

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



**Belfast  
City Council**

25th August, 2022

## **PLANNING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in hybrid format, both in the Council Chamber and via Microsoft Teams on Wednesday, 31st August, 2022 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) Declarations of Interest

### **2. Planning Applications**

- (a) LA04/2021/2856/O - Proposed mixed use regeneration development comprising office (Class B1), residential apartments (including affordable), retail (Class A1), hotel, leisure (Class D2), public realm, active travel uses, cafes, bars and restaurants, and community uses (Class D1), on lands surrounding the new Belfast Transport Hub and over the Transport Hub car park, to the east and west of Durham St and south of Grosvenor Rd. At Lands to east of West Link (A12) and south of Grosvenor Road; Lands at Grosvenor Road and intersection of Grosvenor Road and Durham Street; Lands to the east of Durham Street and north of Glengall Street; Lands at Glengall Street; Lands between Glengall Street and Hope Street including Europa Bus Station, Great Victoria Rail Station surface car parks at St Andrew's Square; Translink lands to west of Durham Street, south of BT Exchange building and north of Murray's Tobacco Works (Pages 1 - 40)

- (b) LA04/2022/0063/F - Construction of warehouse distribution facility, associated ancillary office, yards, car parking and access from Westbank Road. At Lands to the north east of 3 Westbank Road and immediately south west of the existing Stena Line Terminal, Belfast Harbour Estate (Pages 41 - 58)
- (c) LA04/2022/0853/F - Provision of a two-storey multi-purpose shared space building comprising main hall (to facilitate 3no. indoor pitches), changing and toilet facilities, kitchens, multi-function rooms. Car and cycle parking areas, service yard, perimeter fencing, temporary construction compound hoarding, associated external lighting and landscaping. Proposed vehicular and pedestrian accesses from Springfield Heights and Ballygomartin Road, service vehicles from Ballygomartin Road and all associated site works. At Site of the former Finlay's Factory SE of Ballygomartin Road, N of Moyard Crescent, NW of Springfield Heights and Springfield Park (Pages 59 - 80)
- ~~(d) LA04/2021/1231/O - Demolition of existing buildings and erection of 36 apartments in 2 blocks at 385 Hollywood Road (Item withdrawn)~~

3. **Restricted Items**

- (a) Update on the Replacement Planning Portal - Verbal update

Development Management Officer Report Committee Application	
Summary	
<b>Committee Meeting Date:</b> Wednesday 31 <sup>st</sup> August 2022	
<b>Application ID:</b> LA04/2021/2856/O	
<b>Proposal:</b> Proposed mixed use regeneration development comprising office (Class B1), residential apartments (including affordable), retail (Class A1), hotel, leisure (Class D2), public realm, active travel uses, cafes, bars and restaurants, and community uses (Class D1), on lands surrounding the new Belfast Transport Hub and over the Transport Hub car park, to the east and west of Durham St and south of Grosvenor Rd.	<b>Location:</b> Lands to east of West Link (A12) and south of Grosvenor Road; Lands at Grosvenor Road and intersection of Grosvenor Road and Durham Street; Lands to the east of Durham Street and north of Glengall Street; Lands at Glengall Street; Lands between Glengall Street and Hope Street including Europa Bus Station, Great Victoria Rail Station surface car parks at St Andrew's Square; Translink lands to west of Durham Street, south of BT Exchange building and north of Murray's Tobacco Works.
<b>Referral Route:</b>	Major development
<b>Recommendation:</b>	Approval subject to conditions and Section 76 planning agreement
<b>Applicant Name and Address:</b> NITHCO Chamber of Commerce House 22 Great Victoria Street Belfast BT2 7LX	<b>Agent Name and Address:</b> Juno Planning & Environmental Ltd 409 Lisburn Road Belfast BT9 7EW
<b>Executive Summary:</b>  Following approval from the Department of Infrastructure (DfI) for the "Belfast Transport Hub" (BTH) in March 2019 under application LA04/2017/1388/F, Translink has submitted an application for outline planning permission for redevelopment and regeneration of the adjacent lands. The application follows a Pre-Application Discussion with the Planning Service.  The ' <b>Weaver's Cross Regeneration Project</b> ' ("WX") proposes to redevelop lands freed up by the future closure of the existing Europa Bus Station and Great Victoria Street train station and other vacant lands in the ownership of Translink to the west of the BTH development.  The wider proposals are described by the applicant as being "transport-led regeneration" with particular focus on placemaking and public realm, promoting environmental sustainability and delivering economic and social value.  The planning application seeks outline permission for:  <i>'Mixed use regeneration development comprising office (Class B1), residential apartments (including affordable), retail (Class A1), hotel, leisure (Class D2), public realm, active travel uses, cafes, bars</i>	

*and restaurants, and community uses (Class D1), on lands surrounding the new Belfast Transport Hub and over the Transport Hub car park, to the east and west of Durham St and south of Grosvenor Rd.'*

**All matters are reserved** for subsequent approval, including:

- Siting
- Design
- External appearance
- Means of access, and
- Landscaping

Whilst these matters are reserved, the application is supported by a **Planning and Design Principles document (PDP)** and a series of **Parameters Plans** which would regulate the scope of development. These include:

- Maximum Vertical Parameters (maximum height of buildings)
- Maximum Horizontal Parameters both at ground floor and above ground (maximum building envelope)
- Land Use Parameters Plan (excluding residential use from parts of the development)
- Active Frontage and Uses Parameters Plan (ensuring active night-time uses in certain parts of the scheme in the interests of vibrancy and to deter anti-social behaviour)

The **PDP** proposes design principles that the reserved matters will adhere to including design, massing, height, materials, landscaping and public realm, private and public open space, amenity criteria, street layout, traffic, access and parking issues. The PDP is to be read in conjunction with the submitted Parameter Plans. If approved, it is envisaged that subsequent applications for approval of reserved matters will have to generally accord with the principles contained in the PDP, and fully comply with the Parameters Plans, and that this would be secured through planning conditions.

An indicative scheme has been provided to illustrate the proposed development. The indicative scheme has been designed to accord with the maximum parameters – it therefore allows the Council to test the suitability of the various Parameters Plans. The indicative scheme is supported by a VU.CITY model.

There are **three main zones** within the site known as:

1. "City Fringe"
2. "Saltwater Square"
3. "City Entries"

### **Pre-Determination Hearing**

Section 30 (4) of the Planning Act permits the Council to hold a voluntary Pre-Determination Hearing (PDH) to give the applicant and interested parties an opportunity to appear before and be heard by a committee of the Council. Given the scale and nature of the proposed development and the number of representations, a PDH was held on 27<sup>th</sup> June 2022

The application is accompanied by an Environmental Assessment (ES) which concludes that subject to appropriate mitigation, the negative impacts (residual) impacts which could arise from the developments are either negligible or are not significant. Full details of the information submitted as part of the application are considered in detail in the report.

The main issues to be considered in the assessment of this outline application are:

- The principle of the proposed uses at these locations
- Regeneration, employment and investment
- Housing including affordable housing
- Transportation including transport sustainability, parking and impact on road safety
- Impact on the character and appearance of the area
- The impact on amenity of nearby residents and businesses
- Impact on Built Heritage and Archaeology
- Human Health
- Drainage and flood risk
- Wastewater infrastructure
- Natural Heritage
- Developer Contributions and Planning Agreement
- Pre-Application Community Consultation

The site is located within the development limit of Belfast in the BUAP 2001 and Draft BMAP 2015 (dBMAP, both versions). It is un-zoned, “white land” in the BUAP 2001 whilst under both versions of dBMAP 2015, the site is either “white land” or designated a Development Opportunity Site. This is detailed in the main report.

The proposal would support the regeneration of the area and augment the development of the Transport Hub (“Grand Central Station”). It would provide an important mixed-use development that would cater for a wide range of uses employment, retail, community issues and housing that would support the Council’s aims of increasing city centre living. The principle of development is considered acceptable.

The proposed height and horizontal parameters are considered justified and have been tested having regard to the visual information provided with the application and VU.CITY. The proposed design principles that subsequent reserved matters applications will need to follow are considered appropriate.

The site is a central and highly sustainable city centre location on the doorstep of the Transport Hub and with excellent access to public transport, shops, services and amenities. The proposal itself would not provide dedicated parking, however, this is considered appropriate given the availability of parking elsewhere within the city centre together with the highly sustainable location of the site.

The proposed development would contribute a minimum of 20% affordable housing and Developer Contributions towards employability and skills. It would support job creation and economy prosperity.

**Statutory consultees** including DfI Roads, DfC HED, DAERA NIEA, Shared Environmental Services (SES), DfI Rivers, NI Water, NI Electricity and Belfast City Airport have no objection to the proposal subject to conditions and Section 76 planning agreement as appropriate.

**Non-statutory consultees** including BCC Environmental Health, BCC Economic Development, BCC City Centre and Regeneration, and Northern Ireland Housing Executive (NIHE) and have no objection to the proposal subject to conditions and relevant Section 76 provisions. BCC Senior Urban Design Officer has no objection but recommends that some minor discrepancies in the submitted drawings are addressed.

At the time of writing, **158 representations** have been received. There are 14 letters of support whilst the remaining representations are considered objections. The vast majority of the objections relate to the removal of the Boyne Bridge and introduction of new pedestrian crosses associated with the Belfast Transport Hub, however, these elements have already approved under planning permission

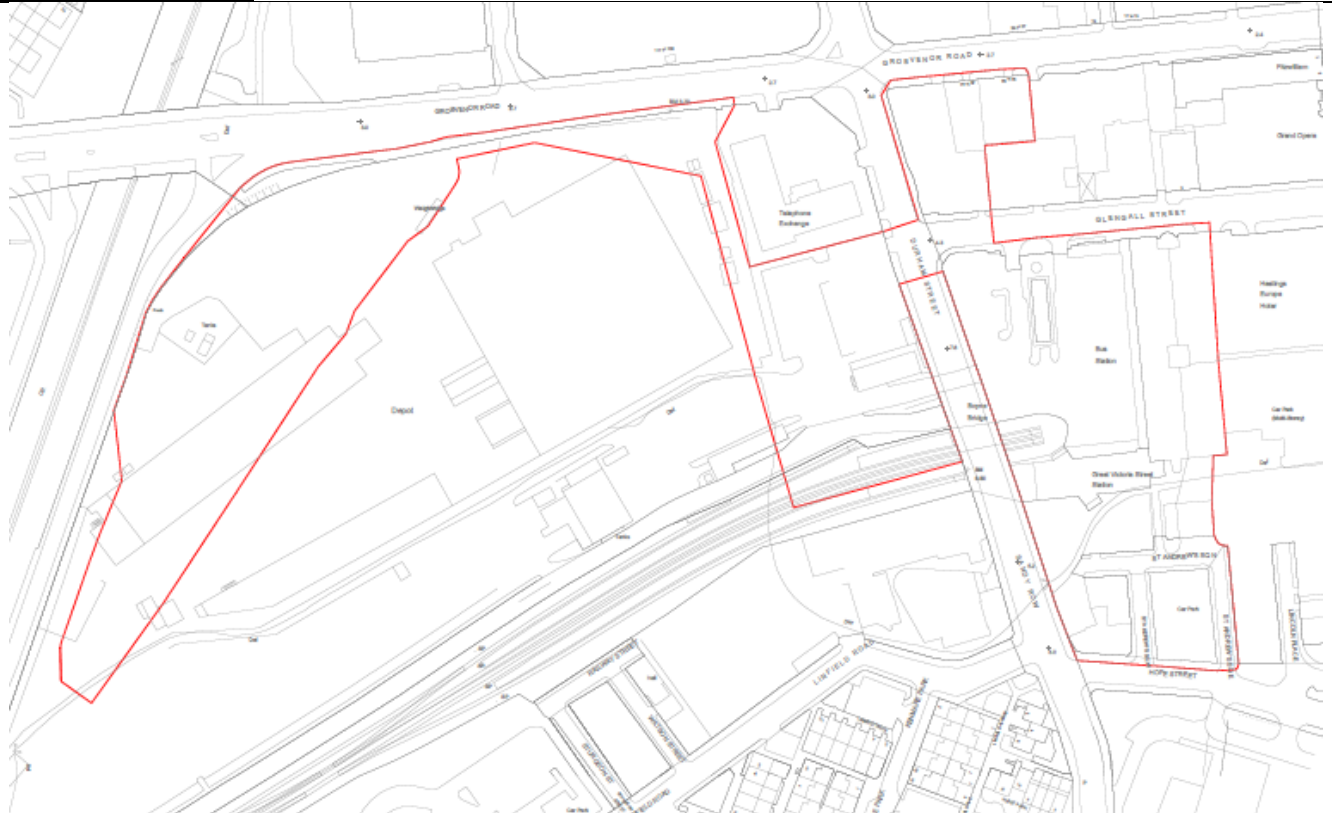
LA04/201/1388/F. The Boyne Bridge is located outside the application site (red line) for the current application. The objections are set out in more detail in the main report.

Having regard to the Development Plan and relevant 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. Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and Section 76 planning agreement, and resolve anomalies identified by the Senior Urban Design Officer as appropriate. Furthermore, to explore appropriate restrictions on hours of operation of the restaurants, bars, leisure. food and drink etc.

## Main Case Officer Report

### Site Location Plan



### Site Layout of Indicative Scheme







CGIs







## Characteristics of the Site and Area

### 1.0 Description of Proposed Development

1.1 The application seeks outline permission for a mixed-use regeneration development comprising office (Class B1), residential apartments (including affordable), retail (Class A1), hotel, leisure (Class D2), public realm, active travel uses, cafes, bars and restaurants, and community uses (Class D1), on lands surrounding the new Belfast Transport Hub and over part of the Transport Hub car park, to the east and west of Durham Street and south of Grosvenor Road.

1.2 All matters are reserved for subsequent approval:

- Siting
- Design
- External appearance
- Means of access, and
- Landscaping

1.3 Whilst all matters are reserved, the application is supported by a series of **Parameters Plans** which would regulate the scope of development. These Parameters Plans include:

- Maximum Vertical Parameters (maximum height of buildings)
- Maximum Horizontal Parameters both at ground floor and above ground (maximum building envelope)
- Land Use Parameters Plan (excluding residential use from parts of the development)

	<ul style="list-style-type: none"> <li>Active Frontage and Uses Parameters Plan (ensuring active night-time uses in certain parts of the scheme in the interests of vibrancy and to deter anti-social behaviour)</li> </ul>
1.4	The application is also supported by a <b>Planning and Design Principles</b> (“PDP”) document. The <b>PDP</b> proposes design principles that the reserved matters will have to adhere to including design, massing, height, materials, landscaping and public realm, private and public open space, amenity criteria, street layout, traffic, access and parking issues. The PDP is to be read in conjunction with the submitted Parameter Plans.
1.5	It is envisaged that subsequent applications for approval of reserved matters will generally have to follow the principles contained in the PDP and fully comply with the Parameters Plans, and that this would be secured through planning conditions.
1.6	An indicative scheme has been provided to illustrate the proposed development. The indicative scheme has been designed to accord with the maximum parameters so that these parameters can be tested. The indicative scheme is supported by visual material and VU.CITY model.
1.7	<p>The indicative scheme comprises three distinct areas:</p> <ol style="list-style-type: none"> <li><b>City Fringe</b> (west of the site to the west of the Transport Hub)</li> <li><b>Saltwater Square</b> (centre of the site to immediate east of the Transport Hub)</li> <li><b>City Entries</b> (east part of the site in the location of the existing bus station)</li> </ol>
1.8	The application does not contain proposed floor space figures for the development, but the indicative scheme comprises approximately 130,000 sqm.
1.9	The City Fringe zone of the site is located adjacent to the Westlink and the maximum heights proposed in the PDP are between 28 and 48 metres AOD.
1.10	Saltwater Square is already permitted as part of the Belfast Transport Hub. This outline applications proposes to bring forward two tall buildings to the north and south parts of Saltwater Square. The indicative scheme shows a taller building to the North (which will be a maximum height of 78 metres AOD) whilst the building to the south will be a maximum height of 34 metres AOD.
1.11	The City Entries part of the site comprises a continuous plot from the corner of Hope Street and Durham street to the corner of Durham Street and Grosvenor Road with maximum heights of between 26 and 54 metres.
1.12	The Saltwater Square and City Entry zones are proposed for mixed-use including residential. The City Fringe zone will not include residential use.
1.13	The application is supported by an Environmental Statement, Design and Access Statement and suite of other supporting documentation and technical reports.
<b>2.0</b>	<b><u>Description of Site and Area</u></b>
2.1	The site comprises 5.8 hectares (ha) and is located within the City Centre to the west of Great Victoria Street, south of Grosvenor Road, east of the M1 Westlink and alongside Durham Street. Low density housing at Sandy Row is located to the south. The topography of the site is relatively flat. It largely comprises the Europa Bus Station, Great Victoria Street train station and other vacant lands in the ownership of Translink.

2.2	The City Fringe zone is located adjacent to the Westlink on the western part of the site. Until recently this land was disused, however, it now contains a construction compound for the construction of the BTH. In March 2021, the Committee agreed to approve an office building of between 31m and 62m opposite the site on the north side of Grosvenor Road under reference LA04/2020/1666/F.
2.3	Saltwater Square is located centrally within the site, between the new BTH and Durham Street to the east. To the north is the BT Exchange building. To the south beyond the existing railway line is the former Murray's Tobacco Works, a Grade B+ Listed Building. The Listed Building is a 3-storey, red brick building constructed circa 1900. The building has a modern 3-storey extension which was constructed in 2011.
2.4	The City Entries comprises the existing Europa bus station and Victoria train station, and vacant lands at the corner of Hope Street and Grosvenor Roads. The adjacent land to the south east has extant permission for a 45m hotel building. This was approved in 2012 under Z/2009/1147/F and a Lawful Development Certificate was obtained for commencement works under LA04/2018/0110/LDE in 2019.

### Planning Assessment of Policy and other Material Considerations

3.0	<b>Planning History</b>
3.1	Detailed planning history relevant to the proposal, including the application site and adjacent land, is summarised at <b>Appendix 1</b> .
3.2	The application for planning permission (LA04/2017/1388/F) for the Belfast Transport Hub (BTH) was originally submitted to Belfast City Council but "called in" by the then Minister as a proposal of regional significance. The Transport Hub was granted planning permission by the Department for Infrastructure in March 2019.
3.3	The BTH application granted permission for a ' <i>New integrated public transport interchange comprising; station concourse, 26 bus stands, 8 railway platforms, bus maintenance and parking, track and signalling enhancements, bus access bridge, cycle and taxi provision, car parking, new public square, public realm improvements, highway improvements, infrastructure improvements and temporary structures for bus operations during construction and temporary site construction compounds.</i> '
3.4	DfI is responsible for the discharge of conditions for the BTH planning permission.
3.5	There have been three Non-Material Change (NMC) applications relating to the BTH which have been considered and approved by the Council: <ul style="list-style-type: none"> <li>• LA04/2020/0136/NMC granted in April 2020 relating to minor elevational and layout amendments to temporary garage/maintenance structures.</li> <li>• LA04/2021/1291/NMC granted in January 2021 relating to minor engineering amendments to the footbridge at Blythefield Park.</li> <li>• LA04/2020/1832/NMC granted in September 2021 relating to minor elevational and layout amendments to the main BTH building.</li> </ul>
3.6	In addition to these NMC applications, a full application (LA04/2021/0108/F) for an extension to the covered walkway/colonnade approved under the BTH permission was approved by the Council in September 2021.

<b>4.0</b>	<b>Policy Framework</b>
4.1	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
4.2	Regional Development Strategy 2035 Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) Planning Policy Statement 2 – Natural Heritage 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 Environment Planning Policy Statement 7 – Quality Residential Environments Planning Policy Statement 8 – Open Space Planning Policy Statement 12 – Housing in Settlements Planning Policy Statement 13 – Transportation and Land Use Planning Policy Statement 15 – Planning and Flood Risk Creating Places: Achieving Quality in Residential Developments (2000) Parking Standards (former Department of Environment) Developer Contributions Framework (adopted 2020)
<b>5.0</b>	<b><u>Statutory Consultees (current position)</u></b> <b>DFI Roads</b> – no objection subject to conditions <b>DFI Rivers</b> – no objection subject to conditions <b>DAERA NIEA Natural Heritage</b> – no objections <b>DAERA NIEA Land, Soil, and Air</b> – no objections subject to conditions <b>DAERA NIEA Water Management Unit</b> – no objections subject to satisfactory response from NI Water <b>DfC Historic Buildings</b> – no objections <b>DfC Historic Monuments</b> – no objections subject to conditions <b>Shared Environmental Services</b> – no objection subject to conditions <b>NI Water</b> – no objection subject to conditions <b>Belfast City Airport</b> – consideration to be given to buildings over 60m impacting aviation
<b>6.0</b>	<b><u>Non-Statutory Consultees (current position)</u></b> <b>Northern Ireland Housing Executive</b> – have indicated there is social housing need <b>BCC Senior Urban Design Officer</b> – no objections <b>BCC Environmental Health</b> – no objections subject to condition <b>BCC City Regeneration and Development Team</b> – no objections <b>BCC Landscape Team</b> – no objections <b>BCC Economic Team</b> – no objections subject to clauses in S76 regarding Employability and Skills <b>NI Electricity</b> – no objections
<b>7.1</b>	<b><u>Statutory Consultation</u></b>
7.1.1	The application was first advertised on 31 <sup>st</sup> December 2021 and was readvertised on 12 <sup>th</sup> August 2022 following the receipt of further information.
7.1.2	Neighbour notifications were issued on 12 <sup>th</sup> January 2022. Re-notifications were issued on 12 <sup>th</sup> August 2022.
<b>7.2</b>	<b><u>Representations</u></b>
7.2.1	At the time of writing, there are 158 representations. There are 14 letters of support whilst the rest are considered objections.

