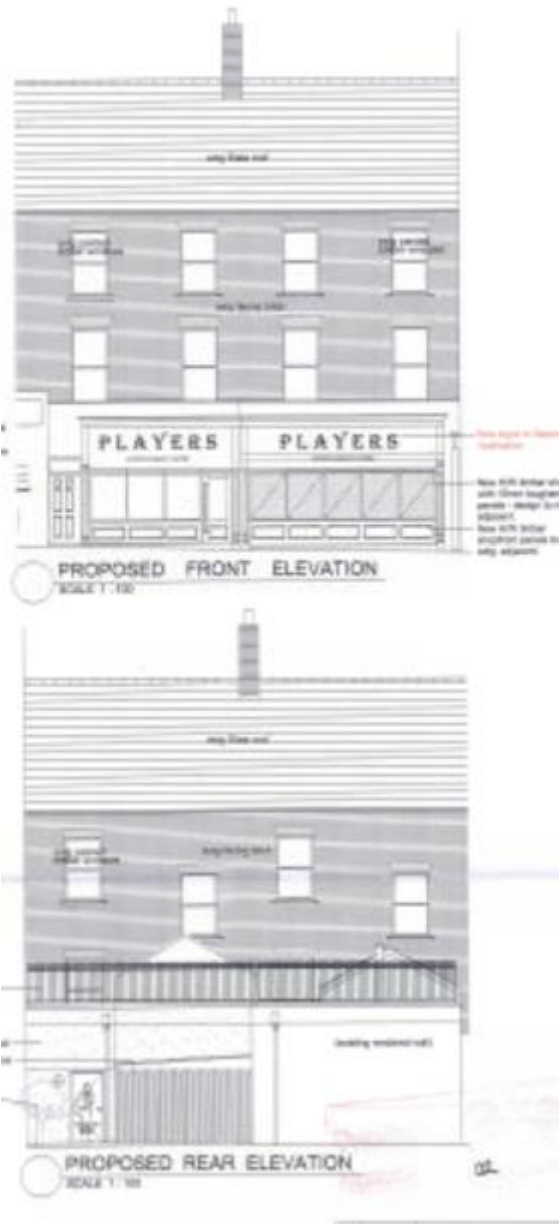
Site Location Plan



Proposed Ground Floor Plan/ Roof Plan



Proposed Elevations



Characteristics of the Site and Area	
1.0	Description of Proposed Development The application seeks planning permission for a change of use of ground floor of No. 23 Shaftesbury Square to amusement arcade including extension and frontage alterations to allow for amalgamation with No. 22 Shaftesbury Square.
2.0	Description of Site The application site is the ground floor of two neighbouring three storey red brick terrace buildings. The ground floor unit at No. 22 Shaftesbury Square is an existing amusement arcade while No. 23 Shaftesbury Square is currently vacant and the shopfront is in a state of disrepair. No. 23 was last used as retail and has been vacant since at least 2014. The surrounding area is a mix of uses including bars, restaurants, retail and offices. The site is located within the City Centre as defined by both BUAP and both versions of draft BMAP.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History Z/2014/0448/F, 22-23 Shaftesbury Square, Belfast, Change of use of ground floor of No. 23 to amusement arcade including extension and frontage alterations to allow for amalgamation with No22. – Permission Granted 01.01.2015 This planning permission has not been implemented and has since lapsed. It is understood that the permit license was refused.
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2015) Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. It is considered that significant weight should be afforded to the latest version of Draft BMAP (v2014) given its advanced stage in the Development Plan process, save for retail policies relating to Sprucefield, which remain contentious.
4.3	Belfast Local Development Plan – Draft Plan Strategy The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered Sound and adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and

	during the transitional period planning authorities will apply existing policy together with the SPPS.
4.4	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.5	Planning Policy Statement 3: Access, Movement and Parking
4.6	Development Control Advice Note 1: Amusement Centres
5.0	Statutory Consultees Responses DFI Roads – No objection
6.0	Non-Statutory Consultees Responses Environmental Health – No objections Building Control – Raises concerns about proliferation of amusement arcades in the area and cumulative impact as well as the impact on the image and profile of Belfast (see main assessment of the report).
7.0	Representations The application was advertised on the 21 st January 2022 and neighbour notified on 3 rd February 2022. No representations were received.
8.0	Other Material Considerations BCC Amusement Permit Policy (2013)
9.0	Assessment
9.1	The key issues to be considered are: • Principle of amusement arcade in this location • Impact on the character and appearance of the area • Impact on amenity
	Principle of amusement arcade in this location
9.2	The site is located within the City Centre as defined by both BUAP and draft BMAP where main town centre uses, including amusement arcades, are acceptable in principle.
9.3	The Council's Amusement Permit Policy (2013) is a material consideration. Building Control, which is responsible for issuing licensing permits for amusement arcades, has been consulted on the application.
9.4	Building Control has concerns regarding the proposal. It notes that the proposal would approximately double the number of machines within the existing premises (54). The Amusement Permit Policy seeks to avoid clustering of these uses in the desire to promote retailing and regeneration in the City Centre. There are other properties on the commercial frontage assigned to amusement arcade use and these are located at 14 Shaftesbury Square and 1-7 Donegall Road. There are two further amusement arcades operating within approximately 200m walking distance of the application premises, these are: • 28 Bradbury Place (extension to an existing amusement arcade, granted planning permission in March 2022, reference LA04/2021/1242/F) • Onassis Amusements, 25-41 Botanic Avenue (2nd floor)
9.5	Building Control advises that one way to avoid a clustering is a policy restriction on ground floor extensions of existing establishments into adjoining units. Building Control give the following reasons why amusement arcades are not considered compatible with retailing and regeneration:

