

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



**Belfast
City Council**

11th November, 2022

PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in hybrid format, both in the Lavery Room, City Hall and remotely, via Microsoft Teams, on Tuesday, 15th November, 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) Minutes
 - (c) Declarations of Interest
2. **Abandonment**
 - (a) Footpath at 312-320 Ormeau Road (Pages 1 - 4)
3. **Extinguishment**
 - (a) Roumania Rise Street (Pages 5 - 8)
4. **Planning Decisions Issued (Pages 9 - 30)**
5. **Appeals (Pages 31 - 32)**
6. **Planning Applications**

- (a) **(Reconsidered Item) 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 33 - 72)
- (b) **LA04/2021/2870/F & LA04/2021/2869/DCA:** Demolition of existing single storey building and erection of ground and four upper storeys providing new cafe/restaurant on ground floor and 12no. apartments on the upper four storeys. Provision of bin storage and cycle areas. 19-27 Lombard Street, Belfast, BT1 1RB. (Pages 73 - 90)
- (c) **LA04/2022/0235/F:** 2 Dargan Crescent, Duncrue Road, Belfast - Retrospective Erection of new tyre depot with associated parking, site works and new entrance onto Duncrue Road (Pages 91 - 98)
- (d) **LA04/2022/1804/F:** Floor art installation measuring 600 X 600mm in support of overall Signature Sculpture proposal (signature sculpture proposal is part of a separate application Ref: LA04/2022/1236/F) and all associated works as part of new Forth Meadow Community Greenway project. Lands located approx. 70m south of 5 Riverside Square Belfast BT12 5RJ (along the Forth Meadow Community Greenway). (Pages 99 - 106)
- (e) **LA04/2021/1774/F:** Partial demolition of existing buildings to facilitate proposed extension to existing Film Studios & Workshop Facilities to include for Virtual Studios. Development to also include part reclad of existing buildings, retention of lighting columns and boundary fence and all other associated site and access works. At Lands at Loop Studios, 468-476 Castlereagh Road, Belfast. (Pages 107 - 130)
- (f) **ITEM WITHDRAWN:** ~~LA04/2022/0311/F: Erection of 40 no. residential units and 2 no. commercial units with associated car parking, cycle storage servicing, landscaping with access off Balmoral Avenue. At The King's Hall and RUAS site, south of Upper Lisburn, Road/Balmoral Avenue, west of Harberton Park and north-east of Balmoral Golf Club, Belfast~~
- (g) **LA04/2022/1511/F:** Section 54 Application to vary Condition 17 of the previously approved application LA04/2018/1415/F which reads, "The proposed public realm works, as shown on approved plan No. 22, date stamped 27/11/18, shall be carried out prior to the occupation / operation of any part of the development hereby approved." It is proposed to introduce a new landscaping & public realm drawing, accurately reflecting those works carried out on site and in agreement with DfI Roads. Varied wording is proposed to read as "The proposed public realm works, as shown on approved plan No. 6303 L-205 date received 3rd August 2022, shall be carried out in accordance with the approved plan." At The Residence (Former Ballynafeigh Police Station), 332 Ormeau Road, Belfast. (Pages 131 - 146)

7. **Delegation of Local Applications with NIW Objections** (Pages 147 - 154)
8. **Consultation on Permitted Development Rights** (Pages 155 - 210)
9. **Miscellaneous Items**
 - (a) Planning Retention and Disposal Schedule (Pages 211 - 216)
 - (b) Statutory Consultees Performance (Pages 217 - 236)
 - (c) Housing Land Availability Monitor Report (Pages 237 - 258)
 - (d) Employment Monitor Report (Pages 259 - 276)
 - (e) Development Plan Practice Note 11 Response (Pages 277 - 298)
 - (f) Schedule of Meetings - 2023 (Pages 299 - 300)
10. **Restricted Items**
 - (a) Update on the replacement Planning Portal (Verbal Report)

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Local Planning Office
Belfast City Council
Cecil Ward Building
4-10 Linenhall Street
BELFAST
BT2 8BP

Annexe 7, Block 2
Castle Buildings
Stormont Estate
Upper Newtownards Road
BELFAST
BT4 3SQ

Telephone: 0300 200 7899

Textphone number: 028 9054 0022

Being Dealt With By: Sandra Connolly

Email: Sandra.connolly@infrastructure-ni.gov.uk

Direct Line: 02890 526162

Your Ref:

Our Ref: MD2/Z/03/1103

Date: 10 October 2022

Dear Sir/Madam

ROADS (NI) ORDER 1993

PROPOSED ABANDONMENT OF FOOTPATH AT 312-320 ORMEAU ROAD, BELFAST

DFI Roads has received an application from T.J McGurran Ltd (The Errigle Inn) proposing to abandon the portion of footway as shown hatched/highlighted on the attached map.