7.2.2	<p>The objections are summarised as follows.</p> <ul style="list-style-type: none"> <li>a) Demolition of the Boyne Bridge causing loss of culture and history</li> <li>b) Replacement of Boyne Bridge with toucan crossing would lead to the risk of road accidents</li> <li>c) Concerns about the height and concentration of proposed buildings</li> <li>d) Wind and shadow effects of tall buildings</li> <li>e) Concerns regarding timeframes and phasing</li> <li>f) Importance of the approach to the city from the new BTH</li> <li>g) Accommodation of tour buses in the new BTH instead of at City Hall</li> </ul>
7.2.3	<p>Many of the objections are centred around points (a), (b) and (g) and refers to the new Belfast Transport Hub which was approved by the Department for Infrastructure under application reference LA04/2017/1388/F. The removal of the Boyne Bridge has already been established through the BTH planning permission. The application site for the current application excludes the BTH development and the Boyne Bridge. Any objections relating to the removal of the Boyne Bridge and BTH are therefore not relevant to the current planning application.</p>
7.2.4	<p>The representations in support of the application are summarised as follows:</p> <ul style="list-style-type: none"> <li>• Welcome a regeneration-led project</li> <li>• Increased catchment for the retail industry</li> <li>• Provision of much needed connectivity</li> <li>• Contribution to regeneration of Linen Quarter</li> <li>• Positive contribution to economic, environmental and social vitality of the locale</li> <li>• Welcomes proposed Saltwater Square and permeability of routes</li> <li>• Potential for community events</li> <li>• Provision of Grade A office space to encourage investment</li> <li>• Promotion of sustainable transport</li> <li>• The proposal's focus on social value</li> <li>• Potential to contribute to the educational and medical innovation economies</li> <li>• Potential to rebuild city tourism</li> <li>• Potential to contribute to the hospitality sector</li> <li>• Potential to contribute to educational institutions nearby</li> <li>• Will encourage city centre living</li> </ul>
8.0	<p><b><u>ASSESSMENT</u></b></p>
8.1	<p><b><u>Development Plan</u></b></p>
8.1.1	<p>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 said 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.</p>
8.1.2	<p>Following the Court of Appeal decision on dBMAP 2015 (v2014) in May 2017, the extant development plan remains the Belfast Urban Area Plan 2001. However, given the stage at which draft BMAP 2015 (v2014) had reached pre-adoption through a period of independent examination, the policies within it 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 that draft BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the main areas of</p>

	contention were policies relating to Sprucefield Shopping Centre, dBMAP 2015 (v2014) is considered to have significant weight.
8.1.3	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 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.
8.1.4	<b><u>Key issues</u></b>
8.1.5	<p>The main issues relevant to the consideration of this application are:</p> <ul style="list-style-type: none"> <li>• The principle of the proposed uses at these locations</li> <li>• Regeneration, employment and investment</li> <li>• Housing including affordable housing</li> <li>• Transportation including transport sustainability, parking and impact on road safety</li> <li>• Impact on the character and appearance of the area</li> <li>• The impact on amenity of nearby residents and businesses</li> <li>• Impact on Built Heritage and Archaeology</li> <li>• Human Health</li> <li>• Drainage and flood risk</li> <li>• Wastewater infrastructure</li> <li>• Natural Heritage</li> <li>• Developer Contributions and Planning Agreement</li> <li>• Pre-Application Community Consultation</li> </ul>
8.2	<b><u>The Principle of the proposed uses at this location</u></b>
8.2.1	The site is located within the development limit of Belfast and is un-zoned "white land" in the BUAP and draft BMAP 2015 (both versions). However, a portion of the site is a Development Opportunity Site subject to a number of Key Site Requirements in both version of dBMAP. The presumption is therefore in favour of development subject to the policy considerations discussed below.
8.2.2	<p>The Key Site Requirements of the Development Opportunity Site are:</p> <ul style="list-style-type: none"> <li>• A <b>masterplan</b> shall be submitted to the Department including a landmark building of 15 storeys at the junction of Grosvenor Road and Durham Street – the outline application effectively serves as a masterplan outline permission. The site requirement for a landmark building in the specified location is not included due to it not being in the applicant's ownership. However, landmark buildings are proposed in Saltwater Square instead which are considered appropriate.</li> <li>• Provision of a new <b>Transport Hub</b> – this has been approved by the Department.</li> <li>• Proposals shall not include the use of <b>ground floor frontages</b> for parking – other than development within City Fringe, the scheme is compliant with this requirement. It is envisaged that the City Fringe, which is located on a car park approved under the BTH permission, will incorporate this parking. The detail of this will be dealt with at the Reserved Matters stage.</li> </ul>

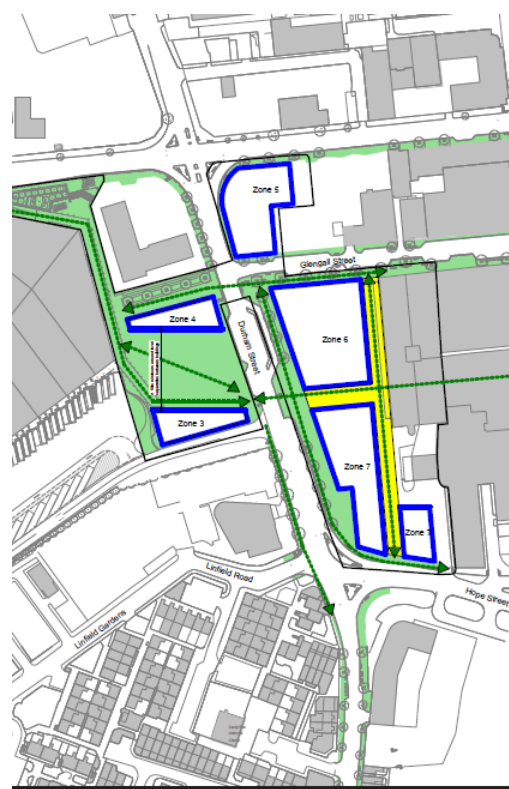
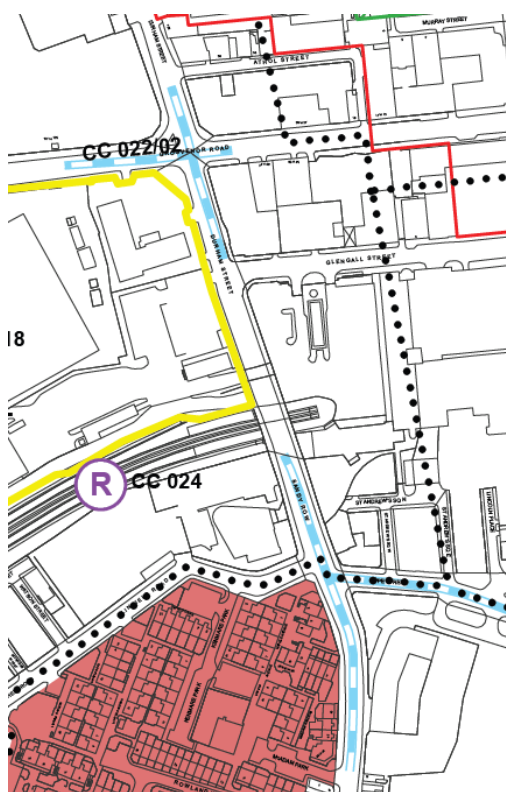


	Development proposals shall facilitate the <b>City Centre Ring Road</b> – DfI Roads have stated that this scheme is not progressing and there are currently no plans for it to do so. DfI Roads have not raised any objections with regards to this issue in their consultation response. In this regard, the proposal is considered acceptable.
8.2.3	The proposal would support regeneration of the area and augment the development of the Transport Hub (“Grand Central Station”). The proposed development would make effective use of previously developed land and provide an important mixed-use scheme that would cater for a wide range of uses employment, retail, community issues and housing that would support the Council’s aims of increasing city centre living.
8.2.4	Moreover, the site is a highly central and sustainable city centre location on the doorstep of the Transport Hub with excellent access to public transport, shops, services and amenities.
8.2.5	Having regard to the development plan and these material considerations, the principle of development is considered acceptable.
<b>8.3</b>	<b><u>Regeneration, employment and investment</u></b>
8.3.1	The proposal would support the regeneration of the area, including the Europa Bus Station and Great Victoria Street Train Station once vacated, and development of brownfield land following the opening of the new Belfast Transport Hub.
8.3.2	It is expected that the proposal will deliver a minimum of 400 new homes and at least 80 affordable housing units, which would support people in housing need.
8.3.3	The proposal provides significant opportunity for investment and job creation, both during construction and on operation. The applicant is proposing a Social Value Plan which would be delivered by the developer of the site. The developer will prepare the Social Value Plan, which will address the following key economic and social value themes: <ul style="list-style-type: none"> <li>a) Jobs – promoting local skills and employment;</li> <li>b) Growth – supporting growth of responsible regional businesses;</li> <li>c) Social – healthier, safer and more resilient communities;</li> <li>d) Environment – decarbonising and safeguarding our world;</li> <li>e) Innovation – promoting social innovation;</li> <li>f) Diversity and Inclusion – recognising, promoting and leveraging our differences</li> </ul>
8.3.4	The developer will be responsible for the delivery of social value activities and will be required to report on social value delivery at regular intervals utilising both the (i) Department of Finance PPN/21 Scoring Social Value model and (ii) the Social Value Portal TOMs Framework. This is broadly consistent with the Employability and Skills Plans which the Council as Planning Authority has been securing for Major developments having regard to the Developer Contribution Framework.
8.3.5	The Council’s Economic Development Unit supports the requirement for Developer Contributions for Employability and Skills for both the construction and operational phases. This will be secured as part of the Section 76 planning agreement.
8.3.6	The application is supported by an Employability and Skills Assessment (ESA) which has been considered by the Council’s Economic Development Unit. The applicant states that the construction phase is expected to last for 20 years is anticipated to generate some 4,280 FTE jobs whilst the operational phase is expected to generate in excess of 5,000 FTE jobs. This represents £313.8m of capital expenditure and a Gross Development Value of £380m.

8.3.7	BCC City Regeneration and Development welcomes the regeneration of the site and wider area, proposed active uses, delivery of residential including affordable housing as well as the sustainable travel strategy for the development.
<b>8.4</b>	<b><u>Housing including delivery of affordable housing</u></b>
8.4.1	The emerging Local Development Plan and <i>Belfast Agenda</i> highlight the importance of increasing the residential population in the city centre.
8.4.2	The applicant is committed to delivering a minimum of 21% of the overall floorspace of the proposal (26% of the City Entries and Saltwater Square) as residential. Of this residential element, 20% would be brought forward as affordable housing (either social housing or intermediate housing). The indicative scheme provided with the application comprises circa 130,000 sqm of floor space. This would equate to around 27,300 sqm of residential floor space. According to the applicant, this would provide approximately 400 residential units (and 80 affordable housing units)
8.4.3	Northern Ireland Housing Executive (NIHE) was consulted and confirms that there <i>'...continues to be a strong housing need in Belfast with a social housing waiting list of 12,237 households with 9,307 in housing stress (March 2022). Demand is increasing year by year and our projection of social housing need indicates a requirement for 6,125 new social homes across the Council area over the 5 year period 2021-2026'</i>
8.4.4	NIHE <i>'supports applying 21% minimum residential use to the application, which would equate to around 400 properties. The potential to increase this to approximately 800 properties, depending on market conditions during the development period is also welcomed. Housing Executive supports a minimum of 20% social/intermediate housing provision across the residential development.'</i> The NIHE estimates intermediate housing demand to be 140 homes per year and <i>'would welcome the inclusion of accommodation to help address the demand for intermediate housing in the Belfast City Council area'</i> .
8.4.5	The applicant's commitment to provide a minimum of 21% of the overall floor space of the scheme as residential is welcomed in the interests of the delivery of a genuine mixed used development that will contribute to the Council's objectives of promoting city centre living. It will also result in a meaningful contribution of new affordable housing. Whilst it would be preferable to increase this minimum threshold, the applicant is concerned about retaining commercial flexibility and this point is accepted.
8.4.6	The applicant's commitment to delivering a minimum of 20% of the residential floor space as affordable housing is also welcomed in the context of the substantial unmet need for social housing in the city as is evidenced by NIHE and to support genuine mixed and balanced communities, consistent with regional planning policy. This commitment is consistent with regeneration principles and Policy HOU5 of the LDP draft Plan Strategy.
8.4.7	It is recommended that the commitment to the minimum level of residential floor space delivery and provision of affordable housing are secured as part of a Section 76 planning agreement.
<b>8.5</b>	<b><u>Transportation including transport sustainability, parking and impact on road safety</u></b>
8.5.1	The applicant describes the proposal as "transport-led regeneration", the site being an exceptionally sustainable location within the city centre with integration with the adjacent Belfast Transport Hub with abundant opportunities for travel by bus and rail.
8.5.2	In terms of parking, the BTH planning permission allows for 223 parking spaces which was a reduction of 94 over the existing situation. These spaces are located in the City Fringe zone of the site and are proposed to be retained as under-croft parking. This will be a matter for

the developer to address to ensure compliance with the BTH approval and may conceivably feature as part of any Reserved Matters application for the City Fringe zone.

- 8.5.3 The outline application does not propose further spaces in view of the very sustainable location of the site. In both versions of dBMAP, The City Fringe and Saltwater Square components of the application are located in the Belfast City Centre Fringe Area of Parking Restraint whilst the City Entries component is located in the Belfast City Centre Core Area of Parking Restraint. The application is supported by a Transport Assessment (TA), Travel Plan and assessment under the relevant chapters of the Environmental Statement. The TA outlines the proximity of the site within the city centre, proximity of the integrated BTH, green travel measures and disabled parking.
- 8.5.4 The Transport Assessment states that *'Translink, in partnership with DfI, have developed measures to promote active travel to and from the Transport Hub, as well as the wider Belfast City area. The measures will be delivered by DfI through the Roads Order Act and are considered to be a fundamental committed development. The measures have undergone intensive discussions and assessment with DfI and Translink, with the understanding that the private car is not considered to be at the top of the hierarchy for the masterplan area, with pedestrians placed first followed by cyclists.'*
- 8.5.5 The Framework Travel Plan proposes measures such as the provision of travel plans, travel cards, car club, new bicycle vouchers, Belfast Bike membership and appointment of a Travel Plan Co-ordinator to provide travel information. These initiatives will help offset the demand for parking and will need to be secured as part of the Section 76 planning agreement.
- 8.5.6 A Key Site Requirement for the Development Opportunity Site in dBMAP is to facilitate development of a City Centre Ring Road (CC 022/02). The extract below of the city centre map proposals shows the proposed ring road in a light blue dashed line. In dBMAP 2015 (v2004), a Road Protection Corridor includes part of the southern section of The Entries next to the junction of Durham Street and Hope Street to support the City Centre Road.

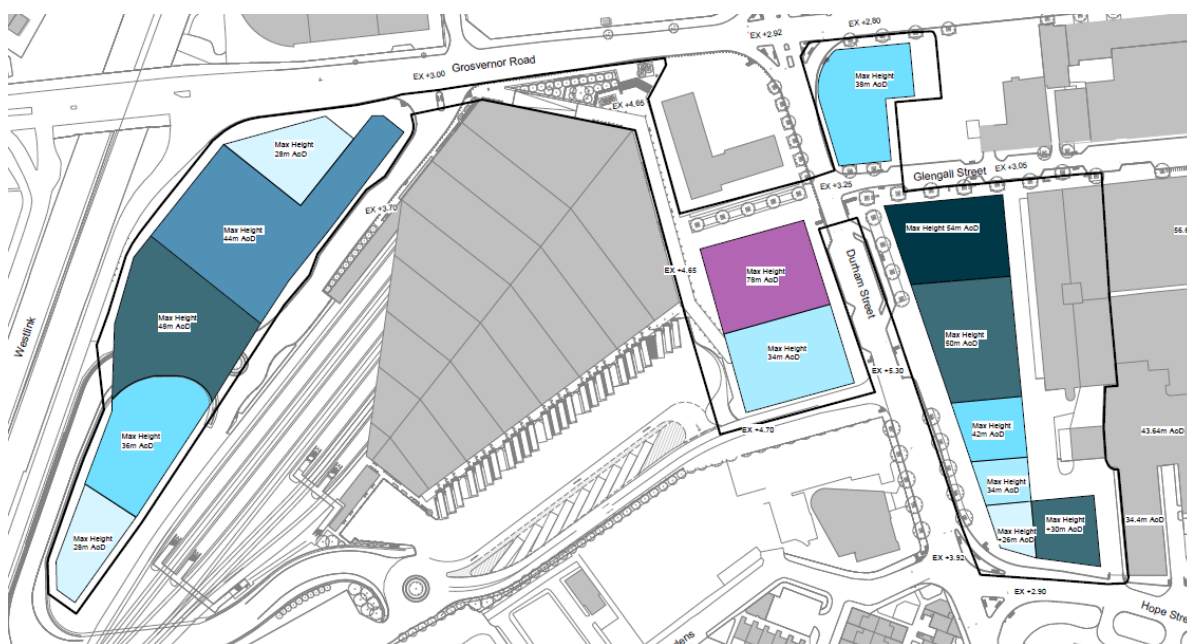


8.5.7 dBMAP 2015 (v2014) City Centre map proposals

Proposed site layout

8.5.8	However, DfI Roads have stated that this scheme is not progressing and there are currently no plans for it to do so. DfI Roads have not raised any objections with regards to this issue in their consultation response. In this regard, the proposal is considered acceptable.
8.5.9	All public realm, signal upgrades and road layout changes have been approved under the BTH permission, and therefore a planning obligation will be required in the Section 76 planning agreement to ensure that those works have been completed before occupation of the associated elements of the outline planning permission.
8.5.10	DfI Roads have reviewed the application and offers no objection. Subject to implementation of the green travel measures proposed by the application, it considers that the proposal satisfies Policies AMP 1, AMP 2 and AMP 9 of PPS 3. Travel plans required by Policy AMP 6 of PPS 3 will be conditioned or secured through the Section 76 planning agreement. DfI Roads has confirmed that proposed cycle provision is compliant with Policy AMP 8. The application is considered acceptable having regard to the relevant provisions in the SPPS, PPS 3 and PPS 13.
<b>8.6</b>	<b><u>Impact on the character and appearance of the area</u></b>
8.6.1	Paragraphs 4.11 and 4.12 of the SPPS 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 paragraphs 4.23-7 stress the importance of good design.
8.6.2	The proposal provides an excellent opportunity for strong place-making and to deliver a high-quality development in the heart of the city centre.
	<u>Parameters Plans</u>
8.6.3	Whilst all matters are reserved for subsequent approval, a series of Parameters Plans have been provided which would regulate the scope of development. These include: <ul style="list-style-type: none"> <li>• Maximum Vertical Parameters (maximum height of buildings)</li> <li>• Maximum Horizontal Parameters both at ground floor and above ground (maximum building envelope)</li> <li>• Land Use Parameters Plan (excluding residential use from parts of the development)</li> <li>• Active Frontage and Uses Parameters Plan (ensuring active night-time uses in certain parts of the scheme in the interests of vibrancy and to deter anti-social behaviour)</li> </ul>
8.6.4	An indicative scheme has been provided to illustrate the proposed development. The indicative scheme has been designed to accord with the maximum parameters, which allows the Council to test the suitability of the various Parameters Plans. The indicative scheme is supported by visual material and a VU.CITY model.
8.6.5	Establishing <b>maximum heights</b> is a central consideration of the proposal and a parameter plan is provided to demonstrate the maximum heights at various locations. These maximum height parameters include plant and other rooftop structures.
8.6.6	Saltwater Square is already permitted as part of the Belfast Transport Hub. This application for outline permission proposes to bring forward two tall buildings to the north and south parts of Saltwater Square. The indicative scheme shows a taller building to the North (which will be a maximum height of 78 metres AOD) whilst the building to the south will be a maximum height of 34 metres AOD. A minimum separation distance of 50m is required at Ground Floor to protect the public realm of Saltwater Square whilst at first floor and above the minimum separation distance is 40m. This allows for some reasonable use of cantilevering without diminishing the amount open space or light available in the new square.

- 8.6.7 The City Entries portion of the site comprises a continuous plot from the corner of Hope Street and Durham street to the corner of Durham Street and Grosvenor Road with maximum heights of between 26 and 54 metres. The City Fringe zone of the site is located adjacent to the Westlink and the maximum heights proposed are between 28 and 48 metres AOD.

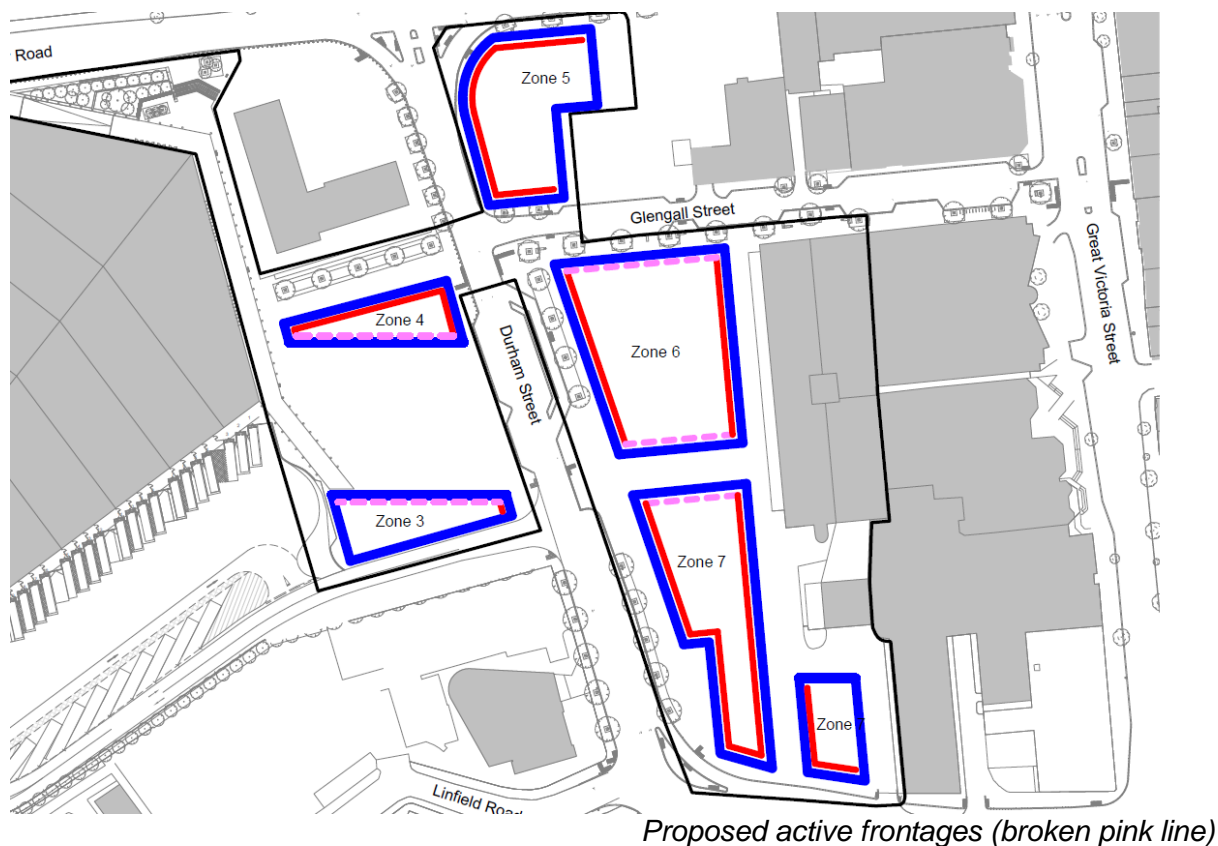


- 8.6.8 *Proposed maximum height parameters*

- 8.6.9 The Senior Urban Design Officer (SUDO) has provided advice on design aspects of the scheme since the Pre-Application Discussion stage. His final response states that '*no objections are raised from an urban design viewpoint*' as any concerns regarding separation distances, amenity, privacy and sunlight/daylight will be assessed at Reserved Matters Stage.
- 8.6.10 Belfast City Airport was consulted and notes that any building in excess of 60m will require IFP (Instrument Flight Procedure) and CNS (Communications, Navigation and Surveillance) assessments to be carried out. These would apply to the taller of the two buildings in Saltwater Square (Zone 4), which would have a maximum height of 78 metres, and would be carried out by the National Air Traffic Service (NATS) through Belfast City Airport. The cost of these assessments would be carried out by the developer, a process which can take up to 3 months to complete. Belfast Airport advises that it is highly unlikely that mitigation cannot be provided and as such it is recommended that this mitigation is secured at the reserved matters stage.
- 8.6.11 Belfast City Airport also states that other considerations include crane licensing and bird attractants (drainage systems to prevent pooling of water, landscaping including trees, risks associated with 'green' roofs, open skips, etc.); lighting to minimise vertical light leakage thereby avoiding glare to aircraft; limited use of reflective surfaces (glass, solar panels, etc.) to reduce glint and glare to aircraft, and so on. As mentioned, appropriate mitigation relating to the design of the building would be dealt with at the reserved matters stage.
- 8.6.12 Having considered the visual material provided with the application, VU.CITY model and advice from the Senior Urban Design Officer, the proposed height and horizontal deviation parameters considered appropriate to the site and its surrounding context and acceptable. A condition would ensure that at reserved matters stage, no part of the development (including plant and other roof top structures) would exceed these maximum heights.