	• They are associated with low footfalls given their narrow appeal and it is highly questionable whether they add any vitality to an area. According to the 2010 NI Gambling Prevalence Survey, prepared by the Department for Social Development NI, only 6% of people availed of gaming machines. • The screening of their gambling interiors to the passing public means that they do little to project an image that Belfast is open for business. • Viewed in the context of the latter point the extension of the amusement centre into another ground floor unit, as opposed to vertically into the first floor, would be contrary to Urban Design guidance for Northern Ireland, namely the 2014 publication "Living Places - An Urban Stewardship and Design Guide for Northern Ireland". It underscores the importance of creating an active street frontage at ground floor level.
9.6	Building Control recognise that the commercial block is not predominately retail in character and currently has two vacant units. However, it is also recognised that it is a Gateway location with landmark development potential. Building Control consider that in recognition of the Amusement Permit Policy's objective to enhance the appeal of Belfast by protecting its image, the Council considers the granting of Amusement Permits at ground floor level as inappropriate for this and other Gateway locations.
9.7	Officers advise that the Council's Amusement Permit Policy lists five criteria for assessing site suitability. Of these, the following are particularly relevant to planning: • Impact on the retail vitality and viability of Belfast City – the Policy seeks to control amusement arcades in the retail core of the City Centre. However, the site is outside the retail core. The Policy also seeks to prevent the breakup of an otherwise continuous shopping frontage. The application site does not form part of a continuous shopping frontage with adjacent premises being made up of a supporters club, restaurant and offices. There is therefore no conflict with this criterion. • Cumulative build-up of amusement arcades in a particular location – the Policy seeks to prevent more than one amusement arcade per shopping or commercial frontage and one per shopping centre. The policy goes on to state that under this criterion, 2 or more amusement arcades in adjacent ground-floor units will not be allowed (except for those already existing), including the ground-floor extension or merger of an existing establishment into an adjoining unit. While the proposal involves the ground floor extension of an existing establishment into an adjoining unit it is noted that the neighbouring unit has been vacant for a number of years and that the extension of an existing amusement arcade is preferable to the creation of a new amusement arcade. In making a balanced judgement the re-use of a vacant unit is deemed a visual improvement on the existing unit in a state of disrepair. The proposal would result in investment and potential job creation, factors that weigh in its favour. • Proximity to residential use – the Policy seeks to prevent amusement arcades in areas that are predominantly residential in character. They will also not be granted in non-residential property that is immediately adjacent to residential property. The area in question is largely commercial in question and is not immediately adjacent to residential property.

9.8	In a planning policy context, it is considered that it would be unreasonable to argue that the proposal would give rise to planning harm due to a proliferation of amusement arcades given that the proposal is to extend an existing amusement arcade into a vacant unit in a state of disrepair. Regard is also had to the run-down and unattractive appearance of the existing vacant unit. Whilst the <i>Living Places</i> guidance seeks to promote active frontages, and that amusement arcades are by their nature inactive, given the economic and regenerative benefits of the proposal, is it considered that the proposal is acceptable with regard to this point.
9.9	It is acknowledged that a previous approval was granted for the extension of the amusement arcade under the reference Z/2014/0448/F. In the 2014 planning permission officers did cite concern over the risk of any future gambling establishments resulting in the dominating cumulative build-up of such uses in the one area. It is noted that planning permission was granted for an extension of an amusement arcade at 28 Bradbury Place under the reference LA04/2021/1242/F. Similarly, the application was for the extension of an existing amusement arcade into the same unit thereby not creating a new amusement arcade, the site also not within the same commercial frontage. The previous planning approval is a material consideration.
9.10	The Department's Development Control Advice Note 1: Amusement Centres (DCAN 1) is a material consideration, although it was published in 1983 and is a dated policy. It advises that relevant planning considerations include impact on amenity and the character of the area (discussed in the following sections of this report), and the impacts on road safety and traffic (DFI Roads advises no objection and the proposal is not considered to raise any access or transportation concerns).
9.11	DCAN 1 advises that amusement arcades are usually best located in districts of mixed commercial development. It also seeks to regulate proposals that would breakup an otherwise continuous shopping frontage. In this case, the site is located in a largely commercial area and the proposal would not breakup a continuous shopping frontage.
9.12	In conclusion, the proposal is considered acceptable in principle. It is recommended that a condition is imposed to prevent future subdivision of the premises.
9.13	Impact on the character and appearance of the area The proposal includes alterations to the shop front to amalgamate the two units. Given the existing shop front at No. 22 Shaftesbury Square is in a state of disrepair the new shop front is of good quality and would improve the existing character and appearance of the area.
9.14	Impact on amenity Shaftesbury Square is commercial in character with the nearest dwellings located to the rear at St Georges Gardens. Environmental Health was consulted and has no objections. In view of the response from Environmental Health, it is considered that the proposal would not give rise to unacceptable noise and other environmental impacts. It is considered that the proposal would not give rise to demonstrable harm to the amenity of the area.
9.15	Other matters The licensing regime is completely separate to the planning process and the grant of planning permission does not compel the Council, as licensing authority, to grant an Amusement Arcade permit for the premises.

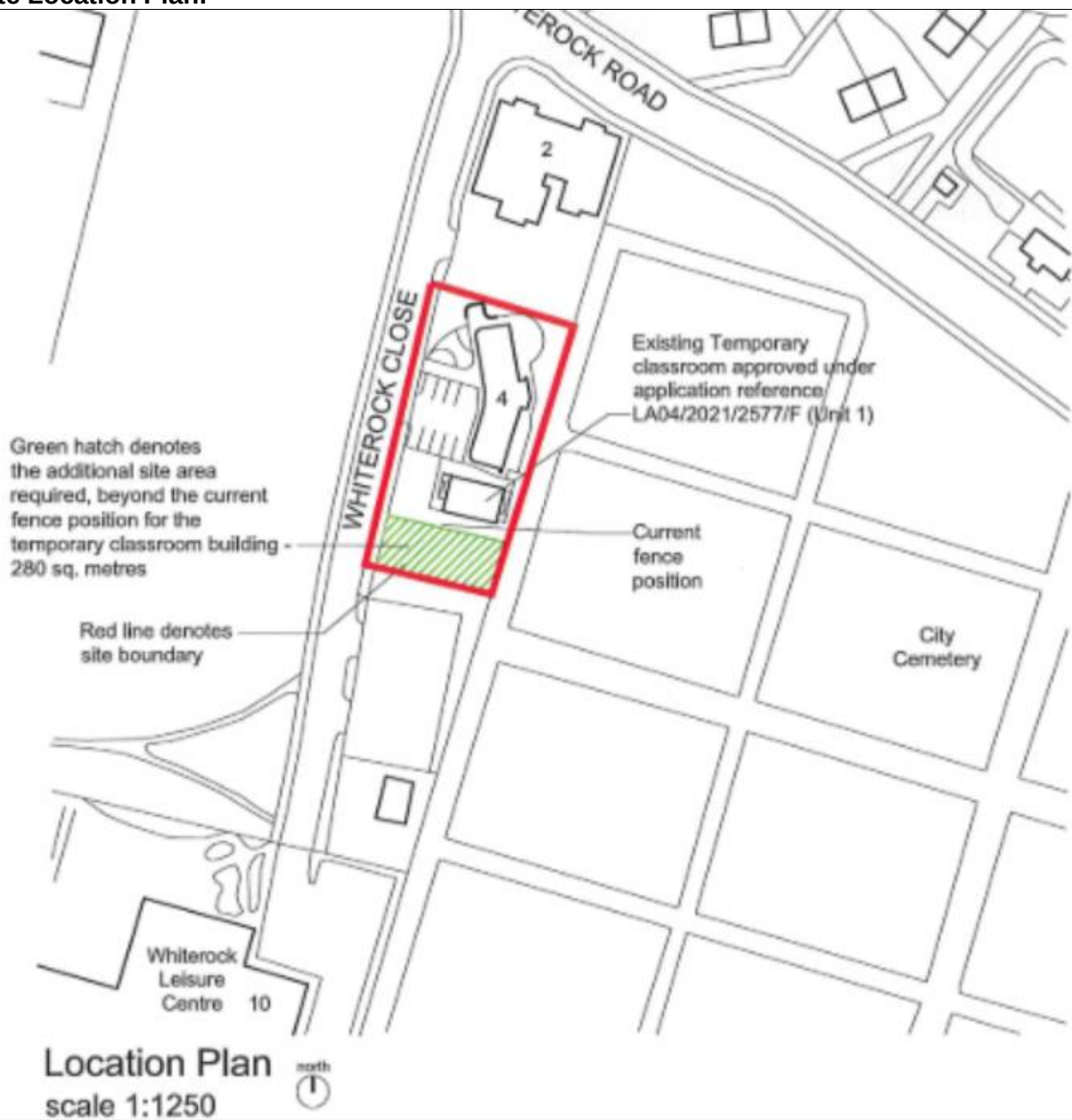
9.15	Conclusion Having regard for the Development Plan, relevant material considerations and above assessment, the proposal is considered acceptable. It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the conditions.
10.0	Summary of Recommendation: Approval
11.0	Draft Conditions 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. The extended amusement arcade hereby approved shall at all times remain part of the same planning unit as the amusement arcade at No. 22 Shaftesbury Square and shall not be sub-divided or operated as a separate amusement arcade. Reason: To prevent proliferation of amusement arcades in the locality, which would be detrimental to the amenities and character of the area.
Notification to Department (if relevant) N/A	
Representations from Elected members: None received.	