- 8.6.13 **Active uses** which contribute to day and night-time economy are equally important considerations and key locations within the scheme have been identified on the Active Frontage and Uses parameter plan. The locations identified with dashed pink lines as shown in the extract of the parameter plan below, will be referenced in a condition which requires those frontages to have a minimum of 30% night-time economy uses such as bars, restaurants and convenience stores.



- 8.6.14 **Planning and Design Principles**  
The application is supported by a Planning and Design Principles (“PDP”) document. The Design Code proposes design principles that applications for reserved matters would need to adhere to including design, massing, height, materials, landscaping and public realm, private and public open space, amenity criteria, street layout, traffic, access and parking issues. A condition is recommended that requires the reserved matters to generally accord with the principles contained in the Planning and Design Principles document.
- 8.6.15 The PDP is to be read in conjunction with the submitted Parameter Plans. The PDP contains seven key principles and each is considered in turn below.
- 8.6.16 **Principle 1: Site Wide Public Realm**  
*The open spaces, streets and public realm are arranged with pedestrian movement and direct desire lines to the Belfast Transport Hub first and foremost. Development zones are arranged around these with connections beyond to existing communities and the wider city.*
- 8.6.17 SUDO notes that ‘at the heart of the PDP this key overarching principle advocates an extensive network of public spaces and pocket parks interconnected by a series of clear and legible pedestrian routes. Emanating east and west from the central public space Saltwater Square, this series of routes and spaces aim to knit the masterplan within its context by strengthening connections to neighbouring areas’. Officers agree that strong connectivity and provision of high-quality public realm are key components of the scheme if it is to be



successful. There are large areas of new public realm secured as part of the planning permission for the BTH (LA04/2017/1338/F). A planning obligation would be required as part of the Section 76 planning agreement to ensure that this public realm is delivered as the outline proposals should not proceed without sufficient public realm and open space in place.

8.6.18

### **Principle 2: Active Frontage**

*Active frontages to all zones both horizontally and vertically particularly to all public faces of Saltwater Square, Grosvenor Road and Glengall Street.*

Active frontages are essential to creating vibrant streets. It is important that the reserved matters applications ensure maximum activation of the perimeters of each zone at ground level so as to ensure animation and visual interest. It will be essential that all elevations work equally hard to create safe, busy, interesting frontages in this key city centre location.



8.6.19

*Design principle – responding to the edges*

### **Principle 3: Green Infrastructure and Landscape**

8.6.20

*Promotion of Enhanced landscape and green edges / planting throughout the masterplan over hard landscaping.*

Public realm, public space and the amenity along key connections were a key consideration of the BTH application. The SUDO states that Principle 3 '*advocates that all public areas be considered for a mix of ground, raised and specimen planting with step free access and consideration given to the abilities and mobility needs of all users and would include appropriate signage and wayfinding solutions*'. As a masterplan outline application to develop areas in and around the BTH, this remains an important consideration to ensure the

creation of quality pedestrian spaces as well as high quality environments for residents, workers and visitors.

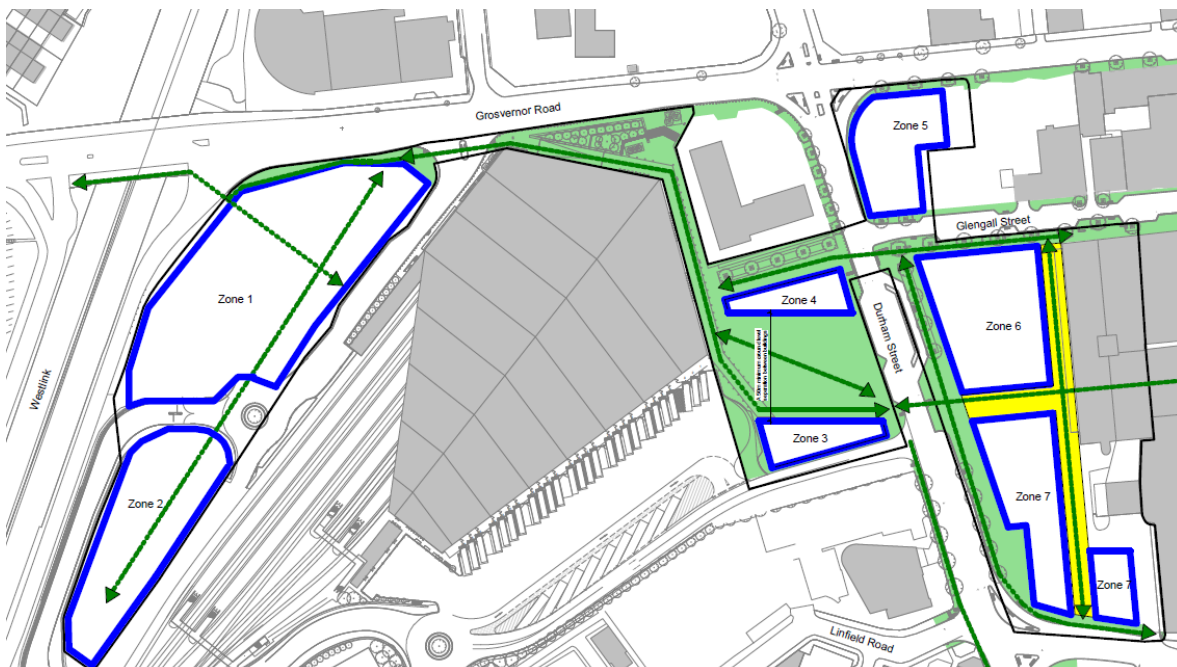
**Principle 4: Landmark Building and Architecture**

8.6.21 *Location of landmark building in Saltwater Square is to be of a scale and height to provide a marker within the city context. The remaining masterplan buildings step down from the existing city context towards the edges. The masterplan development is to be arranged to optimise daylight and sun penetration into the streets and spaces below.*

Saltwater Square located to the centre of the wider BTH and Weavers Cross development is considered an appropriate location for taller marker buildings, being the centrepiece and “jewel” of the wider site and addressing the new public square. There is sufficient space around Saltwater Square for these tall buildings to “breathe”. The SUDO notes that this ‘largely relates to the location of a landmark building of an appropriate scale and height to provide an architectural marker within the primary public space Saltwater Square. To allot priority to this building, surrounding buildings within the masterplan deliberately step down to a scale and height which, while reflecting the city centre nature of the site, sit more comfortably with the lower heights of neighbouring buildings’.

8.6.22 Chapter 13 of the Environmental Statement includes a sunlight daylight analysis which uses results of computer simulations to analyse the performance both the baseline/existing condition and the proposed condition. The ES concludes that overall impacts on existing buildings are negligible. Reserved Matters applications must demonstrate that the detailed siting and design is appropriate to the proposed end-use, especially for residential use.

8.6.23 Minimum separation distances have been agreed within Saltwater Square – 50m at ground floor level and 40m at first floor and above. These separation distances are designed to ensure that the square is maintained at the envisaged size and is not compromised in terms of natural light and sunlight, and by over dominant cantilevers.



8.6.24 *Maximum horizontal parameters as proposed*

8.6.25 The SUDO notes the ‘deliberate approach taken in determining heights of surrounding buildings with a clear stepping down in height to the south, east and west of the Saltwater Square tower’ while ‘to the south, buildings step down towards the listed Murray Tobacco Works at the junction of Hope Street/Durham Street with a reduction in building shoulder

	<p><i>heights to relate visually to the setting of the listed asset'. He also welcomes the step-down approach along Hope Street towards the listed building as well as the 'clear tripartite ordering of building composition, comprising base, mid-section and top/roof, is also advocated through this principle'.</i></p>
8.6.26	<p><b>Principle 5: Public Square and Open Space</b></p> <p><i>Saltwater Square's potential as a major open space is to be realised with four framed edges, the creation of covered areas as well as landscaping arranged to reinforce desire lines and optimise daylight and sun in the square.</i></p> <p>The BCC Landscape Team was consulted and states that they 'support the provision of a high quality, flexible civic space that is accessible to all and includes opportunities for soft landscaping and mature tree planting'. It also 'welcomes opportunities to incorporate public art and heritage/cultural references within the design and support the use of materials that will follow the precedent set by the Transport Hub and Streets Ahead'.</p>
8.6.27	<p>The SUDO notes that 'deliberate placement of the larger tower along the northern edge of the square allows for greater light penetration and optimised daylight levels'. The VU.CITY model shows that the lower of the buildings on Saltwater Square causes overshadowing of the square for most of the day with optimum sunlight being achieved in late afternoons both on 21 March and 21 September. This is not unusual for city centre locations however the detailed design, layout, lighting and articulation of spaces will be key to mitigation.</p>
8.6.28	<p>A public art strategy will be required as part of the scheme and this will be required as a condition of the outline planning permission. Subsequent applications for reserved matters will need to demonstrate compliance with the public art strategy.</p>
8.6.29	<p><b>Principle 6: Mix of Uses</b></p> <p><i>A mix of Office &amp; Leisure, Retail, Food and Beverage, Residential (private), Residential (% affordable to be in accordance with BCC requirements at the time of delivery), Social Enterprise/ Community space and Public realm.</i></p> <p>Officers agree that the City Fringe zone should not include residential use due to its proximity to the motorway and isolated nature remote from the main city centre. Residential use will be permitted in the City Entries and Saltwater Square zones. The quanta of proposed residential including affordable housing has already been discussed in the report.</p>
8.6.30	<p>PPS 7 relates to quality housing developments. PPS 7 objectives place emphasis on achieving quality residential development not only in terms of respecting local character and amenity of established residential areas, but also the developments themselves should be attractive for prospective residents. Policy QD1 lists 9 criteria with which all proposals for residential development must comply. PPS12, DCAN 8 and Creating Places relate to housing developments and are also material considerations. Any housing located within the proposed scheme must meet the requirements of the above policies as well as ensuring there is adequate daylight and sunlight. The detailed design of the residential component of the scheme will be assessed in this policy text.</p>
8.6.31	<p><b>Principle 7: Areas of Distinctive Character</b></p> <p><i>A strong identity for Weavers Cross as a whole which draws upon the area's rich industrial heritage. This is to be made clear with materials and design solutions, incorporating art and heritage.</i></p> <p>The SUDO welcomes this principle's advocacy for a strong identity for Weaver's Cross, drawing on the area's rich industrial heritage. This can be reinforced by way of an agreed material palette and through detailed design, building form and articulation. He further notes that page 37 of the PDP 'reinforces the importance of the tripartite building composition and</p>

	<i>the clear intent to step buildings down in height within Zones 6 and 7 as a direct response to the listed Tobacco Works'.</i>
8.6.32	<p><u>Conclusion</u></p> <p>The seven principles set out above are considered to appropriately cover all pertinent issues in anticipation of the Reserved Matters applications.</p>
8.6.33	It is envisaged that subsequent applications for approval of reserved matters shall generally follow the principles contained in the Design Code and fully comply with the Parameters Plans, and that this would be secured through planning conditions including conditions regarding phasing.
<b>8.7</b>	<b>Phasing</b>
8.7.1	The phasing of the development is referenced in the Design and Access Statement which anticipates completion of the BTH and accompanying works by 2024. It states that ' <i>Weavers Cross is a long-term project which will likely be developed over a 20-year construction. Construction of Weavers Cross is expected to commence in 2025, with the first buildings being operational in 2027/28 and a build out year of 2045. This will be dependent on market conditions.</i> '
8.7.2	Given the size and location of the development and the necessity to phase development after the BTH is completed, the applicant has requested an increase from the standard five-year permission time limit to a ten-year limit. It is considered that a 10-year time limit is appropriate in this case due to the particular high-level nature of this outline planning permission as well as the nature, size of the site and dependence on the BTH works. The Section 76 planning agreement will be the delivery mechanism for securing the affordable housing. In view of the lengthy duration of the outline permission, it is recommended that the threshold of minimum 20% affordable housing delivery is reviewed after five years.
8.7.3	A phasing plan for the phasing of the development will be secured by condition.
<b>8.8</b>	<b><u>Impact on amenity of nearby residents and businesses</u></b>
8.8.1	A chapter in the Environmental Statement specifically assesses sunlight, daylight and shadowing impacts on existing buildings and uses and concludes that the impacts would be negligible and acceptable.
8.8.2	It is considered that the supporting information and VU.CITY model demonstrate that development of the parameters sought can be accommodated without undue harm to the amenity of adjacent land-uses. Ultimately, consideration of detailed design issues will be for the reserved matters stage.
8.8.3	Similarly, the Council will be able to control at the reserved matters stage the adequacy of the environment for new residential, employment and other uses within the development itself. The indicative scheme provided with the application may or may not be appropriate depending on the nature of the specific intended uses. For example, within the Entries, more space may be required between buildings if those blocks are to be primarily used for residential purposes. This would allow those blocks to receive additional light. Again, these are considerations for the reserved matters stage.
<b>8.9</b>	<b><u>Impact on Built Heritage and Archaeology</u></b>
8.9.1	Planning Policy Statement 6: Planning, Archaeology and the Built Environment (PPS 6) are relevant. Policies BH3 and BH4 relate to archaeological considerations. Policy BH11 relates to development affecting the setting of a listed building. Paras 6.12 and 6.13 of the SPSS also apply.
8.9.2	The accompanying Environmental Statement (ES) includes a chapter on Cultural Heritage (Chapter 8 of Volume 3). DfC Historic Environment Division (Historic Monuments) has been

	consulted and advises that on the basis of the information provided, the proposal would not adversely impact on archaeological interests subject to conditions regarding a programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation <i>in situ</i> , as per Policy BH 4 of PPS 6 and as required by Policy BH 1 of PPS 6 in the case of the scheduled monument. The conditions are recommended accordingly.
8.9.3	<p>There are a number of Listed Buildings within the vicinity of the site. These are:</p> <ul style="list-style-type: none"> <li>• St Peter's Cathedral (HB26/33/103A)</li> <li>• Christchurch Centre of Excellence (HB26 50 025)</li> <li>• Former Health Centre at 89 Durham Street (HB26 50 116)</li> <li>• RBAI school (HB26/50/023) and the cluster of listed warehouses (HB26/50/303A-D)</li> <li>• Belfast City Hall</li> <li>• The Grand Opera House</li> <li>• Former Murray Tobacco Works (HB26/29/017)</li> </ul>
8.9.4	<p>Policy BH11 requires that:</p> <ul style="list-style-type: none"> <li>• <i>The detailed design respects the listed building in terms of scale, height, massing and alignment;</i></li> <li>• <i>The works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and</i></li> <li>• <i>The nature of the use proposed respects the character of the setting of the building</i></li> </ul>
8.9.5	The Listed Building that is potentially affected by the proposal is the former Tobacco Works, a Grade B+ Listed Building on the junction of Durham Street with Linfield Gardens. DfC Historic Environment Division (HED) initially expressed concern about the impact of the proposal on the setting of the former Tobacco Works. Officers shared concern about the height and dominance of the proposed blocks at the southern end of the City Entries and asked the applicant to address these points and HED's concerns.
8.9.6	Following discussions with HED, the applicant submitted amended plans which decreased the proposed height opposite the listed building and also increased the separation distance between the listed building and the proposal. The Design and Access Statement and Design Principles were also amended to underpin the importance of the setting of this building.
8.9.7	Following the amendments, officers are content that the decrease in height, increased separation distance and amendments to the proposals satisfactorily concern. HED was reconsulted and responded to state that it is ' <i>content with the proposal with conditions under Paragraph 6.12 (setting) of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage</i> '. HED suggest a condition to require the detailed design respecting the listed building in terms of scale, massing and alignment, that the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and that the nature of the use proposed respects the character of the setting of the building.
8.9.8	However, officers advise that as the detailed design is reserved for subsequent approval, a condition is not required since these matters raised by HED will be fully considered at that stage in consultation with HED itself.
8.9.9	Having regard to this advice, it is considered that the proposal is acceptable having regard to Policy BH11 of PPS 6 and provisions of the SPPS.

<b>8.10</b>	<b><u>Human health</u></b>
8.10.1	<b>Contaminated Land</b> – the site is previously developed land and has the potential for contamination. Due to the scale and nature of the site, Environmental Health is content to deal with contamination by way of negative conditions according to each phase of the development. A phasing plan for the development will be secured by condition and the contaminated land conditions will link to the phases identified by the phasing plan. NIEA were requested to similarly provide negative conditions and note that <i>‘the majority of the Weavers Court development area has been subject to extensive investigation, risk assessment and remedial work as part of the existing planning permission LA04/2017/1388/F; therefore Regulation Unit Land and Groundwater Team are minded to waive the usual objection to the development in the absence of suitable risk assessments at application stage due to the extenuating circumstances’</i> .
8.10.2	<b>Noise</b> – Environmental Health offers no objections on noise grounds and the proposal is considered acceptable.
8.10.3	<b>Odour</b> - Environmental Health notes that details are not available at outline stage and request that a condition is placed on any approval to require an Odour Risk Assessment at Reserved Matters stage. The condition is recommended accordingly.
8.10.4	<b>Air Quality</b> – The ES is supported by the following information: <ul style="list-style-type: none"> <li>• Chapter 6 ‘Air Quality’ of the Weavers’ Cross Environmental Statement Volume 3</li> <li>• Appendix 6 – Figures, ‘Air Quality’ of Environmental Statement Vol 5</li> <li>• Appendix 6 – ‘Air Quality Technical Appendices’ of Environmental Statement Vol 6</li> <li>• Chapter 17 ‘Transport Assessment’ of Environmental Statement Vol 3</li> <li>• Appendix 17 – ‘Transport Assessment’ of Environmental Statement Vol 6</li> </ul>
8.10.5	Environmental Health has reviewed the above and advises that it meets the relevant requirements subject to conditions.
<b>8.11</b>	<b><u>Drainage and Flood Risk</u></b>
8.11.1	The application is supported by a Flood Risk and Drainage Assessment. DfI Rivers has noted that the application is in outline and that therefore subsequent applications will be accompanied with individual Drainage and Flood Risk Assessments which will allow DfI Rivers to make further assessment for each plot.
8.11.2	All sources of flood risk to and from the proposed development have been identified and there are adequate measures to manage and mitigate any increase in risk arising from the development in principle. including allowing for climate change.
8.11.3	The proposal is considered to comply with the relevant provisions of the SPPS and PPS 15.
<b>8.12</b>	<b><u>Wastewater Infrastructure</u></b>
8.12.1	NI Water has advised that network capacity and waste-water treatment works (WWTW) capacity is not currently available to support the proposed development. However, it confirms that its programme for WWTW improvements will increase capacity over the coming years. It also advises that a high-level assessment has indicated potential Network Capacity issues.
8.12.2	The application is seeking outline planning permission and will be subject to future applications for approval of reserved matters. The applicant has confirmed that the entire site may take up to 20 years to develop and that no occupation will take place prior to 2023. This should provide sufficient time to build in capacity.



8.12.3	Notwithstanding NI Water's initial concerns, following further consultation NI Water has recommended conditions in the event that planning permission is granted. Officers recommend conditions to require an overall Foul and Surface Water Drainage Strategy for the development and that detailed drainage proposals are provided in accordance with the Drainage Strategy at reserved matters stage.
8.12.4	DAERA Water Management Unit were consulted and states that if NI Water ' <i>indicate that the WWTW is able to accept the additional load, with no adverse effect on the operation of the WWTW or its ability to comply with its consent to discharge, then Water Management Unit would have no objection to this aspect of the proposal</i> '. In view of the position set out above, it is considered that the impacts on the water environment will be acceptable.
<b>8.13</b>	<b><u>Natural Heritage</u></b>
8.13.1	According to the DAERA, the application site is hydrologically connected to Belfast Lough Special Protection Area (SPA) and Ramsar site, Belfast Lough Open Water SPA, proposed East Coast (Northern Ireland) Marine SPA, Inner Belfast Lough Area of Special Scientific Interest (ASSI) and Outer Belfast Lough ASSI, hereafter referred to as the designated sites, which are of international and national importance and are protected by Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002 (as amended).
8.13.2	Accordingly, the proposal has been considered having regard to Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). Specialist advice has been sought from Shared Environmental Service (SES) to advise Belfast City Council as the Competent Authority responsible for assessment of development proposals in accordance with the Regulations.
8.13.3	SES has carried out an HRA report to assess the likely impacts of the scheme on Belfast Lough. This concludes that ' <i>...taking into consideration embedded mitigation, it is therefore reasonable to conclude that there is no potential for likely significant effects, either alone or in-combination with other plans and projects, resulting from the proposed improvement works.</i> ' SES subsequently has no objection to the proposal subject to conditions. It is recommended that the Council in its role as the Competent Authority, adopts the HRA report, and its conclusions prepared by SES.
8.13.4	The site also contains a colony of <i>Andrena sp.</i> solitary bee, which could potentially be a Northern Ireland priority species (NIPS).
8.13.5	DAERA Natural Environment Division (NED) was consulted and acknowledges receipt of the applicant's NI Biodiversity Checklist, Outline Construction Environmental Management Plan (oCEMP) and shadow Habitats Regulation Assessment (SHRA).
8.13.6	Having considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, NED offers no objection to the proposal subject to the following: <ul style="list-style-type: none"> <li>• the submission of a final CEMP to ensure delivery of proposed mitigation measures</li> <li>• the submission of an Ecological Management Plan</li> <li>• the submission of a Landscaping and Planting Plan</li> </ul>
8.13.7	These matters will be secured by condition.
8.13.8	Having regard to the specialist advice from DAERA and SES, subject to conditions, it is advised that the proposed development would not have any harmful impacts on wildlife and ecological interests and in this regard accords with Policies NH1, NH2, NH3 and NH5 of PPS 2 and the relevant provisions contained in the SPPS.

<b>8.14</b>	<b><u>Developer Contributions and Planning Agreement</u></b>
8.14.1	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.
8.14.2	<p>In this case, it is considered that Developer Contributions and planning obligations are required in relation to the following:</p> <ul style="list-style-type: none"> <li>• Provision of a <b>minimum residential floorspace</b> – a minimum of 26% floorspace of the City Entries and Saltwater Square to be residential use (minimum of 21% floor space of the overall development). Application/s for approval of reserved matters shall demonstrate how they contribute to achieve these minimum requirements.</li> <li>• Provision of <b>minimum 20% affordable housing</b> with threshold to be reviewed after five years</li> <li>• <b>Green Travel Measures</b> – to help mitigate the lower than standard level of in-curtilage parking provision. The Framework Travel Plan contains measures such as the provision of travel plans, travel cards, car club, new bicycle vouchers, Belfast Bike membership and appointment of a Travel Plan Co-ordinator to provide Travel Information.</li> <li>• <b>Compatibility with the BTH planning permission</b> – the outline planning permission cannot be implemented in isolation and must come forward in conjunction with the BTH planning permission. A planning obligation is required to ensure the proper sequencing of the developments as well as delivery of the public realm in the BTH permission.</li> <li>• <b>Employability and Skills</b> – to secure appropriate commitments towards Employability and Skills.</li> <li>• <b>Management of private spaces</b> – to ensure the ongoing management of the common parts of the site to be privately managed.</li> </ul>
8.14.3	These planning obligations would be secured by means of a Section 76 planning agreement.
<b>8.15</b>	<b><u>Pre-Community Consultation</u></b>
8.15.1	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 the applicant for planning permission to consult the community in advance of submitting an application.
8.15.2	Section 27 also requires that a prospective applicant, prior to submitting a major application 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 (LA04/2021/1971/PAN) was submitted to the Council on 23 August 2021 and was deemed acceptable on 21 September 2021.
8.15.3	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 (PACC) to accompany the planning application. A PACC Report has been submitted in support of this application which details public meetings, letters, leaflets and the public advertisement.
8.15.4	The PACC report states that over the 3-week period of consultation, a total of 1,303 participants joined the virtual consultation room. The room was viewed a total of 1,570 times. The applicant's Facebook campaign is stated to have reached 45,742 social media users.

8.15.5	128 online forms and 72 hard copy feedback forms were “overwhelmingly positive” found that between 82% and 90% are supportive of the regeneration, redevelopment, mix of uses and introduction of new open space and neighbourhoods. Participants welcomed the inclusion of 20% affordable housing.
8.15.6	However, concerns were expressed regarding the Belfast Transport Hub project and the removal of the Boyne Bridge. Concerns were also raised about building heights, particularly at Saltwater Square. The applicant subsequently moved the landmark building to the north side of the square further away from the existing low density housing area in Sandy Row.
<b>9.0</b>	<b>Summary of Recommendation</b>
9.1	Having regard to the Development Plan and relevant material considerations, the proposed development is considered acceptable.
9.2	It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement. Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and Section 76 planning agreement, and resolve anomalies identified by the Senior Urban Design Officer as appropriate. Furthermore, to explore appropriate restrictions on hours of operation of the restaurants, bars, leisure, food and drink etc.
<b>11.0</b>	<b>DRAFT CONDITIONS</b>
	<i>Outline permission</i>
1	<p>The development hereby permitted must be begun by the following, whichever is the later.</p> <ul style="list-style-type: none"> <li>• Ten years from the date of this permission; or</li> <li>• The expiration of two years from the date of approval of the last of the reserved matters</li> </ul> <p>Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.</p>
2	<p>Application/s for approval of the reserved matters shall be made to the Council within eight years from the date of this permission.</p> <p>Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.</p>
3	<p>No development shall commence on site unless details of the siting, design, external appearance, means of access and landscaping (herein called “the reserved matters”) 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.</p> <p>Reason: This permission is in outline only and further details of the development are required under section 4(1) of The Planning (General Development Procedure) Order (Northern Ireland) 2015.</p>
	<i>Parameters plans</i>
4	<p>No part of the development, including plant and other structural elements of the rooftop of buildings, shall exceed the maximum height parameters as shown on Drawing Number 527-JMP-XX-XX-DR-A-2103 Revision P01 (Parameter Plan – Limits of vertical deviation above ground) uploaded to the Planning Portal on 10 August 2022.</p>

5	<p>Reason: To regulate the height and scale of development in the interests of good place making principles and character and appearance of the area.</p> <p>No part of the development shall exceed the horizontal deviation parameters as shown on the following drawings uploaded to the Planning Portal on 10 August 2022.</p> <ul style="list-style-type: none"> <li>• Drawing Number 527-JMP-XX-XX-DR-A-2102 (Parameter Plan – Limits of horizontal deviation at ground, public realm + access); and</li> <li>• Drawing Number 1527-JMP-XX-XX-DR-A-2105 (Parameter Plan – Limit of horizontal deviation above ground).</li> </ul> <p>Reason: To regulate the scale and massing of development in the interests of good place making principles and character and appearance of the area.</p>
6	<p>Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015, for each of the frontages identified by the dashed pink line (Zone 3 North, Zone 4 South and Zone 6 North) on Drawing Number 1527-JMP-XX-XX-DR-A-2106 (Parameter Plan – Active Frontage and Uses), uploaded by the Council on 10 August 2022, a minimum of 30% of each of those frontages shall not be used other than for uses including restaurant, café, bar, convenience store, hotel and leisure uses, unless the Council gives its prior written consent for any variation.</p>
7	<p>Reason: To ensure activation of these key street frontages during the evening in the interests of night-time economy and vibrancy and reducing anti-social behaviour.</p> <p>All application/s for reserved matters shall be accompanied by a 'Reserved Matters Parameters Plans Statement' which demonstrates how the Reserved Matter/s application accords with the approved Parameters Plans referred to under conditions 4 and 5.</p> <p>Reason: In the interests of place making, night-time vibrancy and reducing anti-social behaviour.</p>
	<p><i>Planning and Design Principles</i></p>
8	<p>Except as expressly provided for by the conditions in this outline planning permission, all applications for reserved matters shall generally accord with the Planning and Design Principles document uploaded to the Planning Portal on 10<sup>th</sup> August 2022.</p> <p>Reason: In the interests of place making and the character and appearance of the development.</p>
9	<p>All application/s for reserved matters shall be accompanied by a 'Reserved Matters Planning and Design Principles Statement' which demonstrates how the Reserved Matter/s application generally accords with the approved Planning and Design Principles document referred to under condition 7.</p> <p>Reason: In the interests of place making and the character and appearance of the development.</p>

	<i>Phasing</i>
10	<p>No application for reserved matters shall be submitted until a Phasing Strategy for the phasing of the entire development has been submitted to and approved in writing by the Council. The approved Phasing Strategy may be modified from time to time with prior written agreement from the Council. The development shall not proceed unless in accordance with the approved Phasing Strategy.</p> <p>Reason: In the interests of the orderly development of the site.</p>
	<i>Aviation</i>
11	<p>Reserved matter/s applications for the maximum 78 metre height building in Zone 4, as shown on Drawing Number 527-JMP-XX-XX-DR-A-2103 Revision P01 (Parameter Plan – Limits of vertical deviation above ground) uploaded to the Planning Portal on 10 August 2022, shall include, where necessary, design measures to mitigate potential impacts on air traffic. The measures shall be directly informed by IFP (Instrument Flight Procedure) and CNS (Communications, Navigation and Surveillance) assessments to be carried out by the National Air Traffic Service (NATS) and to be commissioned by the developer in advance. Development of Zone 4 shall not be carried out unless in accordance with the approved reserved matters required by this condition.</p> <p>Reason: To mitigate the impact of the tall building in Zone 4 on air traffic.</p>
	<i>Waste management</i>
12	<p>A waste management plan shall be submitted to and approved in writing by the Council prior to occupation of any phase of the development. Development of that phase shall not be carried out unless in accordance with the approved waste management plan for that phase.</p> <p>Reason: To ensure satisfactory waste storage and collection arrangements.</p>
	<i>Transport</i>
13	<p>Details of the means of access required by condition 3 shall include details of individual vehicular access points, including visibility splays and any forward sight distance.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>
14	<p>None of the commercial units including office (Class B1), retail (Class A1), hotel, leisure (Class D2), public realm, active travel uses, cafes, bars and restaurants, and community uses (Class D1) shall operate unless in accordance with a Workplace Travel Plan based on the Transport Plan and Framework Travel Plan published by the Council on 21 December 2021, details of which shall have first been submitted to and approved in writing by the Council.</p> <p>Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.</p>
	<i>Protection of human health</i>
15	<p>No development shall commence in any phase of the development (other than site clearance, enabling works or works to fulfil this condition), until a Contaminated Land Risk Assessment for that phase has been submitted to and approved in writing by the Council. The assessment shall follow best practice and in the first instance contain the following:</p>

	<p>Preliminary Risk Assessment that includes a full description of the site and its surroundings, a determination of the history of the site and its surroundings, identification of the current and past land uses and an initial Conceptual Site Model outlining all potential Source-Pathway Receptor contaminant linkages. Should the Preliminary Risk Assessment demonstrate that potential contaminant linkages exist on the site, then a Quantitative Risk Assessment that addresses these issues shall be submitted. This must incorporate:</p> <ul style="list-style-type: none"> <li>• A detailed site investigation in line with BS 10175:2011+A2:2017. Any ground gas investigations shall be conducted in line with BS 8576:2013 and BS 8485:2015+A1:2019.</li> <li>• A satisfactory assessment of the risks (including an updated Conceptual Site Model), conducted in line with current Environment Agency guidance. In addition, risks associated with ground gases shall be assessed under the methodology outlined in BS8485:2015+A1:2019 and CIRIA C665.</li> <li>• Should the Quantitative Risk Assessment demonstrate that human health contaminant linkages exist on the site, then a Remediation Strategy shall be submitted. The Remediation Strategy 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.</li> </ul> <p>The development shall not be carried out unless in accordance with the approved Remediation Strategy.</p> <p>Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.</p>
16	<p>In the event that a Remediation Strategy is required for any phase of the development, prior to occupation or operation of that phase 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.</p> <p>Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.</p>
17	<p>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 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.</p> <p>Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.</p>



18	<p>In the event that any centralised combustion sources (boilers, CHP or biomass) 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 &amp; Development Control: Planning For Air Quality (January 2017), an updated Air Quality Impact Assessment must 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. Where the Air Quality Impact Assessment indicates exceedances of Air Quality Strategy objectives associated with the development are predicted at relevant human receptor locations, the Air Quality Impact Assessment shall include mitigation measures to ensure that the objectives are achieved in the year of occupation. The development shall not be carried out unless in accordance with the approved details and shall be retained as such at all times.</p> <p>Reason: Protection of human health.</p>
19	<p>In the event that any other pollution sources, including underground car parks with extraction systems, are proposed and there is a risk of air pollution impact at relevant human health receptor locations as per the criteria detailed within the Environmental Protection UK and Institute of Air Quality Management, Land-use Planning &amp; Development Control: Planning For Air Quality (January 2017), an updated Air Quality Impact Assessment be submitted to and approved in writing by the Council prior to the commencement of any development on site. The assessment must demonstrate that there will be no significant adverse air quality impacts. Where exceedances of Air Quality Strategy objectives associated with the development are predicted at relevant human receptor locations, the Air Quality Impact Assessment shall include mitigation measures to ensure that the objectives are achieved in the year of occupation. The development shall not be carried out unless in accordance with the approved details and shall be retained as such at all times.</p> <p>Reason: Protection of human health.</p>
20	<p>Dust management measures, as detailed within the Weavers Cross Environmental Statement, Volume 3, Chapter 6 (Air Quality), Section 6.10 (17 December 2021) shall be implemented throughout the duration of the demolition and construction phases of the development.</p> <p>Reason Protection of human health and amenity.</p>
21	<p>At the reserved matters stage for each application, an Odour Risk Assessment report shall be submitted to and approved in writing by the Council. The report shall demonstrate that the proposed commercial kitchen extraction and odour abatement technology to be incorporated into the commercial kitchens of the proposed development has been designed in accordance with current industry guidance to ensure no adverse impacts on amenity. Externally located plant and extract termination points shall be depicted on elevation drawings. The development shall not be carried out unless in accordance with the approved details and shall be retained as such at all times.</p> <p>Reason: Protection of amenity.</p>
22	<p>At the reserved matters stage for each application, a detailed development and site-specific Noise Impact Assessment shall be submitted to and approved in writing by the Council.</p> <p>Each Noise Impact Assessment must include the following:</p> <ul style="list-style-type: none"> <li>Examination of representative baseline noise conditions specific to each proposed phase and predicted noise levels arising from each phase once operational;</li> </ul>

	<ul style="list-style-type: none"> <li>• Detailed mitigation measures to ensure internal and external noise levels at proposed premises will be achieved in line with relevant up-to-date guidance;</li> <li>• Identification of all potential noise impacts associated with the proposed end-use and identification of any necessary structural, design, layout, and management mitigation measures to minimise adverse impacts on proposed sensitive premises</li> </ul> <p>The development shall not be carried out unless in accordance with the approved details.</p> <p>Reason: Protection of amenity.</p>
23	<p>Applications for reserved matters shall include:</p> <ul style="list-style-type: none"> <li>• A window schedule detailing the glazing configuration and sound reduction performance of the proposed windows to habitable rooms on all facades of the hereby permitted development. The window specification for habitable rooms shall be based upon a representative Noise Impact Assessment and must ensure that the internal sound levels shall: <ul style="list-style-type: none"> <li>- not exceed 35 dB Laeq,16hr at any time between 07:00 hrs and 23:00 hrs within any habitable room, with the windows closed and alternative means of ventilation provided in accordance with current Building Control requirements;</li> <li>- not exceed 30 dB Laeq,8hr at any time between 23:00 hrs and 07:00 hrs within any proposed bedroom with the windows closed and alternative means of ventilation provided in accordance with current Building Control requirements;</li> <li>- not exceed 45 dB LAMax more than 10 times between 23:00 hrs and 07:00 hrs within any proposed bedroom with the windows closed and alternative means of ventilation provided in accordance with current Building Control requirements.</li> </ul> </li> <li>• Details of the specification of alternative means of ventilation to the residential elements of the hereby permitted development. The specification for the alternative means of ventilation shall demonstrate that the use/operation of the system will not compromise the recommended internal noise levels of habitable rooms outlined in British Standard BS8233:2014.</li> </ul> <p>Reason: Protection of residential amenity</p>
24	<p>The Rating Level (dB Lar) of sound from all combined building services plant associated with each phase of the development shall not exceed the background sound level (for both daytime and night time) at the façade of noise sensitive premises when determined in accordance with the assessment methodology outlined in BS4142:2014+A1:2019 – Methods for rating sound and assessing industrial and commercial sound. A Rating Level (dB Lar) indicative of ‘no adverse impact’ shall be maintained thereafter.</p> <p>Reason: Protection of residential amenity</p>
25	<p><i>Foul and surface water drainage</i></p> <p>No application for approval of reserved matters shall be submitted until a Foul and Surface Water Drainage Strategy, including updated flood risk assessment/s, for the entire development has been submitted to and approved in writing by the Council. The approved Foul and Surface Water Drainage Strategy may be modified from time to time with prior written agreement from the Council.</p> <p>Reason: To ensure an appropriate strategic approach to foul and surface water drainage across the development.</p>

26	<p>All application/s for approval of reserved matters shall be accompanied by details of foul and surface water drainage which shall accord with the Foul and Surface Water Drainage Strategy approved under condition XX including timescale for implementation. The development shall not be carried out unless in accordance with the approved details.</p> <p>Reason: To ensure appropriate foul and surface water drainage of each part of the development. <i>Environment and ecology</i></p>
27	<p>No development shall commence in any phase of the development (other than site clearance, enabling works or works to fulfil this condition) unless a risk assessment and supporting site data that identify all unacceptable risks to health and the water environment for that phase have been submitted to and approved in writing by the Council. The risk assessment shall include but not be restricted to:</p> <ul style="list-style-type: none"> <li>- A Preliminary Risk Assessment, in accordance with the Land Contamination: Risk Management (LCRM) guidance, identifying all potential contaminant sources that may affect the development, setting out the environmental site situation and presenting a preliminary conceptual model for the site,</li> <li>- Site investigations and groundwater monitoring to be designed and implemented in accordance with British Standard BS 10175:2011+A2:2017 Code of practice for investigation of potentially contaminated land sites to identify the contamination risks associated with the potentially contaminating activities which took place at the site, (BS 8576:2013 Guidance on investigations for ground gas.)</li> <li>- Quantitative Risk Assessment(s) as necessary in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <a href="https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks">https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks</a>. To identify all unacceptable risks to health and the water environment and provide remedial criteria to be met if necessary through a remedial strategy.</li> </ul> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
28	<p>No development shall commence in any phase of the development a detailed Remediation Strategy to address all unacceptable risks to environmental receptors identified from Condition 27 has been submitted to and agreed in writing with the Council. The strategy shall 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).</p> <p>The development shall not be carried out unless in accordance with the approved Remediation Strategy.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
29	<p>The development hereby permitted shall not be occupied unless the remediation measures as described in the remediation strategy submitted under Condition 28 have been implemented to the satisfaction of the Council. The Council must be given 2 weeks written notification prior to the commencement of remediation work.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
30	<p>If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at</p>

	<p><a href="https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks">https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks</a>. 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.</p>
	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
31	<p>After completing the remediation works under Condition 27; and prior to occupation of the development, a verification report must be submitted in writing and agreed with Council. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <a href="https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks">https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks</a>. 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.</p>
	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
32	<p>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 Council. The methodology is available at: <a href="http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf">http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf</a>.</p>
	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
33	<p>Evidence must be presented in the Verification Report that all fuel storage tanks (and associated infra-structure) have been fully decommissioned and removed in line with current Guidance for Pollution prevention (GPP 2) and the Pollution Prevention Guidance (PPG27) and the quality of surrounding soils and groundwater has been verified. Should contamination be identified during this process, Condition 31 will apply.</p>
	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
34	<p>No development shall be carried out in each of phase unless a Final Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Council. The CEMP shall include:</p> <ul style="list-style-type: none"> <li>a) Construction methodology and timings of works;</li> <li>b) Pollution Prevention Plan including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;</li> <li>c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;</li> <li>d) Spoil Management Plan; including identification of spoil storage areas, management and handling of spoil and details of the reinstatement of excavated soil;</li> <li>e) Water Quality Monitoring Plan;</li> <li>f) Environmental Emergency Plan;</li> <li>g) Details of updated surveys for bats and birds and appropriate mitigation measures;</li> <li>h) Details of updated surveys for solitary bees and appropriate mitigation measures;</li> </ul>

	<p>i) Details of updated invasive species surveys and any necessary mitigation and/or management measures required to be included in an Invasive Species Management Plan;</p> <p>j) Mitigation measures as detailed in the Environmental Statement (ARUP, Dec 2021) and Outline Construction Environmental Management Plan; and</p> <p>k) Details of the appointment of an Ecological Clerk of Works (EcoW) and their roles and responsibilities.</p> <p>Development within each phase shall not be carried out unless in accordance with the approved CEMP, unless otherwise approved in writing by the Council.</p> <p>Reason: To protect Northern Ireland priority habitats and species, to ensure implementation of mitigation measures identified within the Environmental Statement and to prevent likely significant effects on Belfast Lough Special Protection Area (SPA) and Ramsar site, Belfast Lough Open Water SPA, proposed East Coast (Northern Ireland) Marine SPA, Inner Belfast Lough Area of Special Scientific Interest (ASSI) and Outer Belfast Lough ASSI.</p>
35	<p>No phase of the development shall be carried out unless an Ecological Management Plan for that phase has been submitted to and approved in writing by the Council. The Ecological Management Plan shall include details of:</p> <ul style="list-style-type: none"> <li>a) Habitat creation including measures proposed within the Environmental Statement (ARUP, December 2021);</li> <li>b) Appropriate habitat creation and management measures to ensure solitary bee populations are supported;</li> <li>c) The specifications of bird and bat boxes and their location within the site</li> <li>d) Long term monitoring and management to be implemented and details of those responsible for their implementation.</li> </ul> <p>Development of each phase shall not be carried out unless in accordance with the approved Ecological Management Plan for that phase.</p> <p>Reason: To minimise the impact of the proposal on the biodiversity of the site, including protected/priority species.</p>
36	<p><i>Archaeology</i></p> <p>No development shall be carried out within a particular phase (other than works required to fulfil this conditions) unless a programme of archaeological work (POW) for that phase has been submitted to and approved in writing by the Council. The POW shall provide for:</p> <ul style="list-style-type: none"> <li>• The identification and evaluation of archaeological remains within the site;</li> <li>• Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;</li> <li>• Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and</li> <li>• Preparation of the digital, documentary and material archive for deposition.</li> </ul> <p>Development of each phase must not be carried out unless in accordance with the approved details.</p> <p>Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.</p>

37	<p>No development shall be carried out within a particular phase (other than works required to fulfil this conditions) unless a programme of post excavation analysis, details of dissemination of findings and excavation archive for that phase has been submitted to and approved in writing by the Council. Development of each phase not be carried out unless in accordance with the approved details.</p> <p>Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.</p> <p><i>SES conditions</i></p>
38	<p>No development shall be carried out in each of phase unless a Final Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Council. The final CEMP shall reflect all the mitigation measures as assessed in the outline CEMP uploaded to the portal on 11<sup>th</sup> January 2021. No development shall be carried out each phase unless in accordance with the approved CEMP.</p> <p>Reason: To ensure the project will not have an adverse effect on the integrity of any European site.</p> <p><i>Other conditions</i></p>
39	<p>No application/s for reserved matters shall be submitted unless a Public Art Strategy for the entire development has been submitted to and approved in writing by the Council. The Public Art Strategy may be varied from time to time with prior written approval from the Council. Application/s for reserved matters shall incorporate detailed public art proposals that accord with he approved Public Art Strategy.</p> <p>Reason: To ensure the delivery of public art in the interests of good place making.</p>

**ANNEX A**

<b>Date Valid</b>	20 <sup>th</sup> December 2021
<b>Date First Advertised</b>	31 <sup>st</sup> December 2021
<b>Date Last Advertised</b>	12 <sup>th</sup> August 2022
<b>Date of Neighbour Notifications</b>	12 <sup>th</sup> January 2022 and 12 <sup>th</sup> /15 <sup>th</sup> August 2022
<b>EIA Determination</b>	Application submitted with accompanying Environmental Statement

**Relevant Planning History:**

Ref ID: LA04/2017/2252/F

Proposal: The installation of a covered walkway + opening in existing wall.