Development Management Officer Report Committee Application

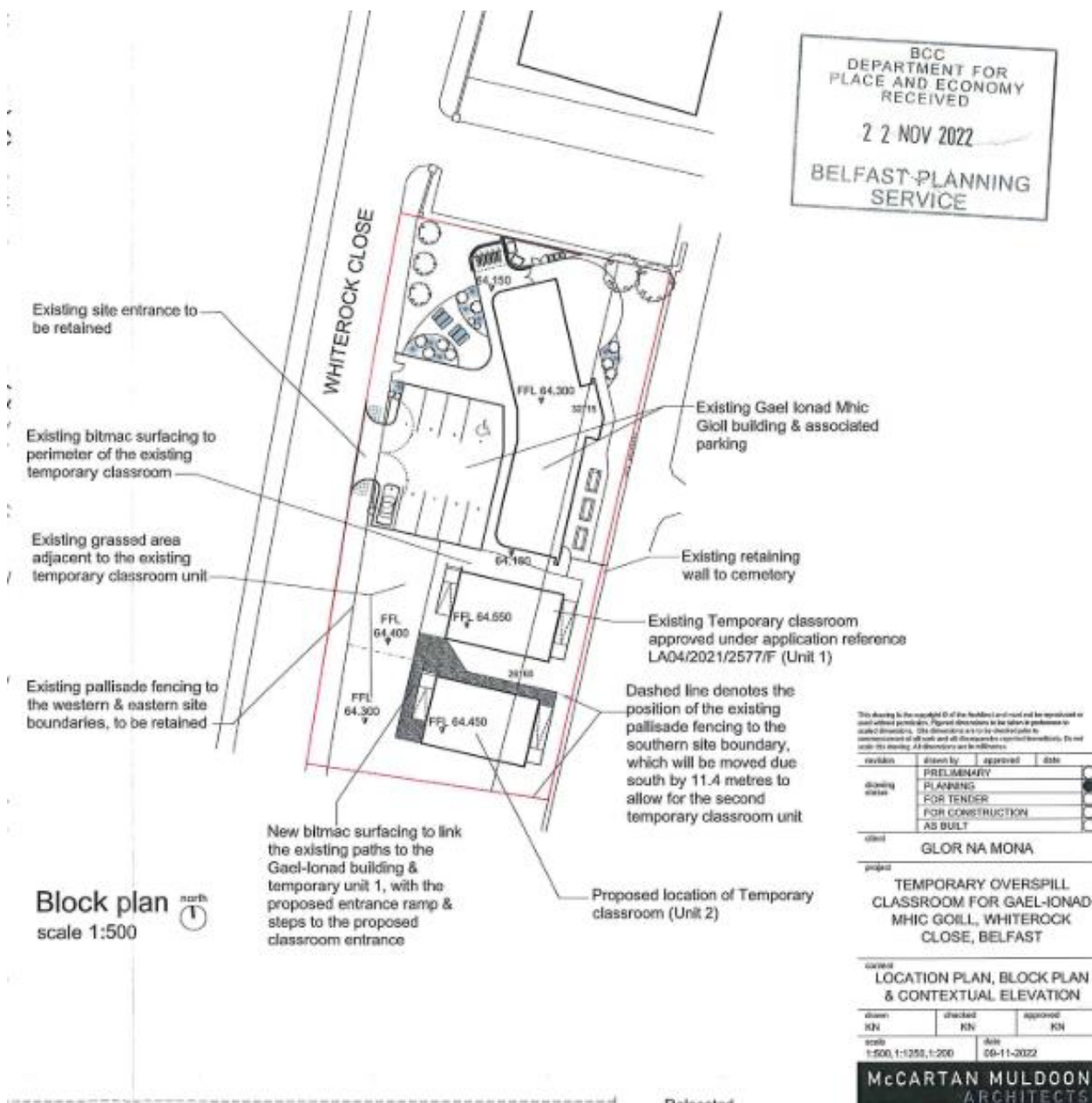
Summary	
Committee Meeting Date: 14 th March 2023	
Application ID: LA04/2022/2137/F	
Proposal: Proposed detached modular temporary classroom and toilet unit with ramp for access at Gael-Ionad Mhic Goiland. Relocation of existing temporary classroom (ref LA04/2021/2577/F) and existing palisade fencing on boundary moved 10.5m south to facilitate the new temporary unit.	Location: Glor Na Mona, 4 Whiterock Close, Ballymurphy, Belfast, Antrim, BY12 7RG
Referral Route: Council owned land which Gael-Ionad Mhic Goiland lease from Belfast City Council (3.8.5 (d)).	
Recommendation:	Approval
Applicant Name and Address: Rory Byrne Modern Tyres Carnbane Industrial Estate Newry BT35 6QJ	Agent Name and Address: Gary Design Limited 5 Edward Street Newry BT35 6AN
Executive Summary: This application seeks full planning permission for a detached modular temporary classroom and toilet unit with ramp for access at Gael-Ionad Mhic Goiland. Relocation of existing temporary classroom (ref LA04/2021/2577/F) and existing palisade fencing on boundary moved 10.5m south to facilitate the new temporary unit. The main issues to be considered are: • The design and appearance of the proposal • Open Space and Landscape Designations • Access and Movement Recommendation: Having regard to the development plan. Regional planning policy and associated guidance, it is recommended that this application is approved.	