Address: Great Victoria Street Station, 10 Glengall Street, Belfast, BT12 5AH,

Decision: Permission Granted

Decision Date: 22.12.2017

Ref ID: LA04/2021/0108/F

Proposal: Proposed covered walkway with colonnade leading from the west side of Durham Street to the recently approved Belfast Transport Hub building and a proposed walkway and hoarding leading from the east side of Durham Street to the rear of the Great Northern Car Park within the current bus yard area.

Address: Lands between Durham Street and Grosvenor Rd to the south and west of the BT Exchange and lands to the east of Durham Street and south of Glengall Street, Belfast BT2.,

Decision: Permission Granted

Decision Date: 07.09.2021

Ref ID: LA04/2017/1395/NMC

Proposal: Reconfiguration of the internal ground floor layout, relocating staff changing and other back of house facilities (including housekeepers office and laundry store) to bring the public toilets to a more prominent location nearer to the hotel entrance lobby. Works also involve installation of a grey PPC aluminium louvre vent to the rear elevation.

Address: St Andrews Square North, Belfast, BT2 7UB,

Decision: NMC Refused

Decision Date: 25.09.2017

Ref ID: LA04/2017/2295/A

Proposal: fascia level and high level illuminated Hotel Signage

Address: Hampton By Hilton, 7-13 Hope Street, Belfast, BT12 5EE,

Decision: Consent Granted

Decision Date: 22.12.2017

Ref ID: LA04/2021/1971/PAN

Proposal: Proposed mixed use regeneration development comprising office, residential, retail, open space, commercial, and active travel uses, on lands surrounding the new Belfast Transport Hub to the east and west of Durham St and south of Grosvenor Rd.

Address: Lands to east of West Link (A12) and south of Grosvenor Road; Lands at Grosvenor Road and intersection of Grosvenor Road and Durham Street; Lands to the east of Durham Street and north of Glengall Street; Lands at Glengall Street; Lands bet



Decision: PAN Acceptable  
Decision Date: 02/09/2021

Ref ID: Z/2009/1147/F

Proposal: Erection of a hotel comprising 128 bedrooms, ancillary staff and back of house areas and public lounge, bar and dining areas (amended description).

Address: 9-21 St Andrews Square North, Belfast, BT2 7UB

Decision: Permission Granted

Decision Date: 13.03.2012

Ref ID: Z/2007/2812/F

Proposal: Erection of 130 No. apartments with ground floor retail units and parking (amended scheme).

Address: Hope Street, 7-13 Lincoln Place and 1-17 St Andrews Square East, Belfast

Decision: Permission Granted

Decision Date: 12.01.2010

Ref ID: LA04/2021/1291/NMC

Proposal: Non material Change LA04/2017/1388/F

Address: Lands: To The East Of The Westlink (A12); South Of (Nos.127-9) And Including Grosvenor Road; At Intersection Of Grosvenor Road And Stanley Street; At The Intersection Of Durham Street And Grosvenor Road; At The Intersection Of Fisherwick PI

Decision: NMC Granted

Decision Date: 27.01.2022

Ref ID: LA04/2020/0136/NMC

Proposal: Non material change LA04/2017/1388/F

Address: Lands: To The East Of The Westlink (A12); South Of (Nos.127-9) And Including Grosvenor Road; At Intersection Of Grosvenor Road And Stanley Street; At The Intersection Of Durham Street And Grosvenor Road; At The Intersection Of Fisherwick PI

Decision: Consent Granted

Decision Date: 02.04.2020

Ref ID: LA04/2020/1832/NMC

Proposal: Non-material Change LA04/2017/1388/F

Address: Lands: To The East Of The Westlink (A12); South Of (Nos.127-9) And Including Grosvenor Road; At Intersection Of Grosvenor Road And Stanley Street; At The Intersection Of Durham Street And Grosvenor Road; At The Intersection Of Fisherwick PI

Decision: Consent Granted

Decision Date: 06.09.2021

Ref ID: LA04/2018/0110/LDE

Proposal: Installation of piles and water tank

Address: 9-21 St. Andrew's Square North, Belfast,

Decision: Permission Granted

Decision Date: 17.01.2019

Ref ID: LA04/2016/2245/PAN

Proposal: (Full) New integrated public transport interchange comprising; station concourse, 26 bus stands, 8 railway platforms, bus maintenance and parking, track and signalling enhancements, bus access bridge, cycle parking, new public square, public realm improvements, highway improvements and infrastructure improvements.

Address: Lands to the east of the Westlink, south of Grosvenor Road, north of Weavers Court and Hope Street, and west of Great Victoria Street (No 1-3 to 27-45),

Decision: PAN Acceptable

Decision Date: 01.11.2016

Ref ID: LA04/2017/1388/F

Proposal: New integrated public transport interchange comprising; station concourse, 26 bus stands, 8 railway platforms, bus maintenance and parking, track and signalling enhancements, bus access bridge, cycle and taxi provision, car parking, new public square, public realm improvements, highway improvements, infrastructure improvements, temporary structures for bus operations during construction and temporary site construction compounds.

Address: Lands: To The East Of The Westlink (A12); South Of (Nos.127-9) And Including Grosvenor Road; At Intersection Of Grosvenor Road And Stanley Street; At The Intersection Of Durham Street And Grosvenor Road; At The Intersection Of Fisherwick PI

Decision: Permission Granted

Decision Date: 29.03.2019

Ref ID: Z/1998/2259

Proposal: Construction of 10 storey commercial development comprising ground floor retail with offices on upper floors. (Plus basement floor accommodating storage and plant room.)

Address: 9-21 ST ANDREWS SQUARE NORTH, BELFAST BT12

Decision: Permission Granted

Decision Date: 16.09.1998

Ref ID: Z/2004/1128/O

Proposal: Construction of 51 bed supported accommodation.

Address: Junction of Glengall Street and Durham Street, Belfast, BT12 5AB

Decision: Permission Granted

Decision Date: 25.10.2004

Ref ID: Z/2013/0070/F

Proposal: Environmental improvements to include re-paving footpaths and provision of landscaping at the junction of Sandy Row/Linfield Road and Hope Street.

Address: Lands from Durham Street to the junction of Sandy Row, Linfield Road and Hope Street, Belfast,

Decision: Permission Granted

Decision Date: 28.01.2014

Ref ID: Z/2007/2972/F

Proposal: Proposed development to include the construction of 35 bedrooms over 7 floors above existing five storey rear elevation of hotel

Address: The Europa Hotel, 11-15 Great Victoria Street, Belfast, BT2 7AP

Decision: Permission Granted

Decision Date: 30.04.2008

Ref ID: Z/2003/1751/O

Proposal: Development of a headquarters office building with pedestrian link to Durham Street. (Amended access arrangements).

Address: NITHC Site, 90-92 Grosvenor Road, Belfast, BT12 5AX

Decision: Permission Granted

Decision Date: 13.04.2006

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## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date: 31st August 2022</b>	
<b>Application ID:</b> LA04/2022/0063/F	<b>Target Date:</b>
<b>Proposal:</b> Construction of warehouse distribution facility, associated ancillary office, yards, car parking and access from Westbank Road.	<b>Location:</b> Lands to the north east of 3 Westbank Road and immediately south west of the existing Stena Line Terminal Belfast Harbour Estate Belfast BT3 9JL
<b>Referral Route: Major development</b>	
<b>Recommendation:</b>	<b>Approve subject to conditions</b>
<b>Applicant Name and Address:</b> Belfast Harbour Commissioners Harbour Office Corporation Square Belfast BT1 3AL	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<p><b>Executive Summary:</b> This application seeks full planning permission for the construction of a warehouse distribution facility, associated ancillary office, yards, car parking and access from Westbank Road. The site is located in Belfast Harbour Area and is situated on reclaimed land adjacent to the Stena Line terminal.</p> <p>The main issues to be considered in the determination of this application are:-</p> <ul style="list-style-type: none"> <li>• The acceptability of the proposed use at this location;</li> <li>• The acceptability of the design;</li> <li>• Impact on surrounding context;</li> <li>• Access, parking and traffic management; and</li> <li>• Environmental Considerations - Drainage, Contamination, Noise, Impact on Designated Sites</li> </ul> <p>The site is reclaimed land and is located with Belfast Harbour Area in dBMAP (v2014). A small part of the site is zoned as Employment/Industry whilst the majority of the site is not zoned. Part of the site is identified as land for 'port related uses after infilling' in the Belfast Harbour Local Plan. The site is within Belfast Lough in the BUAP and dBMAP (v2004). The proposed use is considered acceptable and is compatible with the surrounding uses and is compliant with PPS 4, PPS 2 and relevant provisions of the SPPS.</p> <p>DFI Roads has requested a further drawing to demonstrate adequate space for disabled parking. A revised plan has been submitted to address this minor technical issue, which DFI Roads is currently considering. All other consultees have no objection to the proposed development subject to conditions.</p> <p>No third party representations have been received.</p>	

The applicant (Belfast Harbour Commissioners) has advised that they are committed to bringing this development forward but that timing is critical as a tenant has been secured for the proposed development and consider the August Committee is crucial to keep with the tenant's programme.

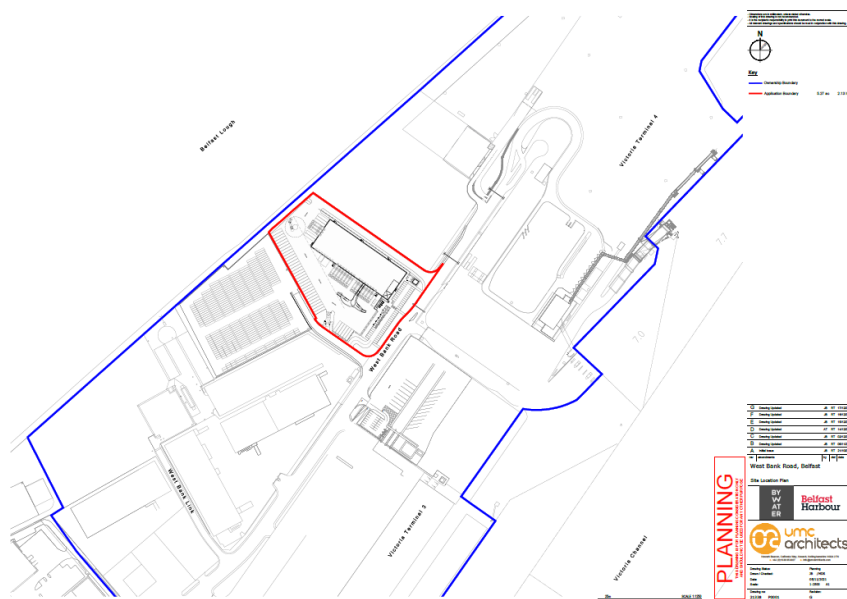
**Recommendation**

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

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

**Signature(s):**

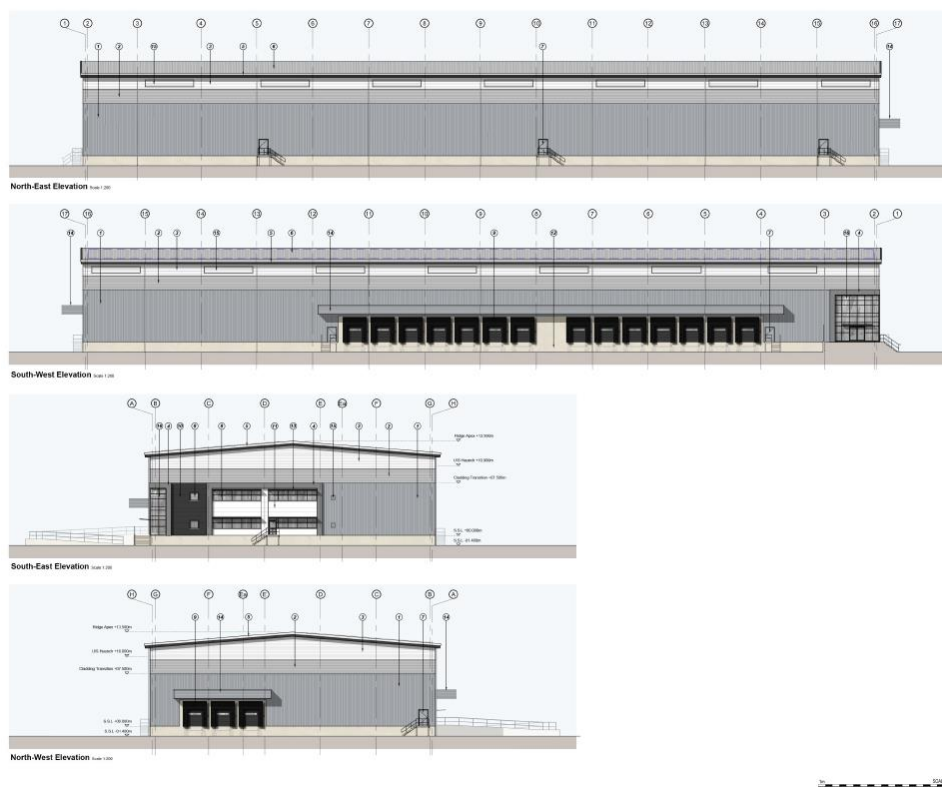
## Site Location Plan



## Site Plan

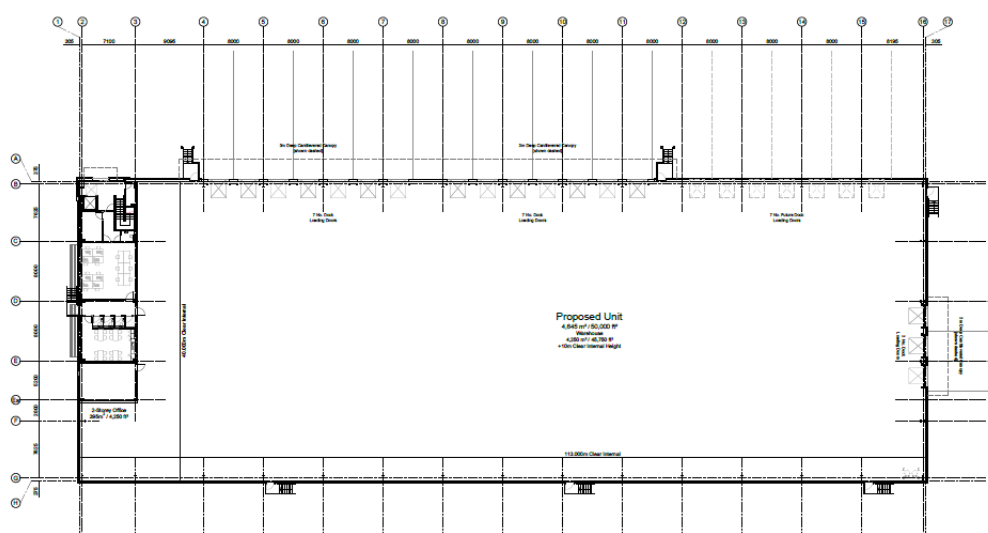


## Elevations



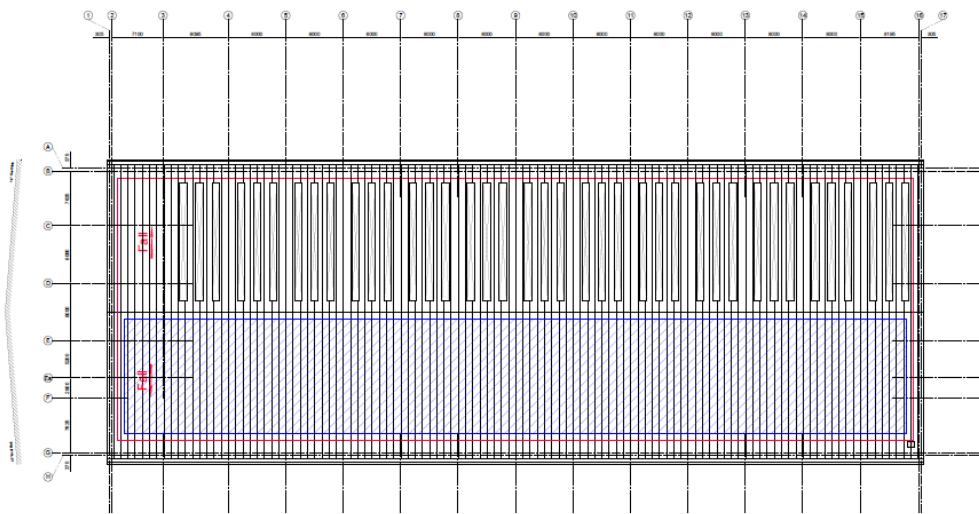
## Proposed Floor Plans

### Ground Floor Plan





Roof Plan



Office Floor Plans (Ground & First Floors)



2.0 Characteristics of the Site and Area

2.1 The site is located in Belfast Harbour area adjacent to the Stena Line Terminal. Surrounding land comprise warehouses, container storage areas and ferry terminal. The site is flat and bounded to the north-west by Belfast Lough. The site is reclaimed land and is currently used for container storage.

<b>3.0</b>	<b>Description of Proposal</b>
<b>3.1</b>	The application seeks full planning permission for construction of a warehouse distribution facility, associated ancillary office, yards, car parking and access from Westbank Road.
<b>3.2</b>	The applicant (Belfast Harbour Commissioners) has secured a tenant to occupy the proposed development which has been designed to meet their operational needs. The applicant is committed to bringing this development forward but has indicated that timing is critical.
<b>4.0</b>	<b>Planning Assessment of Policy and Other Material Considerations</b>
<b>4.1</b>	<p><b>Policy Context</b></p> <p><b>Regional Planning Policy</b></p> <ul style="list-style-type: none"> <li>• Regional Development Strategy 2035 (RDS)</li> <li>• Strategic Planning Policy Statement for Northern Ireland (SPPS)</li> <li>• Planning Policy Statement 2 (PPS 2) – Natural Heritage</li> <li>• Planning Policy Statement 3 (PPS 3) - Access, Parking and Movement</li> <li>• Planning Policy Statement 15 (PPS 15) - Flood Risk</li> </ul> <p><b>Local Planning Policy Context</b></p> <ul style="list-style-type: none"> <li>• Belfast Urban Area Plan (2001) BUAP</li> <li>• Belfast Harbour Local Plan (2005) BHLP</li> <li>• Draft Belfast Metropolitan Area Plan 2015 (v2004)</li> <li>• Draft Belfast Metropolitan Area Plan 2015 (v2014)</li> <li>• Belfast Local Development Plan Draft Plan Strategy 2035</li> </ul> <p><b>Other Material Considerations</b></p> <ul style="list-style-type: none"> <li>• Developer Contribution Framework</li> </ul>
<b>4.2</b>	<p><b>Planning History</b></p> <p><b>LA04/2021/2567/PAN</b> – Construction of warehouse distribution facility, associated ancillary office, yards, car parking and access, Lands to the north east of 3 Westbank Road and immediately south west of the existing Stena Line Terminal, Belfast Harbour Estate, Belfast, BT3 9JL. PAN Acceptable 25.11.21</p> <p><b>LA04/2018/1607/DETEIA</b> – Construction of a warehouse distribution facility, Lands to the North East of 3 Westbank Road and immediately South West of the Existing Stena Line Terminal, Belfast Harbour Estate, Belfast, BT3 9JL. Environmental Statement not required.</p> <p><b>LA04/2018/0986/PAD</b> – Construction of warehouse distribution facility, associated ancillary office, yards, car parking and access, Lands to the North East of 3 Westbank Road and immediately South West of Stena Line Terminal, Belfast Harbour Estate, Belfast, BT3 9JL.</p> <p><b>LA04/2018/0769/PAN</b> – Construction of warehouse distribution facility, Lands to the North East of 3 Westbank Road, Belfast Harbour Estate, Belfast, BT3 9JL. PAN acceptable 16.04.2018</p> <p><b>Z/1991/2077</b> – Land formation, including infilling and levelling, for use</p>

	as operational land for port purposes as defined in the Planning (General Development) Order (N.I.) 1973, Westbank Road, Belfast Harbour Estate, BT3. Permission granted 22.05.91
4.3	<b>Consultations</b>
4.3.1	<b>Statutory Consultations</b>  <b>DFI Roads</b> – Final Comments/Draft Conditions to follow. <b>DFI Rivers Agency</b> – No objection. <b>NI Water</b> – No objection. <b>NIEA</b> – <i>Water Management Unit</i> – No objections subject to condition, <i>Regulation Unit</i> – No objections subject to conditions, <i>NED</i> – No objections subject to conditions, <i>Marine Division</i> – No objections subject to condition.
4.3.2	<b>Non-Statutory Consultations</b>  <b>Environmental Health</b> – No objection subject to condition. <b>Shared Environmental Services</b> – No objection. SES advises that 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 conditions. <b>Economic Development Unit</b> - No objection. Employability and skills related Developer Contributions Section 76 clauses will not be required for the construction phase of the development. <b>BCC Waste Management Team</b> – No objections subject to condition. <b>NIE</b> – No objection. <b>Belfast Harbour Commissioners</b> – No objection.
4.4.	<b>Representations</b>
4.4.1	The application has been advertised and neighbours notified. No comments have been received which raised the following issues.
5.0	<b>Planning Assessment</b>
	<b>Key Issues</b>
5.1	The key issues to be considered in the assessment of this application are: <ul style="list-style-type: none"> <li>• The acceptability of the proposed use at this location</li> <li>• The acceptability of the design</li> <li>• Impact on surrounding context</li> <li>• Access, parking and traffic management</li> <li>• Environmental Considerations - Drainage, Contamination, Noise, Impact on Designated Sites</li> </ul>
5.2	<b>Development Plan Context</b>
5.2.1	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.

5.2.2	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.
5.2.3	Draft BMAP 2015 (dBMAP 2014), 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).
5.2.4	In the BUAP the site is within Belfast Lough (i.e. the land had not been reclaimed at that time). In dBMAP (v2014) the site is located with Belfast Harbour Area and is not zoned. In dBMAP (v2004) the site is also within Belfast Lough. In the Belfast Harbour Local Plan 1990-2005 the site is partly within an area identified for 'Port related uses after infilling' and partly within Belfast Lough.
5.2.5	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.
5.3	<b>Background</b>
5.3.1	This proposed development was the subject of PAD discussions with the agent/applicant prior to submission of the planning application. Advice was provided from DFI Roads and Rivers Agency, Shared Environmental Services, NIEA, Environmental Health and Planning Service during the PAD process.
5.4	<b>Principle of Development/Acceptability of the Proposed Use</b>
5.4.1	PPS 4 and PPS 11 apply to the consideration of the acceptability of the proposed use. The site is located within Belfast Harbour Estate which is predominantly an existing economic/industrial area. The proposal requires to be considered under Policy PED 1 - Economic Development in Settlements and Policy PED 9 - General Criteria for Economic Development. Economic Development is defined in PPS 4 as comprising industrial, business and storage and distribution uses. The proposed use is storage and distribution which falls within Class 4 of the Planning (Use Classes) Order (Northern Ireland) 2015.
5.4.2	The site is reclaimed land and the site is not zoned in dBMAP (v 2015). Part of the site is identified as land for 'port related uses after infilling' in the Belfast Harbour Local Plan. The site is within Belfast Lough in the BUAP which was issued before the land was reclaimed. The site is also within Belfast Lough in dBMAP (v2004).
5.4.3.	Policy PED 1 of PPS 4 states that in respect of Class B4 Storage or Distribution Uses development will be permitted <i>'in an existing or proposed industrial/employment area where it can be demonstrated: that the proposal is compatible with the predominant industrial/employment use; it is of a scale, nature and form appropriate to the location;</i>

	<i>and provided approval will not lead to a significant diminution in the industrial/employment resource both in the locality and the plan area generally.'</i>
5.4.4	Whilst the site is not zoned for an industrial use it is located within Belfast Harbour Estate and the proposed storage and distribution use is dominant in the immediate area given its location at the Port of Belfast. The proposed use is considered compatible with the immediate surrounding area which comprises storage and distribution uses and a ferry terminal. The scale of the development assessed in detail below is considered appropriate to site context and in keeping with similar developments in the surrounding area within Belfast Harbour Estate.
5.4.5	The Technical supplement (Employment and Industry) for the Draft LDP states that 550,000sqm of employment space for B use classes will be required in Belfast between 2020 and 2035. The urban capacity study undertaken as part of the LDP process identified approximately 1.16 million sqm of employment floorspace to be available from committed employment sites and new sites. This demonstrates there is a substantial oversupply of employment space within the Council area. In addition, in the immediate area there is sufficient supply of land for economic development uses given its location within the Harbour Area. Therefore, it is considered that the proposed development will not lead to a proposed diminution of industrial/employment land in the area or the plan area generally.
5.4.6	The site is located within Belfast Harbour Estate. The proposed development is considered 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. The proposal would support economic activity and job creation. The proposed uses are considered acceptable in principle and compatible with surrounding uses. 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.
5.4.7	<p>Policy PED 9 states that 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:</p> <p>(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></p> <p>(b) it does not harm the amenities of nearby residents; <i>No residential properties are located in close proximity to the site.</i></p> <p>(c) it does not adversely affect features of the natural or built heritage; <i>further consideration of the impact of the proposed development on natural heritage assets is set out below. 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 heritage.</i></p> <p>(d) it is not located in an area at flood risk and will not cause or exacerbate flooding; <i>The site is bounded immediately on the west by Belfast Lough. Rivers Agency has advised that a small part of the site at the proposed south west entrance is affected by the present day 1 in 200 year Tidal coastal plain and that the majority of the site is affected by the climate change 1 in 200 year Tidal coastal plain. The proposed development is considered to meet the exceptions test in Policy FLD 1 in that the development proposal will facilitate further economic growth in the Harbour and is located next to the existing Stena Line terminal for operational reasons and is therefore considered to be of regional importance. Rivers Agency is satisfied that the building is to be constructed above the Tidal Climate Change flood level and offer no objections to the proposed development. NIEA Marine Division has recommended a condition requiring</i></p>

	<p><i>the submission of a 'Flood Evacuation Plan' prior to operation of the facility however this is an operational matter for the operator.</i></p> <p><i>(e) it does not create a noise nuisance; Environmental Health has considered the impact of the proposed development and has no concerns relating to noise.</i></p> <p><i>(f) it is capable of dealing satisfactorily with any emission or effluent; Environmental Health has considered the impact of the proposed development and has no concerns relating to air quality/emissions. NI Water has no objections to the proposed development with regard to waste water infrastructure.</i></p> <p><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; DFI Roads final response is awaited subject to satisfying technical matters. Notwithstanding, DFI Roads has not raised any objections during the processing of this application regarding the ability of the existing road network to accommodate additional traffic generated by the development.</i></p> <p><i>(h) adequate access arrangements, parking and manoeuvring areas are provided; DFI Roads final response is awaited subject to satisfying technical matters. Notwithstanding, DFI Roads has not raised any objections during the processing of this application regarding the access arrangements and manoeuvring areas and subject to agreement on the most recent access arrangements plan submitted parking requirements are considered acceptable.</i></p> <p><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; The access arrangements proposed include segregated access for HGV, car and pedestrians. Cycle facilities are proposed within the development and the site is 1.4 miles from National Cycle Network (NCN). Existing footways are available on both sides of Westbank Road and a bus service which operates to and from the City Centre every 30 minutes during AM and PM peak periods 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></p> <p><i>(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity; 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 appearance of the area.</i></p> <p><i>(k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view; Security fencing (2.4m high) around the perimeter of the site is proposed and will provide an appropriate means of enclosure. The bin storage area for the office is setback from the Westbank Road and enclosed by timber fencing and adequately screened from public view. A substation is proposed to be located to the front (Westbank Road) side of the building and will be adequately enclosed and screened.</i></p> <p><i>(l) is designed to deter crime and promote personal safety; Perimeter fencing and gates at the HGV 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 HGV lorry loading/parking bays which will serve to promote personal safety for users.</i></p> <p><i>(m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape. Not applicable.</i></p>
5.4.8	The proposal is considered to satisfy the criteria set out in Policy PED 9.
5.5	<b>Scale, Height, Massing, Design and Layout</b>

5.5.1	The proposed warehouse measures 113m long x 41m wide and will create 4,633sqm of floorspace including ancillary office floorspace. The height of warehouse measures 12.5m to the eaves and 14.9m to the ridge. PV panels are proposed on the southern side of the roof. The height and scale of the proposed building is akin to similar existing developments in the immediate and surrounding area.
5.5.2	Ancillary offices are proposed on the ground and first floor of a small part of the overall warehouse floorspace. Fourteen loading doors are proposed along the south eastern elevation with potential for an additional 7 loading doors in the future and 3 are proposed along the eastern elevation. Associated development including refuse enclosures, substation and plant is proposed to the east and south-east of the warehouse.
5.5.3	An existing access along part of the south-western boundary of the site will facilitate HGV traffic entering the site into a service yard with turning and parking facilities. A new access is proposed along the north-eastern boundary of the site which will facilitate HGV traffic exiting the site thereby operating a one-way system through the site for HGV traffic. A separate access and segregated car park are proposed along the eastern portion of the site. In addition, pedestrian access routes linked to the existing footpath are proposed from Westbank Road.
5.5.4	Proposed external finishes include powder coated white, light grey and mid grey wall cladding, light grey roof cladding, anthracite grey aluminium windows and doors, anthracite grey loading doors, white and anthracite grey composite cladding panels and precast concrete retaining wall. Aluminium louvres, canopies to match the proposed cladding on walls.
5.5.5	The proposed height, scale, massing, design, layout and materials of the proposed warehouse and associated development reflect the typical warehouse layout/elevation found in the area and is considered acceptable and compliant with design policy contained in the SPPS.
5.6	<b>Access, Parking and Traffic Management</b>
5.6.1	Parking spaces for 43 HGV lorries (not including loading bays) and 60 cars (including 3 disabled spaces and 8 electric charging vehicle spaces) along with 20 bicycles is provided within the development.
5.6.2	Separate access for lorries (HGVs) and cars is proposed and will ensure no conflict arises between vehicular traffic. The HGV access and entrance points are also separate facilitating the operation of a one-way system.
5.6.3	DFI Roads has raised no objections to the access and parking arrangements. The applicant has submitted a revised plan to address a minor technical issue and final comments/draft conditions are awaited from DFI Roads. Officers are satisfied that the proposal complies with PPS 3.
5.7	<b>Environmental Considerations</b>
5.7.1	<b>Drainage</b> 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.
5.7.2	NI Water has no objection to the proposed development and advises that there is available capacity at the Waste Water Treatment Works to serve the development; that



	there is a foul sewer, public surface water sewer and public water main within 20m of the proposed development boundary which can adequately service these proposals.
5.7.3	SES recommends a condition (see below) requiring details of the method of sewage disposal to be agreed in advance of commencement of the development.
	<b>Contamination</b>
5.7.4	The application is supported by a Preliminary Risk Assessment which has been considered by both DAERA: NIEA and Environmental Health. Neither has raised objections and both have provided conditions/informatives if permission is granted.
	<b>Noise</b>
5.7.5	The application is supported by a Noise Impact Assessment which has been considered by Environmental Health who have no objections based on noise.
	<b>Air Quality</b>
5.7.6	Environmental Health has reviewed the proposal and has advised that they have no concerns regarding air quality.
	<b>Waste Management</b>
5.7.7	A Waste Management Plan has accompanied the application and has been reviewed by BCC Waste Management Unit who consider that further information is required but do not foresee any issue in dealing with waste at this site. Further to a request for additional information the applicant's team advised that an operator for the facility was still to be confirmed and as such, request a condition is included on any decision notice requiring the submission of an updated Waste Management Plan prior to occupation of the development. More recent correspondence indicates that a tenant has now been secured and that the proposed development has been designed to meet the operational needs of the tenant. Notwithstanding, officers consider that final Waste Management arrangements can be conditioned which will ensure that appropriate arrangements are agreed prior to the operation of the development. A condition is therefore set out below seeking a final Waste Management Plan to be submitted and agreed prior to operation of the development.
5.8	<b>Impact on Designated Sites/Natural Heritage Assets</b>
5.8.1	The proposed development being located immediately adjacent to Belfast Lough is in close proximity to a number of designated sites of National, European and International importance including Inner Belfast Lough ASSI, Belfast Lough SPA, Belfast Lough Open Water SPA and East Coast Marine proposed SPA and Belfast Lough Ramsar Site, North Channel SAC and the Maidens SAC.
5.8.2	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 relate to submission of the final Construction Environmental Management Plan prior to commencement of development and an agreed sewage disposal arrangement. Both conditions are set out in full below.

5.8.3	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 18/05/2022. This found that the project would not have an adverse effect on the integrity of any European site. SES advise that adherence to the recommended mitigation measures will negate any potential for adverse impacts at construction or operational phase. The proposal is compliant with PPS 2.
5.9	<b>Pre-Application Community Consultation</b>
5.9.1	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 29 March 2018 (LA04/2018/0769/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 Loughview Community Action Partnership and Greencastle Community Surgery.
5.9.2	Subsequently, the applicant also submitted a further PAN (LA04/2021/2567/PAN) on 08 November 2021 due to the passage of time between the initial public consultation events (May 2018) and submission of the planning application (December 2021). The applicant undertook an updated public consultation exercise in November 2021 to inform members of the public of the reduction in the development's size and to provide an opportunity for further feedback. Furthermore, during the period between the initial community consultation exercise and the updated consultation exercise the Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020 was enacted in response to COVID19 restrictions. This Regulation temporarily suspended the requirement for a public event and facilitated alternative consultation measures including web-based engagement, use of social media, community surveys, use of information sheets and newsletters in place of public events. The additional consultation undertaken by the applicant in 2021 was carried out under the temporary modifications regulations i.e. an online consultation website exercise was held in place of a public event. The Council confirmed the second PAN was also acceptable subject to further consultation with Sailortown Regeneration Group, Maritime Belfast Trust, East Belfast Community Development Association and Eastside Partnership.
5.9.3	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 (2018) and the online consultation event/methods (2021) took place in accordance with section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015. The report also confirmed that a leaflet drop to properties in the surrounding area took place in 2018 and 2021.
5.9.4	The reports states that no feedback was received to the 2018 public event and four feedback forms were returned during the follow up public consultation exercise in November 2021. Comments received raised concerns about the level of traffic and how this would impact access to the site. The applicant's response set out in the PACC Report states that <i>'A transport assessment form has been submitted as part of the application submission which demonstrates there will be no significant impact from this form of development in this location.'</i> Further comments queried the cycling provisions including parking and cycling facilities and how cycling would be promoted. The applicant's response states that <i>'Cycle parking has been included as part of the</i>

<p>5.9.5</p> <p>5.9.6</p>	<p><i>development proposals.</i> One respondent indicated that they were keen to see the unused land developed. The applicant responded advising that the <i>'proposal will support the use of brownfield and under utilised land within the existing settlement limit.'</i></p> <p>The planning application was submitted in advance of the expiration of 12 weeks following receipt of the second PAN by the Council. The applicant's representatives advised that the planning application relates to the initial PAN submitted in 2018 (LA04/2018/0769/PAN) and the second PAN was submitted only for the purpose of identifying additional consultation to be undertaken. There is no legislative requirement to submit a further PAN or undertake additional public consultation events in such circumstances however, officers consider this good practice given the passage of time. The site boundary of the planning application was marginally different compared with that of the submitted 2018 PAN upon which the applicant is relying upon. In this case, officers considered whether the issue of prejudice would have arisen and considered that as the description and broad location of the development is the same it is therefore unlikely that any prejudice would have arisen and on balance are satisfied that the legislative requirements of Section 27 of the Planning Act have been fulfilled.</p> <p>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.</p>
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**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. It is recommended that planning permission is granted subject to conditions.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and to deal with any DFI Roads comments and 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. Prior to occupation, a hard and soft landscaping scheme shall be submitted to and approved in writing by the Council. The scheme shall include details of all trees, hedgerows and other planting and finished ground levels; details of the hard surface treatment of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include species, size, position and method of planting of all new trees and shrubs; and a programme of implementation.

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 and retained thereafter unless otherwise agreed in writing by the Council. Any proposed trees or plants indicated on the approved plans which, 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.

3. Prior to operation a Final Waste Management Plan shall be submitted to and agreed in writing by the Council. The development shall be carried out in accordance with the approved details.

Reason: To ensure adequate Waste Management arrangements are in place to serve the development.

4. Prior to commencement a final Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing by the Council. The final CEMP shall contain all the mitigation as described in the Outline CEMP by Doran Consulting, dated 03 December 2021 and the additional advice of NIEA WMU and NED in their responses dated 06/05/2022. The development shall be carried out in accordance with the approved details.

Reason: To protect the features of marine connected European Sites from potential construction generated polluting discharges and piling noise and to ensure effective avoidance and mitigation measures have been planned for the protection of the water environment prior to works beginning on site.

5. Prior to occupation details of the method of sewage disposal shall be submitted to and agreed in writing by the Council. The development shall be carried out in accordance with the approved details.

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

6. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be submitted to and approved in writing by the Council and the development shall not proceed unless in accordance with the approved remediation strategy.

Reason: Protection of environmental receptors to ensure the site is suitable for use and protection of human health.

7. After completing the remediation works under Condition 6; and prior to occupation of the development, a verification report shall be submitted to and approved in writing by the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>.

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 and protection of human health

8. There shall be no direct discharge of untreated surface water run-off during the construction and operational phases into Belfast Lough (Belfast Lough SPA, Belfast Lough Water SPA, Inner Belfast Lough ASSI, Outer Belfast Lough ASSI).

Reason: To protect Designated Sites and site selection features.

9. A suitable buffer of at least 10m must be maintained and kept clear between the location of all construction works including concrete mixing and washing areas, storage of machinery/material/spoil etc. and any drains on site.

Reason: To protect Designated Sites and site selection features.

**DFI Roads conditions to follow.**

**Notification to Department (if relevant) – Not Required**

Date of Notification to Department: N/A

Response of Department: N/A

**Representations from Elected Members: None**

<b>ANNEX</b>	
<b>Date Valid</b>	12th January 2022
<b>Date First Advertised</b>	28th January 2022
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification (all addresses)</b> The Owner/Occupier, 19 West Bank Rd, Belfast BT3 9JL The Owner/Occupier, Ground Floor, Transit 3, 32 West Bank Road, Belfast, Antrim, BT3 9JN The Owner/Occupier, Stena Line Belfast, Victoria Terminal, 4 West Bank Rd, Belfast BT3 9JL The Owner/Occupier, Transit 2, West Bank Road, Belfast, Antrim, BT3 9JL The Owner/Occupier, Transit Shed 3, West Bank Rd, Belfast BT3 9JL The Owner/Occupier, Unit 5, Transit 3, 32 West Bank Road, Belfast, Antrim, BT3 9JL	
<b>Date of Last Neighbour Notification</b>	14th February 2022
<b>Date of EIA Determination</b>	10th February 2022
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b>	
01 – Site Location Plan – Published 08.02.22 02 – Site Plan – Published 08.02.22 03 – Fence Plan – Published 08.02.22 04 – Indicative Warehouse Section – Published 08.02.22 05 – Office Layout – Published 08.02.22 06 – Proposed Building Layout – Base Build - Published 08.02.22 08 – Proposed Elevations - Published 08.02.22 09 – Proposed Refuse Store Details - Published 08.02.22 10 – Proposed Roof Plan - Published 08.02.22 11 – Proposed External Surfaces - Published 08.02.22 12b – Access Arrangements – Published 23.08.22 13 - Proposed Access Arrangements-Swept Path Analysis – Published 15.04.22 15A Proposed Cycle Shelter – Published 07.06.22	

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## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 31 <sup>st</sup> August 2022	
<b>Application ID:</b> LA04/2022/0853/F	
<b>Proposal:</b> Provision of a two-storey multi-purpose shared space building comprising main hall (to facilitate 3no. indoor pitches), changing and toilet facilities, kitchens and multi-function rooms. Car and cycle parking areas, service yard, perimeter fencing, temporary construction compound hoarding, associated external lighting and landscaping. Proposed vehicular and pedestrian accesses from Springfield Heights and Ballygomartin Road, service vehicles from Ballygomartin Road and all associated site works.	<b>Location:</b> Site of the former Finlay's Factory SE of Ballygomartin Road, N of Moyard Crescent, NW of Springfield Heights and Springfield Park, Belfast, BT13 3QZ
<b>Referral Route:</b>	Major development Belfast City Council application
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Belfast City Council Physical Programmes Department 9-21 Adelaide Street Belfast BT2 8DJ	<b>Agent Name and Address:</b> Resolve Planning and Development Innovation Factory 385 Springfield Road Belfast BT12 7DG
<b>Executive Summary:</b>  This application seeks full planning permission for a shared space community building which incorporates a range of integrated services and facilities to include indoor leisure, outdoor recreation, community space, capacity support, health and wellbeing, educational links and multipurpose spaces.  The main issues to be considered are: <ul style="list-style-type: none"> <li>• The principle of the re-development of the site for the proposed community use;</li> <li>• Impact on the character and appearance of the area;</li> <li>• Archaeology</li> <li>• Access and parking;</li> <li>• Human health;</li> <li>• Drainage and flooding;</li> <li>• The impact on natural heritage;</li> <li>• Pre-application Community Consultation</li> </ul> The site is located within the development limits of Belfast in the BUAP 2001 and draft BMAP	

and is un-zoned, “white land” in the BUAP and dBMAP. A Housing Renewal Area is located to the south in the BUAP.

As the site is un-zoned “white land” within the settlement development limit and taking into account the site context, the last use of the site as a factory and previous planning permission for a multi-use community building on the site, the principle of community use is considered acceptable.

The design of the building is considered appropriate to its context. The proposal would not have an adverse impact on adjacent properties by way of noise and other impacts. The proposed access and parking arrangements are considered acceptable.