Case Officer Report

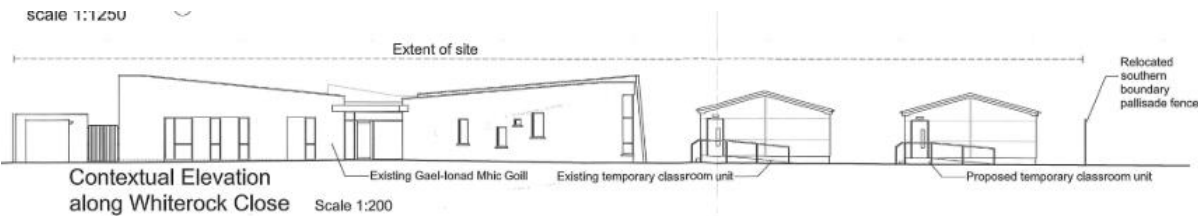
Site Location Plan:

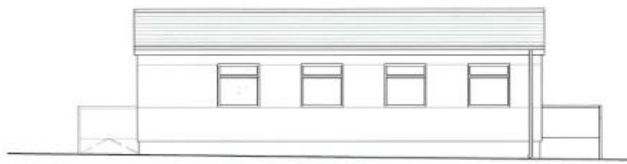


Proposed site plan:

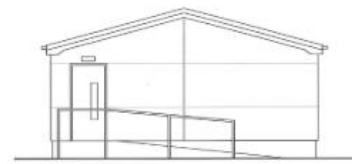


Proposed contextual elevation:

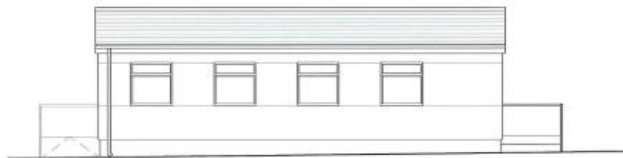


Proposed elevations:

South Elevation
Scale 1:100



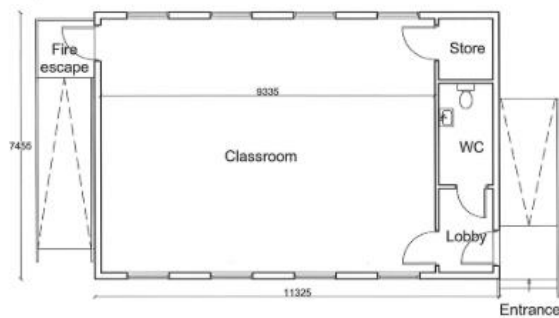
East Elevation
Scale 1:100



North Elevation
Scale 1:100



West Elevation
Scale 1:100



Floor Plan
Scale 1:100

Materials:

1. Roof: Pitched roof, concrete tiles
2. Main Walls: Plasticol - painted White & various colours
3. Windows: PVC, white & Hardwood timber, charcoal grey
& Doors
4. Rainwater Goods: PVC Gutter & downpipe
Colour - Black
5. Cills: PVC
6. Fascia: PVC
Colour - White

**Characteristics of the Site and Area****1.0 Description of Proposed Development**

- 1.1 The application seeks full planning permission for the erection for a proposed detached modular temporary classroom and toilet unit with ramp for access at Gael-Ionad Mhic Goiland. Relocation of existing temporary classroom (ref LA04/2021/2577/F) and existing palisade fencing on boundary moved 10.5m south to facilitate the new temporary unit.

2.0 Description of Site

- 2.1 The site is located at the Glor Na Mona centre in west Belfast. The site contains an existing single storey building with associated car parking. There are grassed areas adjacent to all sides of the building. There is a fenced off area of vacant, open space immediately to the south. The Whiterock Leisure Centre is to the southwest, there is a playground to the west and the City Cemetery to the east. The site is within BT 99 Milltown Urban Landscape Wedge, as designated in draft BMAP (2004 version)

Planning Assessment of Policy and other Material Considerations**3.0 Relevant Site History**

- 3.1 LA04/2021/2577/F Gael-Ionard Mhic Goill. Detached modular temporary classroom unit and toilet unit to the south of the existing community facility. Existing southern fenced boundary moved due south by 8.5 metres. Permission Granted

3.2	Z/2014/1741/F Lands 50 metres due south of 2 Whiterock Close. Change of design from that previously approved under application reference Z/2013/1075/f to provide a new single storey Irish Language and youth community centre. Permission Granted
3.3	Z/2013/1075/F Lands to East of Whiterock Close, North of Whiterock Leisure Centre, West of Belfast cemetery. New construction timber framed, modular building for Irish Language Youth Centre, 2 storeys. Permission Granted
4.0	Policy Framework
4.1	Strategic Planning Policy Statement 2015
4.2	Belfast Urban Area Plan 2001
4.3	Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014) Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. Given the advanced stage in the adoption process, the latest version of dBMAP (v2014) is considered to hold significant weight.
4.4	Belfast Local Development Plan Draft Plan Strategy 2035 The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 of the SPPS states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.
4.5	Planning Policy Statement 3: Access, Movement and Parking
4.7	Planning Policy Statement 4: Planning & Economic Development
4.8	DCAN 15: Vehicular Access Standards
5.0	Consultations:
5.1	Statutory Consultee Responses None
5.2	Non-Statutory Consultee Responses None
6.0	Representations
6.1	The application was neighbour notified and advertised in the local press and no objections have been received.