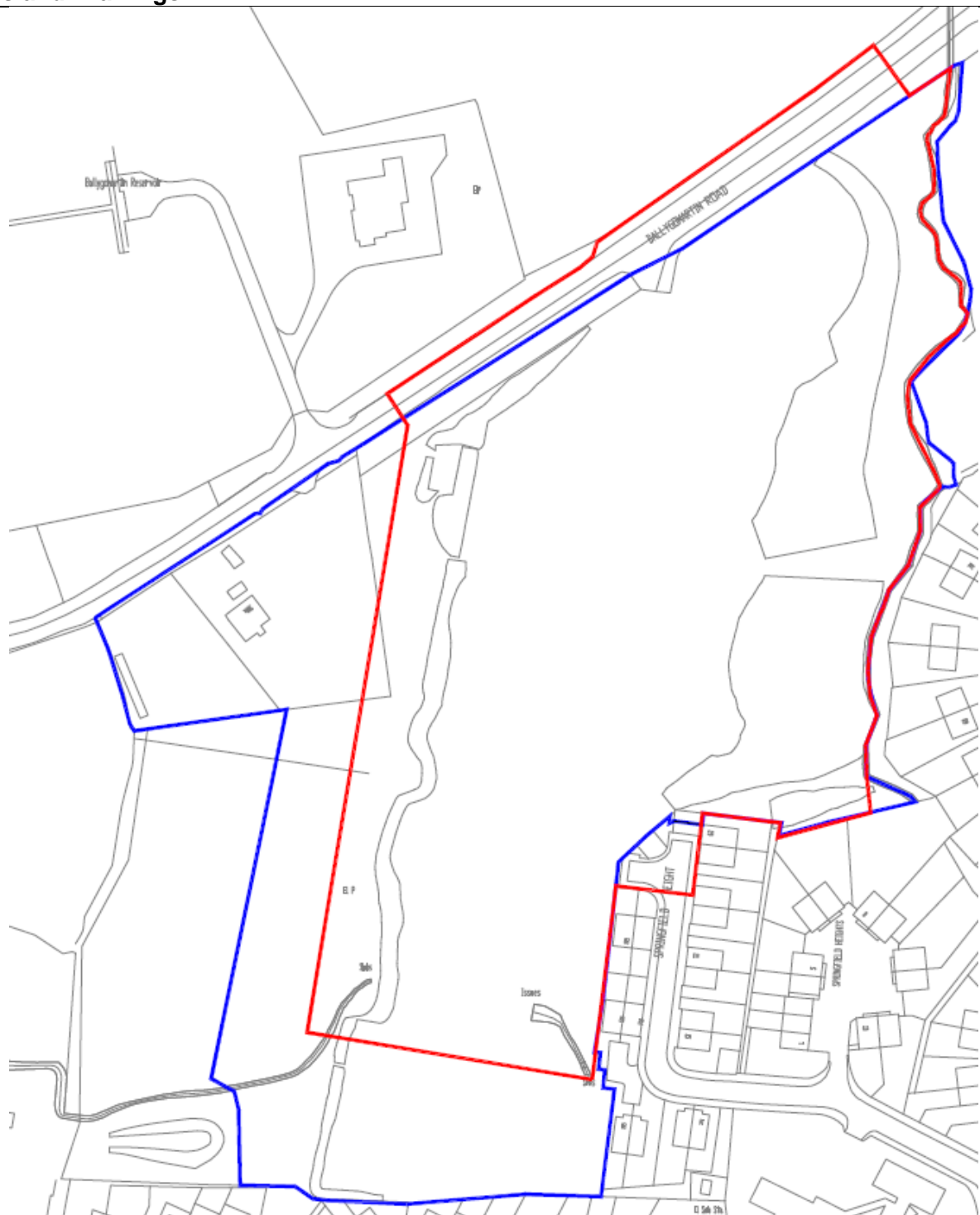
Consultees including DfI Roads, DAERA NIEA, DfC HED, NI Water, NIE, BCC Landscape Team and BCC Environmental Health have no objection to the proposal subject to conditions. Their consultations are detailed in the main body of the report. At the time of writing a final response is awaited from DfI Rivers.

One representation has been received and is considered under Para 7.0 of the report.

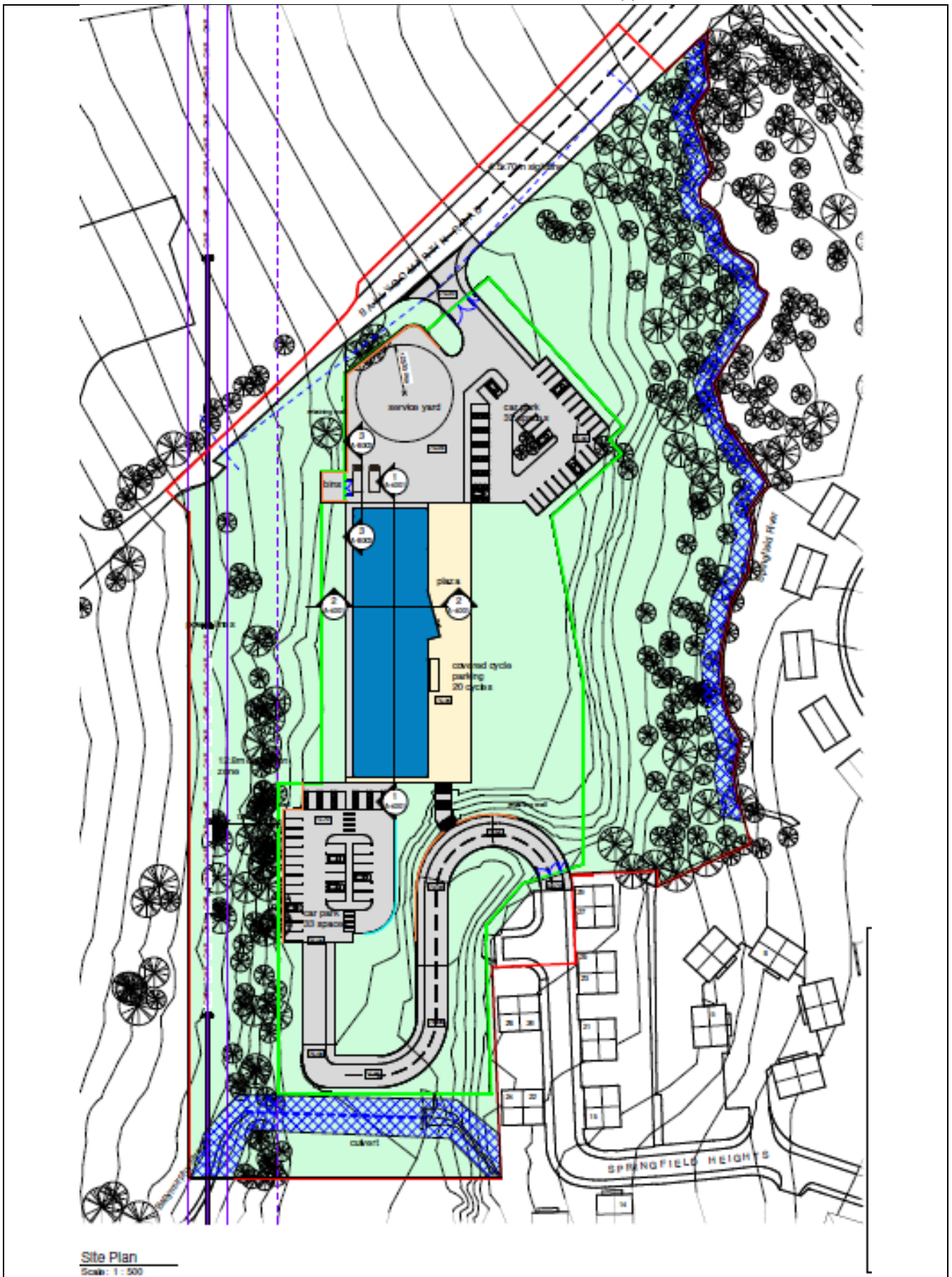
Having regard to the Development Plan, and other material considerations, the proposed development is considered acceptable. It is recommended that planning permission is granted subject to conditions. Delegated authority is requested for the Director of Planning and Building Control to finalise the conditions and resolve any further issues raised by DfI Rivers and any other matters.

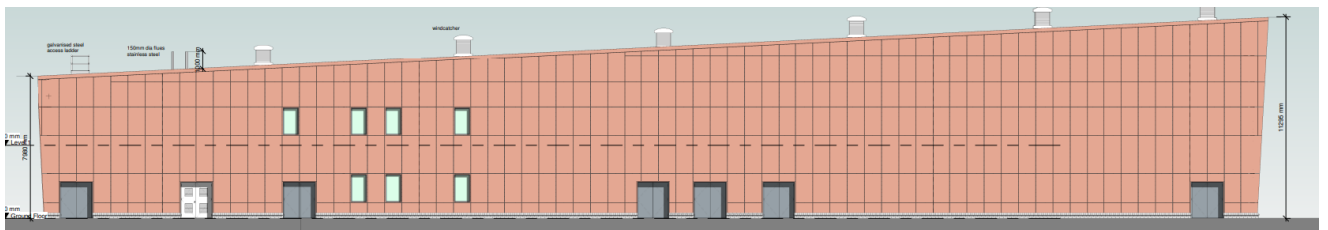
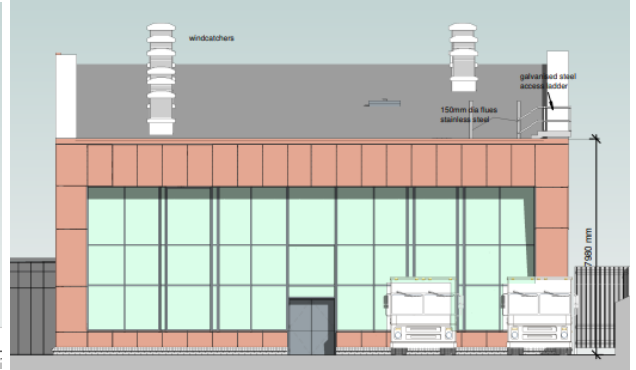
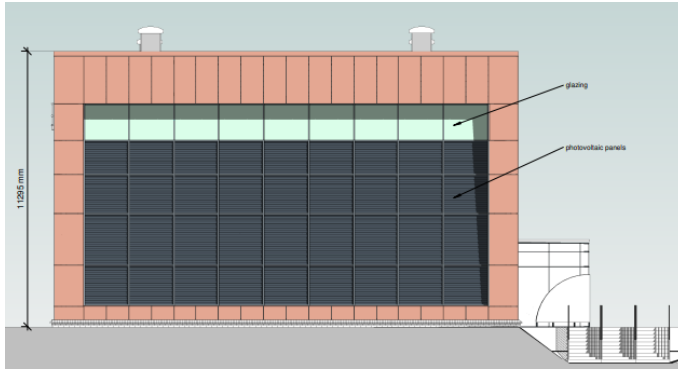
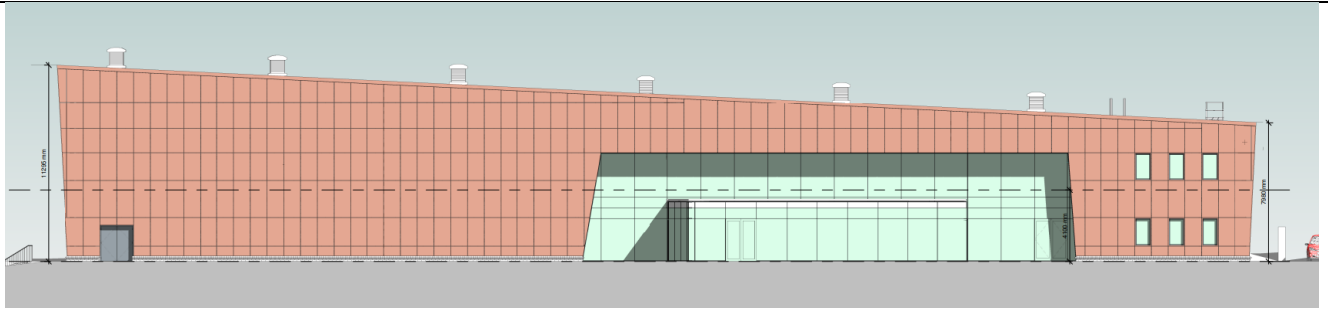
## Case Officer Report

### Plans and Drawings



**1 SITE LOCATION PLAN**  
1:1250





CGI View from south and then north-east:





<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b><u>Description of Proposed Development</u></b>
1.1	<p>The application seeks full planning permission for the following:</p> <p><i>'Provision of a two-storey multi-purpose shared space building comprising main hall (to facilitate 3no. indoor pitches), changing and toilet facilities, kitchens, multi-function rooms. Car and cycle parking areas, service yard, perimeter fencing, temporary construction compound hoarding, associated external lighting and landscaping. Proposed vehicular and pedestrian accesses from Springfield Heights and Ballygomartin Road, service vehicles from Ballygomartin Road and all associated site works.'</i></p>
1.2	<p>The applicant's Design and Access Statement states that the proposal aims to create a</p> <p><i>'multipurpose shared space building to facilitate and promote sustainable and meaningful engagement between local communities divided by significant physical and physiological barriers. Proposed on a vacant site, this new building will offer a range of integrated services and facilities to include indoor leisure, outdoor recreation, community space, capacity support, health and wellbeing, educational links and multipurpose spaces.'</i></p>
1.3	<p>The proposed building comprises two storeys and is orientated within the site to respond to the levels. It features a mono-pitch roof which slopes down from south to north. The exterior of the building is to be constructed using photovoltaic panels, curtain walling/copper facade and glazing. The entrance is on the east façade.</p>
1.4	<p>The proposed building contains approximately 110 square metres of solar panels on the south elevation and contains 'windcatchers' on the roof as a means of sustainable ventilation.</p>
1.5	<p>The application also proposes the creation of two vehicular accesses from Ballygomartin Road to the north and through the housing at Springfield Heights to the south. These would serve two carparks either end of the building, providing a total of 65 parking spaces including 13 wheelchair accessible spaces. There would also covered cycle parking for 20 bicycles.</p>
<b>2.0</b>	<b><u>Description of Site and Area</u></b>
2.1	<p>The application site is located on lands adjacent to and immediately to the north of the housing at Springfield Heights and Moyard Crescent, and south of Ballygomartin Road. There is housing further to the east and open countryside to the west. The site extends to 3.1ha and is enclosed by walls, high fencing and vegetation along all boundaries.</p>
2.2	<p>There is a level difference across the site from west and east with a large flat area in the middle of the site. This part of the site was occupied by the former Finlay's Packaging Factory. The factory building was demolished in the early 2000s but the remains of the factory's concrete sub-floor can be seen on site. This is located at 75m AOD.</p>
2.3	<p>The Ballymurphy River, otherwise known as the Springfield Park Stream, emerges from a culvert below Ballygomartin Road, to flow down the eastern side of the site to a culvert at the edge of Springfield Heights. A smaller designated watercourse, (Ballymurphy Stream) crosses the south of the site. The Springfield Park Stream bank features a linear young plantation woodland along the length of the eastern edge of the site and to the north and this expands into a wider area at the junction. There is also a line of mature trees running along the western boundary of the site.</p>

<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Planning History</b> Full details of the planning history are provided at Annex A. Applications specific to the site are detailed below:
3.1	<p>Ref ID: LA04/2021/2173/PAN</p> <p>Proposal: Provision of a two storey shared space centre comprising main hall, changing and toilet facilities, kitchens (ground and first floor), multi function rooms, multi function office, meeting rooms, storage and plant rooms, foyer and circulation space. Car and cycle parking areas, a service yard, perimeter fencing, associated external lighting and proposed landscaping. Proposed vehicular and pedestrian accesses from Springfield Heights and Ballygomartin Road and all associated site works.</p> <p>Address: Site of the former Finlay's Factory south east of Ballygomartin Road, north of Moyard Crescent, northwest of Springfield Heights and Springfield Park, Belfast, BT13 3QZ.,</p> <p>Decision: PAN Acceptable</p> <p>Decision Date: 21.10.2021</p>
3.2	<p>Ref ID: LA04/2016/2207/F</p> <p>Proposal: Shared space building comprising sports hall, gym, dance/drama studio, social enterprise workshop (environmental focus), business units, meeting rooms, counselling/treatment rooms, cafe, educational facilities and performing arts space/exercise studio; with new access from Springfield Heights and to the Ballygomartin Road (from the building only); pedestrian only accesses; car and cycle parking; landscaping and associated site works.</p> <p>Address: Land southeast of, Ballygomartin Road north of , Moyard Crescent and, Northwest of, Springfield Park and, Springfield Heights, Belfast,</p> <p>Decision: Permission Granted</p> <p>Decision Date: 21.03.2017</p>
3.3	<p>Ref ID: Z/2011/0726/O</p> <p>Proposal: Proposed site for residential development, new access and ancillary site works.</p> <p>Address: Lands northwest of 1-8 Springfield Heights and north of Moyard Crescent, Belfast, BT13,</p> <p>Decision: Permission Granted</p> <p>Decision Date: 11.01.2016</p>
3.4	<p>Ref ID: Z/2004/1444/F</p> <p>Proposal: Residential development of 60 no. dwelling units.</p> <p>Address: Former factory site, Ballygomartin Road, Belfast</p> <p>Decision: Permission Granted on appeal</p> <p>Decision Date: 21.12.2005</p>
<b>4.0</b>	<b>Policy Framework</b>
4.1	<p>Belfast Urban Area Plan 2001 (BUAP)</p> <p>Draft Belfast Metropolitan Area Plan 2015 (v2004)</p> <p>Draft Belfast Metropolitan Plan 2015 (v2014)</p> <p>Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the said 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.</p>

	<p>Following the Court of Appeal decision on Belfast Metropolitan Area Plan in May 2017, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which draft BMAP 2015 had reached pre-adoption through a period of independent examination, the policies within it 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. Given the advanced stage that draft BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the main areas of contention were policies relating to Sprucefield Shopping Centre, dBMAP 2015 is considered to hold significant weight.</p> <p>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.</p>
4.2	<p>Regional Development Strategy 2035 Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 2 – Natural Heritage 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 Environment Planning Policy Statement 8 – Open Space, Sport and Recreation Planning Policy Statement 15 – Planning and Flood Risk</p>
5.0	<p><b><u>Statutory Consultees</u></b>  <b>DfI Roads</b> – no objections in principle, subject to conditions  <b>DfI Rivers</b> – awaiting final response  <b>NIEA Natural Heritage</b> – no objections  <b>NIEA Land, Soil, and Air</b> – no objections subject to conditions  <b>NI Water</b> – No objection  <b>UK Crown Bodies</b> – no objection  <b>DfC Historic Environment Division</b> – no objection subject to conditions</p>
6.0	<p><b><u>Non-Statutory Consultees</u></b>  <b>BCC Environmental Health</b> – no objection subject to condition  <b>BCC Landscape</b> – no objection  <b>Northern Ireland Electricity</b> – no objections  <b>BCC Tree Officer</b> – no objection subject to condition</p>
7.0	<p><b><u>Representations</u></b></p>
7.1	<p>The application was first advertised on 18.05.2022 and re-advertised on 29.07.2022. Neighbour notifications were initially issued on 11.05.2022 and re-notified of amendments to the scheme on 03.08.22.</p>
7.2	<p>One representation has been received from the Belfast Hills Partnership.</p>
7.3	<p>The issues raised are summarised as follows:</p>



7.4	<ol style="list-style-type: none"> <li>1. Invasive species – there may be Japanese knotweed on the site which would need to be reported and treated professionally.</li> <li>2. Given the semi-rural location of the site, the size, height and building materials should be sympathetic to the surrounding landscape and there should be a buffer zone around the building.</li> <li>3. The building should be screened to protect visibility from Black Mountain.</li> </ol> <p>These issues are addressed as follows:</p> <ol style="list-style-type: none"> <li>1. Ecological considerations, including invasive species, are considered in the main report. NIEA were consulted and has no objection subject to condition.</li> <li>2. Design and landscaping are considered in the main report.</li> <li>3. As above at point 2, the site is within the development limit and given the scale of the building and site levels, the scheme is unlikely to impact long views. Regard is also had to the previous planning permission on the site for a large multi-use community building.</li> </ol>
8.0	<b><u>ASSESSMENT</u></b>
8.1	<b><u>Main Issues</u></b>
8.1.1	<p>The main issues relevant to consideration of the application are summarised below.</p> <ul style="list-style-type: none"> <li>• The principle of the re-development of the site for the proposed community use</li> <li>• Impact on the character and appearance of the area</li> <li>• Archaeology</li> <li>• Access and parking</li> <li>• Human health;</li> <li>• Drainage and flooding</li> <li>• The impact on natural heritage</li> <li>• Pre-application Community Consultation</li> </ul>
8.2	<b><u>The principle of community use at this location</u></b>
8.2.1	<p>The site is located within the development limits of Belfast in the BUAP 2001 and draft BMAP and is un-zoned, “white land” in the BUAP and dBMAP. A Housing Renewal Area is located to the south in the BUAP.</p>
8.2.2	<p>As the site is un-zoned “white land” within the settlement development limit and taking into account the site context, the last use of the site as a factory and previous planning permission for a multi-use community building on the site, the principle of community use is considered acceptable subject to consideration of Policy PED 7 of PPS 4.</p>
8.2.3	<p>As the site was most recently occupied by a manufacturing building, Policy PED 7 (Retention of Zoned Land and Economic Development Uses) of PPS 4, ‘Planning and Economic Development’, is a material consideration. Although demolition of the building and clearance of the site means that the site has a nil use in land-use planning terms. The proposal involves the loss of a previous manufacturing site to community use and Policy PED7 of PPS 4 applies.</p>
8.2.4	<p>Policy PED 7 states that on un-zoned land, a development proposal that would result in the loss of an existing Class B2, B3 or B4 use, or land last used for these purposes, will only be permitted where it is demonstrated that one of the following criteria is met:</p> <p>(a) redevelopment for a Class B1 business use or other suitable employment use would make a significant contribution to the local economy; or</p>

	<p>(b) the proposal is a specific mixed-use regeneration initiative which contains a significant element of economic development use and may also include residential or community use, and which will bring substantial community benefits that outweigh the loss of land for economic development use; or</p> <p>(c) the proposal is for the development of a compatible <i>sui generis</i> employment use of a scale, nature and form appropriate to the location; or</p> <p>(d) the present use has a significant adverse impact on the character or amenities of the surrounding area; or</p> <p>(e) the site is unsuitable for modern industrial, storage or distribution purposes; or</p> <p>(f) an alternative use would secure the long-term future of a building or buildings of architectural or historical interest or importance, whether statutorily listed or not; or</p> <p>(g) there is a firm proposal to replicate existing economic benefits on an alternative site in the vicinity.</p>
8.2.5	In this instance criterion (b) is considered to apply as the scheme is mixed regeneration of previously developed land. It comprises community uses which would bring substantial benefits to the community that outweigh the loss of employment land. Regard is also had to the previous planning permission for a multi-use community building on the site when the principle of a community building on the site was also accepted.
8.26	<p>Moreover, Planning Advice Note to PPS 4, published in November 2015, accepts that there can be “special circumstances” in which a departure from the development plan zoning may be acceptable. Paragraph 16 of the Planning Advice Note reads:</p> <p><i>‘In the case of planning applications involving a departure from a development plan zoning, for example from light industrial use to a mixed use development, planning officers should be fully satisfied that it has been clearly demonstrated how the special circumstances of a particular case outweigh the preferred option of retaining the land for economic development use.’</i></p>
8.27	“Special circumstances” are not defined in the Planning Advice Note and the example it uses is a change of use from industrial to mixed use. There is no definitive list of what those special circumstances might be. In this case, Officers consider that the community benefits of the proposal outweigh the loss of land last used for employment.
<b>8.3</b>	<b><u>Impact on the character and appearance of the area</u></b>
8.3.1	Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraphs 4.23-7 stress the importance of good design. Paragraphs 4.11 and 4.12 of the SPPS require the safeguarding of residential and work environs and the protection of amenity.
8.3.2	The layout of the site has been designed to provide dual entrances with parking both from Springfield Heights and Ballygomartin Road. The building has been designed to benefit from maximum views of the city.
8.3.3	The applicant’s Design and Access Statement (DAS) describes the building envelope as ‘a simple sculptural form with mono-pitch roof sloping from main hall down to the two-storey accommodation to the north of the building. The lift overrun is contained within the additional volume beside the Main Hall. This will provide a simple yet bold and recognisable form. The sculptural form will have cut outs for glazing where appropriate (i.e. entrance foyer) and for photovoltaic panels integrated in a matching curtain walling system (i.e. south facing façade to main hall). Punched windows are provided to the envelope where they are required.’