7.0	Assessment
7.1	The key issues in the assessment of the proposal are as follows: • The design and appearance of the proposal • Open Space and Landscape Designations • Access and Movement
7.2	Design and Appearance
7.3	The southern boundary of the Community Centre is bound by a 1.8m high palisade fence. The fence will be moved due south by 11.4 metres to allow for the second temporary classroom unit, this is a further 2.9m than the approved temporary classroom in application LA04/2021/2577/F. This is where the temporary unit will be located. The unit will have a footprint of 11m by 7m and will be 4m in height with a low-pitched roof. There is an entrance door with a ramp on both the east and west elevations, with four windows to both the north and south elevations.
7.4	There will be new bitmac surfacing to link the existing paths to the Gael-Ionad building and temporary unit 1 (LA04/2021/2577/F), with the proposed entrance ramp and steps to the proposed classroom entrance.
7.5	It is considered that the form and scale of the proposal is not unduly prominent or detracting from the character and appearance of the area. The classroom is set back from the public road to the side of the main building and existing temporary classroom unit.
7.6	It is not considered that the proposal will cause demonstrable harm on the character and appearance of the surrounding area. The unit will be adjacent to an existing Community Centre and will use the existing access to the side. The unit will be visible on approach Whiterock Close from the north; however, the unit will be set back from the road. It will not appear uncommon in the context of the existing Community Centre as there is already an existing temporary unit adjacent to it. Due to a large separation distance from the nearby residential dwellings, the unit will not be visible.
7.5	Open Space and Landscape Designations
7.6	Policy OS 1 (Protection of Open space) of PPS 8 (Open Space, Sport, and Outdoor Recreation) protects against the loss of existing open space. Whilst the proposal will be on existing open space, it is currently derelict and not in use. There is a presumption in favour of its retention, an exception will be granted where redevelopment will bring substantial community benefits that outweigh its loss. The p1 form states that this additional accommodation is essential to allow Glór Na Mona to continue their Irish Language classes and youth group practices on the site. The group have initiated larger scale scheme proposals on the adjoining site; however, funding has not yet been secured for this. Therefore, this additional accommodation is temporary and will be replaced with the new permanent proposals in 5-6 years' time.
7.7	The proposal will bring a community benefit and is temporary in nature; it is considered, on balance, that the proposal is generally compliant with PPS8.
7.8	The site is within the Milltown Urban Landscape Wedge. This designation protects valuable open areas and prevents the merger of different urban communities. The proposal suitably integrates and is considered small in scale. It will not affect views onto

	the site to a large degree and will therefore not have a detrimental impact on the integrity of the wedge.
7.9	Access and Movement
7.10	PPS3 sets out policies to ensure that any new development does not create a traffic hazard. The proposal will utilise the existing access and parking associated with the existing Community Centre. In-curtilage parking is not affected by the proposal; therefore, the proposal is compliant with PPS3.
7.11	Conclusion The proposal is seeking a temporary permission for 5/6 years until a more permanent structure has been agreed for the site. On balance, the temporary mobile classroom is acceptable subject to a time limited condition requiring removal after 3 years and reinstatement of the land to its previous condition. This will allow any impacts from the temporary building to be assessed.
7.12	Considering the value of the proposal in term of community benefit and how the proposal complies with policy, approval is recommended.
8.0	Summary of Recommendation: Approval
8.1	Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions. It is requested that delegated authority is given to the Director of Place and Economy to finalise the planning conditions.
9.0	Conditions:
9.1	1. The approval is temporary for a period of 36 months from the date of this decision notice. All works must be removed, and the site reverted to its original condition after this period. Reason: To enable the Council to consider the development in the light if circumstances then prevailing.

ANNEX	
Date Valid	25 th November 2022
Date First Advertised	17 th February 2023
Date Last Advertised	17 th February 2023
Details of Neighbour Notification (all addresses) Apartment 1, 2 Whiterock Close, Ballymurphy, Belfast, Antrim, BT12 7FE Apartment 2, 2 Whiterock Close, Ballymurphy, Belfast, Antrim, BT12 7FE Apartment 3, 2 Whiterock Close, Ballymurphy, Belfast, Antrim, BT12 7FE Apartment 4, 2 Whiterock Close, Ballymurphy, Belfast, Antrim, BT12 7FE Apartment 5, 2 Whiterock Close, Ballymurphy, Belfast, Antrim, BT12 7FE Apartment 6, 2 Whiterock Close, Ballymurphy, Belfast, Antrim, BT12 7FE Apartment 7, 2 Whiterock Close, Ballymurphy, Belfast, Antrim, BT12 7FE	

Apartment 8, 2 Whiterock Close, Ballymurphy, Belfast, Antrim, BT12 7FE Apartment 9, 2 Whiterock Close, Ballymurphy, Belfast, Antrim, BT12 7FE Apartment 10, 2 Whiterock Close, Ballymurphy, Belfast, Antrim, BT12 7FE Apartment 11, 2 Whiterock Close, Ballymurphy, Belfast, Antrim, BT12 7FE Apartment 12, 2 Whiterock Close, Ballymurphy, Belfast, Antrim, BT12 7FE Apartment 13, 2 Whiterock Close, Ballymurphy, Belfast, Antrim, BT12 7FE Apartment 14, 2 Whiterock Close, Ballymurphy, Belfast, Antrim, BT12 7FE Apartment 15, 2 Whiterock Close, Ballymurphy, Belfast, Antrim, BT12 7FE Apartment 16, 2 Whiterock Close, Ballymurphy, Belfast, Antrim, BT12 7FE Apartment 17, 2 Whiterock Close, Ballymurphy, Belfast, Antrim, BT12 7FE Apartment 18, 2 Whiterock Close, Ballymurphy, Belfast, Antrim, BT12 7FE	
Date of Last Neighbour Notification	26 th January 2023
Date of EIA Determination	No
ES Requested	No
Drawing Numbers and Title	
01 Site Location Plan and Block Plan 02 Proposed floor plans and elevations	
Notification to Department (if relevant): N/A Date of Notification to Department: Response of Department:	

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 14 th March 2023	Item Number:
Application ID: LA04/2022/2220/F	Target Date:
Proposal: It is proposed to erect an art installation of 10 no. printed diabond panels of 2400mm x 1200mm, which will be attached to the existing metal boundary fence of the premises using appropriate fixings.	Location: 10-14 York Road, Belfast, BT15 3HE
Referral Route: The application is part of the Business Cluster Support Project which is funded by Belfast City Council	
Recommendation:	Approval
Applicant Name and Address: Small Steps C/o Muriel Bowyer North Belfast Orange Memorial Hall 170 Alexandra Park Avenue Belfast BT15 3GJ	Agent Name and Address: OGU Architects Flax Art Studios 31-33 Bedford Street Belfast BT2 7EJ
Executive Summary: The application is seeking full planning permission for the erection of an art installation comprising of 10no. diabond panels of 2.4m by 1.2m (landscape) which will be attached to the existing metal boundary fence of the premises using appropriate fixings. This is an Ulster Scots themed project where panels will include pictures and text of great Ulster-Scots from the last hundred years including soldiers, scientists, inventors, sportsmen, writers and artists, who have had strong links to Belfast including CS Lewis, John Stewart Bell and Amy Carmichael. The key issues are: - Impact on amenity and general characteristics of the area - Impact on public safety. The site is located at 10-14 York Road which is a corner site; the site is currently vacant and bound by high metal fencing on the York Road and Mountcollyer Avenue side. The surrounding area is a mix of commercial properties on the York Road and residential dwellings to the rear along Mountcollyer Avenue. The proposal has been assessed against the Strategic Planning Policy Statement for Northern Ireland (SPPS), Belfast Urban Area Plan 2001 (BUAP) and the Draft Metropolitan Area Plan 2015 (BMAP). DFI Roads offer no objection to the proposal subject to conditions. One representation was received from Mr R Geddis, 16-22 York Road. Issues raised included the location of the boards on his property and the address of the property. A telephone call with Mr R Geddis confirmed that he did not own the land, rather he has a right of way over the land to access his property. The plans do not show that the gates on either the York Road or Mountcollyer Avenue	

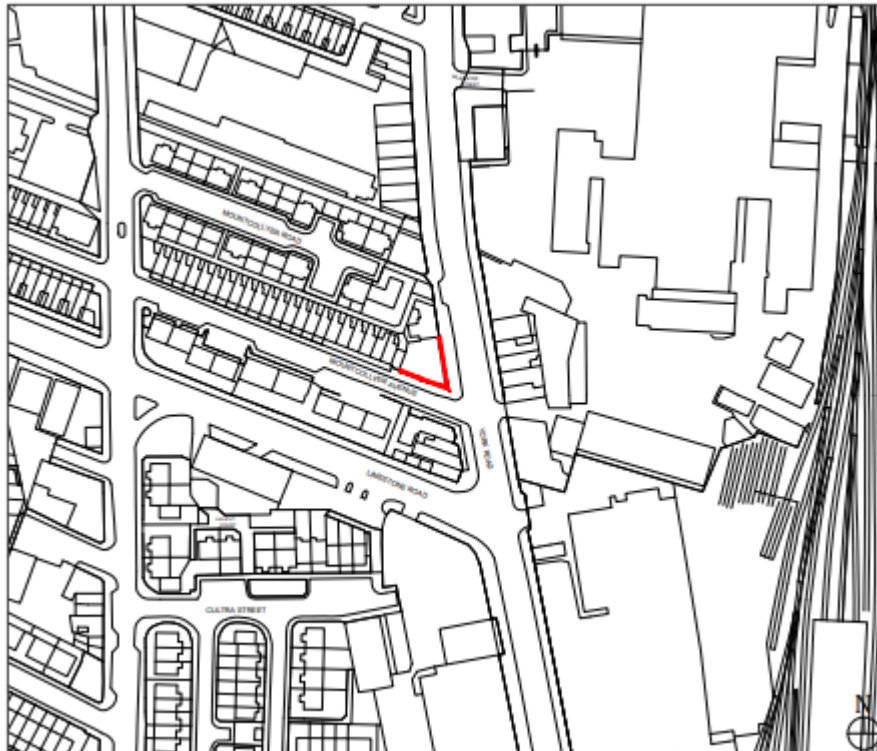
frontages to be blocked by the proposal. The issue regarding the address has already been resolved, with it amended to 10-14 York Road.

Recommendation: Approval

It is recommended that the application is approved for a temporary period of 3 years, and it is requested that delegated authority be given to the Director of Planning and Building Control to finalise the wording of conditions.

Case Officer Report

Site Location Plan





Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The application is seeking full planning permission for the erection of an art installation comprising of 10no. diabond panels of 2.4m long by 1.2m in height (landscape) which will be attached to the existing metal boundary fence of the premises using appropriate fixings.
1.2	It is proposed that 6no. panels will be on the Mountcollyer Avenue side and 4no. on the side fronting onto York Road.
2.0	Description of Site
2.1	The application site is located along York Road, on the corner with Mountcollyer Avenue. It is a derelict, vacant site bound by metal fencing. The neighbouring properties along York Road are of a commercial and retail nature, whilst the properties to the rear are residential.
Planning Assessment of Policy and other Material Considerations	
3.0	Relevant Site History
3.1	Application site: LA04/2018/1670/A – 10-14 York Road, Belfast – 2x hoarding, 2m by 1.4m (portrait) – Refused, 12 th October 2018
4.0	Policy Framework
	<u>Development Plans</u>
4.1	Belfast Urban Area Plan (BUAP) 2001
4.2	Draft Belfast Metropolitan Area Plan (dBMAP v2004)
4.3	Draft Belfast Metropolitan Area Plan (dBMAP v2014)
4.4	Draft Belfast Local Development Plan 2035 – Draft Plan Strategy
	<u>Regional Planning Policy</u>
4.5	Regional Development Strategy (RDS) 2035
4.6	Strategic Planning Policy Statement (SPPS)
5.0	Consultations:
5.1	Statutory Consultee Responses
5.1.1	DFI Roads – no objections to the proposal.

5.2	Non-Statutory Consultee Responses
5.2.1	None
6.0	Representations
6.1	One representation was received from Mr R Geddis, 16-22 York Road. Issues raised included the location of the boards on his property and the address of the property. A telephone call with Mr R Geddis confirmed that he did not own the land, rather he has a right of way over the land to access his property. The plans do not show that the gates on either the York Road or Mountcollyer Avenue frontages to be blocked by the proposal. The issue regarding the address has already been resolved, with it amended to 10-14 York Road.
7.0	Assessment <u>Policy Context</u>
7.1	Section 6(4) of the Planning Act (Northern Ireland) 2011 states that: <i>'Where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.'</i>
7.2	Section 45(1) of the Act states that the council must <i>'...have regard to the local development plan, so far as material to the application, and to any other material considerations...'</i> .
7.3	Following the Court of Appeal decision on BMAP, the extant development plan is the BUAP. However, dBMAP remains an important material consideration. Given the stage at which the draft BMAP (v2014) had reached pre-adoption through a period of independent examination, it is considered to hold significant weight, save for retail policies relating to Sprucefield, Lisburn, which remain contentious.
7.4	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.
	<u>Key Issues</u>
7.5	The key issues relevant to consideration of the application are: • Impact on amenity and general character of the area; and • Impact on public safety.
7.6	The proposal seeks permission for the installation of 10no. printed panels measuring 2.4m x 1.2m. The proposal is part of a Business Cluster Support Project and is an Ulster-Scots themed project. The panels are proposed to incorporate photographs and text of great Ulster Scots from the last 100 years including soldiers, scientists, inventors, sportsmen, writers and artists, many of whom have had strong links to Belfast including, CS Lewis, John Stewart Bell and Amy Carmichael.