8.3.4	The proposed palette of materials proposed is predominantly copper cladding with ' <i>low clay brick plinth – Ibstock Staffordshire blue and curtain walling finished in dark grey with double glazed units providing punctuation to the architecture. The curtain walling on the south facing façade contains an integrated photovoltaic array</i> '.
8.3.5	The building has been designed to achieve maximum passive solar gain with 110sqm of solar panels on the southern elevation with the design overall achieving a 'Very Good' BREEAM rating.
8.3.6	The site contains landscaped areas within the site as well as areas of landscaping around the two car parks. The Council's Landscape, Planning and Development team were consulted and are content, stating that the detailed landscape proposals and planting schedules are acceptable and that the inclusion of proposed small unit paving for pedestrian areas is welcomed. The Tree Officer recommended the inclusion of a sedum roof and this was put to the applicant. A submission was then made which demonstrated that a sedum roof was not viable for the current scheme and that the roof would not be visible from key locations. Given the nature of the building and the financial implications set out by the applicant's team, it is considered that it is not reasonable to insist on the inclusion of the sedum roof. Following further consideration, the BCC Tree Officer has no objection subject to conditions.
8.3.7	A Landscape Management Plan has been provided and will be subject to condition.
8.3.8	The design of the building is considered innovative and attractive and demonstrates good quality. The proposed landscaping proposals are considered acceptable and there would be no harm to the wider landscape. It is considered that the character and appearance of the area would be preserved.
<b>8.4</b>	<b><u>Archaeology</u></b>
8.4.1	DfC HED: Historic Monuments notes that the site is located within the extent of the former White Rock Dyeing Works, the Beetling Works and Bleach Green. It concurs with the conclusions in the applicant's <i>Archaeological and Cultural Heritage Assessment</i> and is content that the proposal satisfies Policy BH4 of PPS 6 subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. Having regard to the advice from HED and subject to this condition, it is considered that the proposal would not have any adverse impacts on archaeology.
<b>8.5</b>	<b><u>Access and Parking</u></b>
8.5.1	The proposal includes two vehicular access, one from Ballygomartin Road to the north and the other through the housing at Springfield Heights to the south. The application also proposes the creation two car parks to the north and south sides of the building, creating a total of 65 parking spaces including 13 wheelchair accessible spaces. There is also covered cycle parking for 20 bicycles.
8.5.2	The proposal has been assessed against Policies AMP1, AMP2, AMP6, AMP7 and AMP8 of PPS3. DfI Roads is satisfied with the proposal and raises no objection, subject to a number of conditions. The proposed access and parking arrangements are considered acceptable.
<b>8.6</b>	<b><u>Contaminated Land</u></b>
8.6.1	The application is supported by a GQRA and Remedial Strategy which were considered by both DAERA NIEA and Environmental Health. Both offer no objection and have provided conditions and informatives accordingly. The proposal is considered acceptable with regard to land contamination.

<b>8.7</b>	<b><u>Noise</u></b>
8.7.1	Environmental Health has reviewed the Acoustic Design Analysis and BREEAM Report and advised that it meets the relevant requirements. Informatives have been provided. No unacceptable noise conflicts are identified.
<b>8.8</b>	<b><u>Air Quality</u></b>
8.8.1	Environmental Health has reviewed the proposal and advises that it has no objections subject to conditions. The proposal is considered acceptable with regard to air quality.
<b>8.9</b>	<b><u>Site Drainage/Flood Assessment</u></b>
8.9.1	The application is supported by a Flood Risk Assessment and Drainage Assessment. The proposal has been considered against Policies FLD 1-5 of Revised PPS 15. DFI Rivers advises that the Flood Risk Assessment is deemed to be robust with regards to managing flood risk. DFI Rivers has also advised they have no objections under Policies FLD 2, 4 and 5. With regards to Policy FLD 3, a Schedule 6 consent (to discharge into a watercourse) has been requested. An addendum to the Flood Risk Assessment was submitted by the applicant on 10 <sup>th</sup> August 2022, and final comments from DFI Rivers are awaited. Delegated authority is sought to resolve any further issues raised by DFI Rivers.
8.9.2	NI Water was consulted and notes that the proposal will discharge foul sewage to a private treatment plant and therefore they have no objections. The proposed arrangements for disposal of waste water are considered acceptable.
<b>8.10</b>	<b><u>Natural Heritage</u></b>
8.10.1	DAERA NIEA, Natural Environment Division (NED) acknowledges receipt of the Preliminary Ecological Appraisal (PEA) and the Outline Construction Environmental Management Plan (OCEMP), the Habitat Regulations Assessment (HRA), Bat Roost Potential Survey and Invasive Species Management Plan. Having considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, NED has no concerns subject to conditions.
8.10.2	NIEA: Water Management Unit were consulted and has no objections subject to the submission of a Construction Environmental Management Plan (CEMP). A condition is included accordingly.
8.10.3	Having regard to the advice from DAERA, the proposal is considered acceptable with regard to impact on natural heritage and ground water environment, and having regard to PPS 2 and the SPPS.
<b>8.11</b>	<b><u>Pre-Community Consultation</u></b>
8.11.1	For applications that fall within the Major category of development as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on the applicant for planning permission to consult the community in advance of submitting an application.
8.11.2	Section 27 also requires that a prospective applicant, prior to submitting an application for Major development 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 (LA04/2021/2173/PAN) was submitted to the Council on 17 September 2021 and was deemed acceptable on 21 October 2021.
8.11.3	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 (PACC) to accompany the planning application. A PACC Report has been submitted in support of this application

<p>8.11.4</p> <p>8.11.5</p> <p>8.11.6</p>	<p>which details a digital public information event, letters, leaflets and the public advertisement.</p> <p>According to the PACC report, 101 comments and questions were made via 37 responses all of which were via the digital consultation.</p> <p>The consultation demonstrated that the majority of respondents were in favour of the proposed development. Concerns were expressed regarding car parking, cycle parking, design and use. The applicant states that all concerns were considered and where appropriate changes were made.</p> <p>It is considered that the PACC Report 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.</p>
<p><b>10.0</b></p> <p>10.1</p> <p>10.2</p>	<p><b>Summary of Recommendation:</b></p> <p>Having regard to the Development Plan, and other material considerations, the proposed development is considered acceptable.</p> <p>It is recommended that planning permission is granted subject to conditions. Delegated authority is requested for the Director of Planning and Building Control to finalise the conditions and resolve any further issues raised by DFI Rivers and any other matters.</p>
<p><b>11.0</b></p> <p>1.</p> <p>2.</p>	<p><b>DRAFT CONDITIONS:</b></p> <p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>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 report entitled 'Black Mountain Shared Space Project, Remedial Strategy, Black Mountain Shared Space Project, Site of Former Finlay Factory, Belfast, 603566-R2(00), October 2021', and as amended within the RSK (Ireland) Ltd letter dated 28th July 2022 (Planning Ref: LA04/2022/0853/F, RSK Ref: 603566 L01), have been implemented.</p> <p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use. 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:</p> <p>a) A minimum 400mm capping layer has been emplaced in the area shown in the figure titled 'Capping Layer Requirements 400mm' of the RSK (Ireland) July 2022 letter, formed from material that is demonstrably suitable for use (public open space near residential housing).</p> <p>b) Characteristic Situation 2 gas protection measures have been provided within the development in accordance with BS 8485:2015+A1:2019. Gas protection measures shall be verified in accordance with the requirements of CIRIA C735.</p> <p>c) Vapour protection measures have been provided within the development; these shall be installed and verified in accordance with the requirements of CIRIA C748.</p> <p>Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.</p>

3.	<p>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 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.</p> <p>Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.</p>
4.	<p>In the event that additional pollution sources, to include any substantial combustion sources (boilers, CHP or biomass) are proposed and there is a risk to human health receptor locations as per the criteria detailed within the <i>Environmental Protection UK and Institute of Air Quality Management, Land-use Planning &amp; Development Control: Planning For Air Quality (January 2017)</i>, this Service requests that an Air Quality Impact Assessment be carried out and submitted to the Planning Authority for review and approval in writing.</p> <p>Reason: Protection of human health.</p>
5.	<p>No development shall commence until a Final Construction Environmental has been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details.</p> <p>Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.</p>
6.	<p>No development shall commence until an Environmental Monitoring Plan, to include downstream surface water and downgradient groundwater monitoring points, has been submitted to and approved in writing by the Council. The monitoring shall specify:</p> <ul style="list-style-type: none"> <li>• The monitoring locations and schedule for monitoring prior, during and post development,</li> <li>• The parameters and contaminants to be monitored, including the limits of detection for laboratory analyses.</li> <li>• If impacts are detected the provisions of Conditions 5 and 6 will require additional risk assessment and if necessary a remedial strategy in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <a href="https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks">https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks</a>.</li> <li>• The results of the monitoring must be provided to discharge Conditions 2 and 3 of the decision notice.</li> </ul> <p>The development shall not be carried out unless in accordance with the approved details.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
7.	<p>In the event that piling is required, no piling work shall commence on this site until a Piling Risk Assessment has been submitted to and approved in writing by the Council. The Piling Risk Assessment shall be undertaken in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement</p>

	<p>Methods on Land Affected by Contamination: Guidance on Pollution Prevention” (or any guidance that. The methodology is available at:  <a href="http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf">http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf</a>.</p> <p>No piling shall be carried out unless in accordance with the approved details.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
8.	<p>No development shall be carried out unless a Final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council. The CEMP shall include the following:</p> <ul style="list-style-type: none"> <li>a) Construction methodology and timings of works,</li> <li>b) Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;</li> <li>c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;</li> <li>d) Water Quality Monitoring Plan;</li> <li>e) Environmental Emergency Plan;</li> <li>f) Details of appropriate mitigation measures to protect protected and priority species.</li> </ul>
9.	<p>The development shall not be carried out unless in accordance with the approved details.</p> <p>Reason: To protect Northern Ireland priority species and habitats, to ensure implementation of mitigation measures identified within the Habitat Regulations Assessment and to prevent likely significant effects on the Inner Belfast Lough ASSI, Belfast Lough SPA, Belfast Lough Ramsar site and Belfast Lough Open Water SPA designated sites.</p>
10.	<p>Notwithstanding the submitted details, no development activity shall take place until a Final Landscape Management Plan has been submitted to and approved in writing by the Planning Authority. The Plan shall include the following:</p> <ul style="list-style-type: none"> <li>a) The retention of mature trees and Lowland Meadow NIPH on site;</li> <li>b) Details of the protection of retained trees and hedgerows by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations;</li> <li>c) Details of appropriate management measures to be implemented for the Lowland Meadow priority habitat (identified as Compartment 9 in the PEA);</li> <li>d) Planting Schedule to include appropriate numbers of native species of trees/shrub and wildflower species;</li> <li>e) Details of the aftercare of all planting on the site.</li> </ul>
11.	<p>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.</p> <p>The development shall not be carried out unless in accordance with the approved details.</p> <p>Reason: to compensate for the removal of trees/shrubs/hedgerows and to minimise the impact of the proposal on the biodiversity of the site.</p>

12.	<p>No development shall be carried out unless a Final Invasive Species Management Plan has been submitted to and approved in writing by the Council. The Plan shall include:</p> <ul style="list-style-type: none"> <li>a) Updated survey for invasive species to identify all locations on site where they occur;</li> <li>b) Details of the removal/eradication and/or treatment of identified invasive species;</li> <li>c) Details of any necessary mitigation measures to be implemented during the construction phase or thereafter to prevent the spread of invasive species; and</li> <li>d) Details of any follow-up management or monitoring of invasive species on the site.</li> </ul> <p>The development shall not be carried out unless in accordance with the approved details.</p> <p>Reason: To prevent the spread of invasive plant species listed on Schedule 9 of the Wildlife (Northern Ireland) Order 1985 (as amended) and The Invasive Alien Species (Enforcement and Permitting) Order (Northern Ireland) 2019 and to minimise the impact of the proposal on the biodiversity of the site.</p>
13.	<p>The development shall not become operational until weather protected cycle parking has been fully provided in accordance with Drawing Number X uploaded to the Planning Portal on Y. The weather protected cycling parking shall be retained at all times in accordance with the approved details.</p> <p>Reason: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.</p>
14.	<p>The development shall not become operational until hard surfaced parking areas have been provided and permanently marked in accordance with the approved plan. These parking areas shall be retained at all times and shall not be used other than for the parking of vehicles.</p> <p>Reason: To ensure acceptable parking facilities on the site.</p>
15.	<p>The access gradients shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>
16.	<p>All redundant accesses from the site to the public road shall be permanently closed off on commencement of use of the new access points that they replace.</p> <p>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.</p>
17.	<p>The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with ePIC Drawing No. 26A prior to the operation of any other works or other development hereby permitted and permanently retained at all times.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>
18.	<p>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.</p>



	<p>Reason: To ensure there is a satisfactory means of access in the interest of road safety and the convenience of road users</p>
19.	<p>The development shall operate at all times in accordance with the Travel Plan.</p> <p>Reason: To encourage alternative modes of transport to the private car.</p>
20.	<p>All landscaping works shall be carried out in accordance with the approved details on drawing no [xxxx, dated xxxx]. 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.</p> <p>Reason: In the interests of the character and appearance of the area</p>
22	<p>All trees and planting within the site shall be retained unless shown on the approved drawings as being removed (they can be stored temporarily at a safe appropriate location and transplanted onto the site as part of proposed landscaping measures). 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.</p> <p>Reason: In the interests of visual amenity.</p>
23.	<p>No development shall be carried out unless tree protective measures, protective barriers (fencing) and ground protection have been erected or installed as specified and 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 for the duration of the construction process.</p> <p>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.</p>
24.	<p>No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the Root Protection Areas of trees within the site and adjacent lands during the construction period.</p> <p>Reason: To avoid compaction within the RPA of existing trees to be retained.</p>
25.	<p>The development shall not be carried out unless in accordance with the Arboricultural Method Statement (date 10th July 20220 – John Morris Arboricultural Consultancy) submitted in support of the application.</p> <p>Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees within the site.</p>
<b>12.0</b>	<p><b>Representations from Elected Representatives</b> (if relevant) N/A</p>

<b>13.0</b>	<b>Referral to DfI</b> (if relevant) N/A
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# ANNEX A

<b>Date Valid</b>	3 <sup>rd</sup> March 2022
<b>Date First Advertised</b>	20 <sup>th</sup> May 2022
<b>Date Last Advertised</b>	29 <sup>th</sup> July 2022

**Details of Neighbour Notification** (all addresses)

The Owner/Occupier,  
 15 Springfield Heights,Belfast,Antrim,BT13 3QZ  
 The Owner/Occupier,  
 16 Springfield Heights,Belfast,Antrim,BT13 3QZ  
 The Owner/Occupier,  
 17 Springfield Heights,Belfast,Antrim,BT13 3QZ  
 The Owner/Occupier,  
 18 Springfield Heights,Belfast,Antrim,BT13 3QZ  
 The Owner/Occupier,  
 19 Springfield Heights,Belfast,Antrim,BT13 3QZ  
 The Owner/Occupier,  
 20 Springfield Heights,Belfast,Antrim,BT13 3QZ  
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 21 Springfield Heights,Belfast,Antrim,BT13 3QZ  
 The Owner/Occupier,  
 22 Springfield Heights,Belfast,Antrim,BT13 3QZ  
 The Owner/Occupier,  
 23 Springfield Heights,Belfast,Antrim,BT13 3QZ  
 The Owner/Occupier,  
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 25 Springfield Heights,Belfast,Antrim,BT13 3QZ  
 The Owner/Occupier,  
 26 Springfield Heights,Belfast,Antrim,BT13 3QZ  
 The Owner/Occupier,  
 27 Springfield Heights,Belfast,Antrim,BT13 3QZ  
 The Owner/Occupier,  
 28 Springfield Heights,Belfast,Antrim,BT13 3QZ  
 The Owner/Occupier,  
 29 Springfield Heights,Belfast,Antrim,BT13 3QZ  
 The Owner/Occupier,  
 300 Ballygomartin Road,Belfast,Antrim,BT13 3NN  
 The Owner/Occupier,  
 37 Vere Foster Walk,Belfast,Antrim,BT12 7QL  
 The Owner/Occupier,  
 39 Vere Foster Walk,Belfast,Antrim,BT12 7QL  
 The Owner/Occupier,  
 40 Vere Foster Walk,Belfast,Antrim,BT12 7QL  
 The Owner/Occupier,  
 45 Moyard Crescent,Belfast,Antrim,BT12 7HJ  
 The Owner/Occupier,  
 65 Moyard Crescent,Belfast,Antrim,BT12 7HJ  
 The Owner/Occupier,  
 67 Moyard Crescent,Belfast,Antrim,BT12 7HJ  
 The Owner/Occupier,

68 Springfield Park,Belfast,Antrim,BT13 3PZ  
The Owner/Occupier,  
69 Moyard Crescent,Belfast,Antrim,BT12 7HJ  
The Owner/Occupier,  
70 Springfield Park,Belfast,Antrim,BT13 3PZ  
The Owner/Occupier,  
71 Moyard Crescent,Belfast,Antrim,BT12 7HJ  
The Owner/Occupier,  
72 Springfield Park,Belfast,Antrim,BT13 3PZ  
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80 Springfield Park,Belfast,Antrim,BT13 3PZ  
The Owner/Occupier,  
82 Springfield Park,Belfast,Antrim,BT13 3PZ  
The Owner/Occupier,  
87 Moyard Crescent,Belfast,Antrim,BT12 7HL  
The Owner/Occupier,  
89 Moyard Crescent,Belfast,Antrim,BT12 7HL  
The Owner/Occupier,  
91 Moyard Crescent,Belfast,Antrim,BT12 7HL  
James Boyd, Hills Conservation Officer,Belfast Hills Partnership

<b>Date of Last Neighbour Notification</b>	3 <sup>rd</sup> August 2022
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<b>Date of EIA Determination</b>	19th May 2022
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<b>ES Requested</b>	No
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### Planning History

Ref ID: LA04/2016/2207/F

Proposal: Shared space building comprising sports hall, gym, dance/drama studio, social enterprise workshop (environmental focus), business units, meeting rooms, counselling/treatment rooms, cafe, educational facilities and performing arts space/exercise studio; with new access from Springfield Heights and to the Ballygomartin Road (from the building only); pedestrian only accesses; car and cycle parking; landscaping and associated site works.

Address: Land southeast of, Ballygomartin Road north of , Moyard Crescent and, Northwest of, Springfield Park and, Springfield Heights, Belfast,

Decision: Permission Granted

Decision Date: 21.03.2017

Ref ID: LA04/2021/2173/PAN

Proposal: Provision of a two storey shared space centre comprising main hall, changing and toilet facilities, kitchens (ground and first floor), multi function rooms, multi function office, meeting rooms, storage and plant rooms, foyer and circulation space. Car and cycle parking areas, a service yard, perimeter fencing, associated external lighting and proposed landscaping. Proposed vehicular and pedestrian accesses from Springfield Heights and Ballygomartin Road and all associated site works.

Address: Site of the former Finlay's Factory south east of Ballygomartin Road, north of Moyard Crescent, northwest of Springfield Heights and Springfield Park, Belfast, BT13 3QZ.,

Decision: PAN Acceptable

Decision Date: 21.10.2021

Ref ID: Z/2012/0117/RM

Proposal: Residential development of 123 no. dwellings consisting of semi-detached, townhouses, apartments and associated site works

Address: Site East of Ballygomartin Reservoir, Ballymartin Road, West Belfast, Co. Antrim,

Decision: Permission Refused

Decision Date: 21.08.2014

Ref ID: Z/2006/1101/O

Proposal: Site of 3.6 ha for mixed residential development of approximately 144 dwellings.

Address: Site east of Ballygomartin Reservoir, Ballygomartin Road, West Belfast, site accessed off Ballygomartin Road.

Decision: Permission Granted on appeal

Decision Date: 28.04.2009

Ref ID: Z/2004/1444/F

Proposal: Residential development of 60 no. dwelling units.

Address: Former factory site, Ballygomartin Road, Belfast

Decision: Permission Granted on appeal

Decision Date: 21.12.2005

Ref ID: Z/2010/0023/F

Proposal: Residential development - 4no semi detached dwellings (2 storey) replacing 6 no apartments as approved in planning application ref Z/2002/2479/F

Address: Lands at the end of Springfield heights (also adjacent to the former 'Finlays Packaging' factory off Ballygomartin Road), Belfast BT13

Decision: Permission Granted

Decision Date: 16.08.2010

Ref ID: LA04/2016/1354/PAN

Proposal: Shared space building comprising sports hall, business units, cafe, upcycle centre, dance studio, drama studio, offices, meeting rooms and educational facilities; vehicular and pedestrian only accesses; nature trail; car parking; landscaping; and associated site works.

Address: Land South East of Ballygomartin Road, North of Moyard Crescent and North West of Springfield Park and Springfield Heights, Belfast,

Decision: PAN Acceptable

Decision Date: 06.07.2016

Ref ID: Z/2011/0726/O

Proposal: Proposed site for residential development, new access and ancillary site works.

Address: Lands northwest of 1-8 Springfield Heights and north of Moyard Crescent, Belfast, BT13,

Decision: Permission Granted

Decision Date: 11.01.2016