7.7	The proposed panels will be for information purposes only and will not be used for the purpose of advertising. The proposal is considered acceptable under the SPPS as the proposed panel is not located in an area which features any historic, archaeological, architectural, landscape or cultural interest.
7.8	The position of the panels on the host building and their scale and size in relation to that building is considered acceptable. The proposal is not illuminated and are not considered to prejudice public safety.
7.9	The proposal is not considered to result in clutter when read with existing advertisements in the area. The adjoining pawn broker shop and betting shop currently have 1 fascia sign each. The panels are not high level and will not appear dominant or out of character within the context of the surrounding area, as well as improving the amenity of the area by helping to screen a derelict site.
8.0 8.1	Conclusion On balance, it is considered that the proposed development is acceptable, having regard to the Development Plan and retained planning policy and other material considerations. Therefore, the recommendation is to grant planning permission for a temporary period of 3 years. It is recommended that the Director of Planning and Building Control uses her delegated authority to finalise the wording of the conditions.
9.0	Draft Conditions 1. The permission hereby granted is for a temporary period of 3 years. The art installation and all associated development hereby granted will be removed on or before 3 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011 and in order to protect the amenity of the area 2. The art panels hereby granted shall be used to display information for the Ulster-Scots themed project only and will be kept well maintained and in good repair to the reasonable satisfaction of the council Reason: In the interests of the amenity of the area.

ANNEX	
Date Valid	8 th December 2022
Date First Advertised	17 th February 2023
Date Last Advertised	As above
Date of Last Neighbour Notification	19/01/23, 31/01/23 & 09/02/23
Date of EIA Determination	N/a
ES Requested	No
Drawing Numbers and Title 01 – Site location plan 02 – Proposed site plan	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank



Subject:	Delegation of Local applications with NI Water objections
Date:	14 March 2023
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
Contact Officer(s):	Ed Baker, Planning Manager (Development Management) Ciara Reville, Principal Planning Officer

Restricted Reports	
Is this report restricted?	Yes ☐ No ☒
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 Planning Committee will recall that at its meetings on 27 June 2022, 14 November 2022 and 14 February 2023, it agreed to delegate authority to the Director of Planning and Building Control the determination of a number of Local applications to which NI Water had objected.
1.2	The Council continues to receive objections from NIW to some Local applications. The purpose of this report is to seek the Committee's agreement to delegate to officers those Local planning applications to which NI Water has objected as set out at Appendix 1 .
1.3	For the avoidance of doubt, it is only those applications which would have been delegated to officers under the Scheme of Delegation were it not for the objection from NI Water which are proposed to be delegated. Therefore, any of the Local applications listed at Appendix 1 which it may later transpire require to be referred to the Committee for other reason/s (other than the NI Water objection) will be reported to the Committee to determine. Individual Members can also still request that the applications at Appendix 1 are referred to the Committee under paragraph 3.8.1 of the Scheme of Delegation.

2.0	Recommendation
2.1	That the Committee agrees to delegate to the Director of Planning and Building Control those Local planning applications to which NI Water has objected set out at Appendix 1 .
3.0	Main Report
	<u>Background</u>
3.1	The Committee will be aware from the Committee Workshop on 18 November 2021 that NI Water has objected to a significant number of Local applications on grounds of insufficient waste-water infrastructure capacity.
3.2	As advised at the Committee Workshop, officers have been engaging with NI Water to try to resolve those objections. Whilst progress is being made, and NI Water is actively considering a threshold for the scale and nature of development above which they would like to be consulted on future planning application, the objections to these Local applications remain.
	<u>Scheme of Delegation</u>
3.3	Members will be aware that the Council operates a Scheme of Delegation for Planning which identifies which matters are to be determined by the Committee and which are delegated to officers.
3.4	Paragraph 3.8.5 (f) of the Scheme of Delegation (January 2020) states that planning applications are not delegated where <i>'There is an objection from a statutory consultee and the recommendation of the Planning Officer is to approve.'</i> This means that those applications are required to be determined by the Planning Committee.
3.5	The Planning (General Permitted Development) Order (Northern Ireland) 2016 identifies NI Water as a statutory consultee <i>'...where a development proposal is likely to significantly impact upon the availability of suitable water and sewerage infrastructure to service development proposals.'</i>
3.6	This means that where NI Water has lodged an objection to a Local application and the officer recommendation is to approve, the application cannot be delegated and must be determined by the Committee.
3.7	Therefore, at its meeting on 27 June 2022, 14 November 2022 and 14 February 2023, the Committee agreed to delegate 97, 25 and 18 Local applications respectively with NI Water objections to the Director of Planning and Building Control. This has avoided the potential need to report all 140 applications individually to the Committee. To have reported all those applications to the Committee would have been logistically extremely difficult, costly and would have resulted in further delays for applicants.
	<u>Nature of NI Water objections</u>
3.8	NI Water has lodged objections to Local applications for one or both of the following reasons. a) There is insufficient capacity at the local Waste Water Treatment Plant to support the proposed development; and/or b) There is insufficient network capacity within existing Combined Storm Overflows to support the development.

3.9	In broad terms, NI Water is concerned that a lack of infrastructure capacity would give rise to risk of environmental harm including pollution, flooding and adverse impact on existing property. In some cases, NI Water is concerned that the application site may be hydrologically linked to Belfast Lough and may harm its water quality.
3.10	However, despite requests, NI Water has to date not provided robust evidence to support individual objections including demonstration of actual specific impacts resulting from individual proposals that stems from their broad concerns outlined above.
3.11	Importantly, allowance must be made for existing significant committed development across the city including extant planning permissions. It is highly unlikely that all such development, which includes unimplemented permissions for over 20,000 houses and significant levels of commercial floor space across the city, will come forward at once, if at all. In practical terms it would be unreasonable for the Council to withhold planning permission given the fall-back of the need to connect those developments to existing waste water infrastructure.
3.12	In the case of Waste Water Treatment capacity, NI Water advises that there will be increased capacity from July 2023, albeit this will not be sufficient to address long term waste water treatment plant infrastructure requirements.
3.13	The Council must be mindful that were it to refuse planning permission based on NI Water's concerns, it would need to provide robust evidence to the Planning Appeals Commission in the event that the applicant appeals the decision. In the absence of robust evidence, it would be unreasonable to refuse planning permission.
	<u>Habitats Regulations Assessment</u>
3.14	Officers have met with Shared Environmental Services (SES). Belfast City Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for undertaking an Appropriate Assessment where a proposal is likely to have a significant environmental effect on Belfast Lough, an environmentally protected Special Protection Area (SPA), RAMSAR and Special Area of Conservation (SAC). Water quality of the lough is a key consideration. The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also "in combination" impacts with other development.
3.15	Whilst a precautionary approach applies to Habitats Regulations Assessment (HRA), SES confirms that the onus is on NIW to provide evidence of likely actual impacts, rather than hypothetical impacts. As Competent Authority, the Council may take its own objective view on whether a proposal is likely to have a "significant effect" on water quality of the Lough. However, having regard to the precautionary approach, where there is clear intensification the Council will consult SES and ask them to undertake a HRA Appropriate Assessment Screening to ascertain whether there would be a likely significant impact. This would also trigger statutory consultation with DAERA NI Environment Agency. The Planning Service will consult SES and DAERA on a case by case basis as required.
	<u>Local applications for which delegated authority is sought to determine</u>
3.16	The further Local applications to which NI Water has objected and which delegated authority is sought to determine are listed at Appendix 1 .
3.17	It should be noted that only those applications which would have been delegated to officers under the Scheme of Delegation were it not for the objection from NI Water are proposed to be delegated. Therefore, any of the Local applications listed at Appendix 1 which it transpires need to be referred to the Committee for other reason/s under the Scheme of

	Delegation will be reported to the Committee to determine. Individual Members can also still request that the applications at Appendix 1 are referred to the Committee under paragraph 3.8.1 of the Scheme of Delegation.
4.0	Financial & Resource Implications
4.1	Officers are aware of the infrastructure issues which NI Water are facing and have had regard to that in making this recommendation to Committee. However, each application must be assessed on its own merits and officers have sought detailed evidence to support the objections which have been provided by NI Water. That has not been forthcoming.
4.2	The cost and resources involved in individually reporting all Local applications to which NI Water has objected to the Planning Committee would be considerable. It would also require several additional sittings of the Committee.
4.3	Regard is also had to the considerable current pressures on the Planning Service and staff with an extremely high volume of live applications on hand due to the longer-term impacts of COVID-19 and ongoing technical issues with the new Planning Portal. The impacts of COVID-19 and other operational pressures were reported in detail to the 15 th February 2022 Planning Committee, item 12a. (hyperlink). In addition, technical issues with the new Planning Portal have reduced the rate of decisions. Combined with several key vacancies, total live applications have increased to around 1,100 application, an approximate 40% increase since pre-pandemic levels. It is very important that the Planning Service implements a range of measures to reduce live applications back down to more manageable levels. This includes securing delegated authority from the Committee for officers to deal with these Local applications subject to NI Water objections.
4.4	For the reasons set out above, officers are of the view that it would be appropriate to continue to delegate these applications.
5.0	Equality or Good Relations Implications / Rural Needs Assessment
5.1	No adverse impacts identified.
6.0	Appendices – Documents Attached
	Appendix 1 – List of Local applications which are proposed to be delegated to officers to determine.

Appendix 1 – Local applications with NIW objections (March 2023)

	DEA	REFERENCE	DATE RECEIVED	PROPOSED	ADDRESS
1	Black Mountain	LA04/2023/2338/F	15/12/2022	Full application for a proposed new single story building adjacent the new 'Peace IV Blackmountain Shared Space Project'. It comprises 8 office spaces with each space having an accessible WC and kitchenette facility. Offices will provide rental income to facilitate the long-term sustainability of the adjacent building. (Amended site location)	Site of the former Finlay's Factory southeast of Ballygomartin Road, north of Moyard Crescent, northwest of Springfield Heights and Springfield Park, Belfast BT13 3QZ Ballymurphy Belfast Antrim BT13 3QZ
2	Ormiston	LA04/2023/2462/F	21/12/2022	Demolition of existing buildings and construction of 14 apartments with associated car parking and landscaping.	6-8 Greenwood Avenue Ballycloghan Belfast Down BT4 3JJ
3	Lisnaharragh	LA04/2023/2418/F	21/12/2022	Proposed demolition of existing retail units and vehicle drop off area of 215-225 Castlereagh Road, Belfast and erection of 4 storey apartment building containing, 16 number apartments along with associated development and ancillary works.	215-225 Castlereagh Road, Belfast, BT5 5FH
4	Titanic	LA04/2023/2400/F	10/01/2023	The demolition of the existing building and the construction of a new 4 storey apartment block containing 7 Nos. apartments.	1-5 Cheviot Avenue Ballyhackamore Belfast Down BT4 3AG
5	Black Mountain	LA04/2023/2496/F	17/01/2023	Proposed erection of three, two storey detached houses	30m South east of 150A Upper Springfield Road Hannahstown Belfast Antrim BT17 0LZ
6	Botanic	LA04/2023/2762/F	22/02/2023	Change of use of retail unit on Ground and First Floor from Retail to Coffee Shop	22-24 Corn Market, Belfast, BT1 4DD
7	Black Mountain	LA04/2023/2799/O	30/11/2022	Erection of new retirement bungalow	Site to rear and side of 17 The Cottages, Upper Springfield Road Belfast, BT17 0NB
8	Castle	LA04/2022/2128/O	23/11/2022	Detached 1 and 1/2 storey dwelling.	Lands 20M East of 669 Antrim Road and 28M South of, 3 Glastonbury Avenue Belfast, BT15 4DL
9	Botanic	LA04/2022/2040/F -.	01/11/2022	Refurbishment and extension of existing Chaplaincy including change of use of upper floors to provide 41 no. studios for use as student accommodation, refurbishment and reconfiguration of ground floor layout, external	Catholic Chaplaincy 28-38 Elmwood Avenue

				landscaping, elevational changes and other associated works	
10	Botanic	LA04/2022/2268/F	9/12/2022	Proposed conversion of the former Masonic Lodge Hall to provide 11 serviced apartments, including the demolition of the rear return and rebuilding as a two story extension	13 Park Avenue