The abandonment is necessary to incorporate this portion of footway within the seating area of the Public House.

Please let me have your comments on the above proposal.

If I do not receive your reply I shall assume you have no objection and will proceed accordingly.

Yours faithfully

Sandra Connolly
Lands Section

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PLANNING ISSUE

Alastair Coey Architects

HISTORIC BUILDINGS SPECIALISTS

Belmont Gate Lodge, 96 Sydenham Avenue, Belfast BT4 2DT, Northern Ireland
Tel: (028) 9087 2400 Fax: (028) 9087 2401 E-mail: info@alastaircoeyarchitects.com

Project

REFURBISHMENT OF THE ERRIGLE INN
at 312 - 320 ORMEAU ROAD
for PHIL MCGURRAN

Drawing title

Site location plan

SITE OUTLINED IN RED
ADJOINING PROPERTY OWNED BY APPLICANT OUTLINED IN BLUE
RIGHT OF WAY OUTLINED IN GREEN
AREA TO BE ABANDONED HATCHED



Drawing number

AO-01

Revision

B					
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Scale: 1:1250

Date drawn: OCT 2021

Drawn by: PER

Checked by: ###

O.S Map Ref: XXX XX



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PLACE AND ECONOMY
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14 OCT 2022

BELFAST PLANNING
SERVICE

Revision	Date	Revised by	Consent by
REV A	BEC 2022	PER	
ANEND - Adjustment to the area subject to abandonment request			

Project	Alastair Cooy Architects
Project Name	HISTORIC BUILDINGS SPECIALISTS
Address	312 - 320 ORMEAU ROAD, BELFAST BT4 2JH, NORTHERN IRELAND
Project Reference	EIP06
Consent Number	AO-02

Project	REFURBISHMENT OF THE ERRIGLE INN
Client	for PHIL MCGURRAN
Project Reference	EIP06
Consent Number	AO-02

Scale	1:500
Date	SEP 2021
Drawn by	PER
Checked by	PER

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Belfast City Council Planning Department
The Cecil Ward Building
4-10 Linenhall Street,
Belfast
BT2 8BP

Date: 25th October 2022

Our Ref: Roumania Rise Street Extinguishment

Dear Sirs,

Re: Extinguishment of Public Right of Way –Roumania Rise Extinguishment order

As per my last correspondence with your office dated 30th August 2022 with regarding The Northern Ireland Housing Executive plans to make an extinguishment of public Right of Way over Roumania Rise Belfast.

I can confirm that the extinguishment was agreed by the Department of Communities and took effect from the 12th October 2022.

I have attached a copy of the signed sealed extinguishment order and map for your records.

Yours faithfully,


Aaron Maguire

Place Shaping
Regeneration Officer
Belfast Area

E:aaron1.maguire@nihe.gov.uk

T:02895984787



EXTINGUISHMENT OF PUBLIC RIGHTS OF WAY

FORM OF ENGROSSMENTS OF ORDER

THE HOUSING (NORTHERN IRELAND) ORDER 1981

Whereas the Northern Ireland Housing Executive whose principal office is at 2 Adelaide Street, Belfast, BT2 8PB (hereinafter called "the Housing Executive") having acquired certain lands in connection with the Roumania Rise, Belfast has by a resolution passed on 29th of July 2022 made an order (an "extinguishment order") to extinguish the public rights of way hereinafter referred to over the said lands shown marked on the map Roumania Rise, Belfast Order No.1 2022 and sealed with the common seal of the Northern Ireland Housing Executive and deposited at the West Belfast Local Office with offices at the Public counter, the Housing Centre 2 Adelaide Street, Belfast BT2 8PB .

NOW THEREFORE the Housing Executive in pursuance of its powers under Article 88D of the Housing (Northern Ireland) Order 1981 and all other powers so enabling HEREBY orders as follows:

1. This extinguishment order may be cited as the Roumania Rise, Belfast Order No.1 2022.
2. The public rights of way described in the schedule and shown coloured red and outlined black on the said map shall cease and be extinguished as from the date of operation of the extinguishment order subject to the retention of all existing cables wires, mains pipes or other apparatus placed by an electricity undertaker along, across, over or under the lands hereby transferred shall be retained. All existing rights of the electricity undertaker as to the use or maintenance of such cables, wires, mains, pipes or other apparatus shall be preserved.

SCHEDULE

Roumania Rise Belfast- Extinguishment of Public Rights of Way Order No1 2022

80m long x average 10m wide adopted roadway/parking area in hard-core/asphalt; at its widest point the road way/pathway is 31m, tapering to 21m to the eastern boundary where there is a roughly square area of hard-core measuring 21m X 21m.

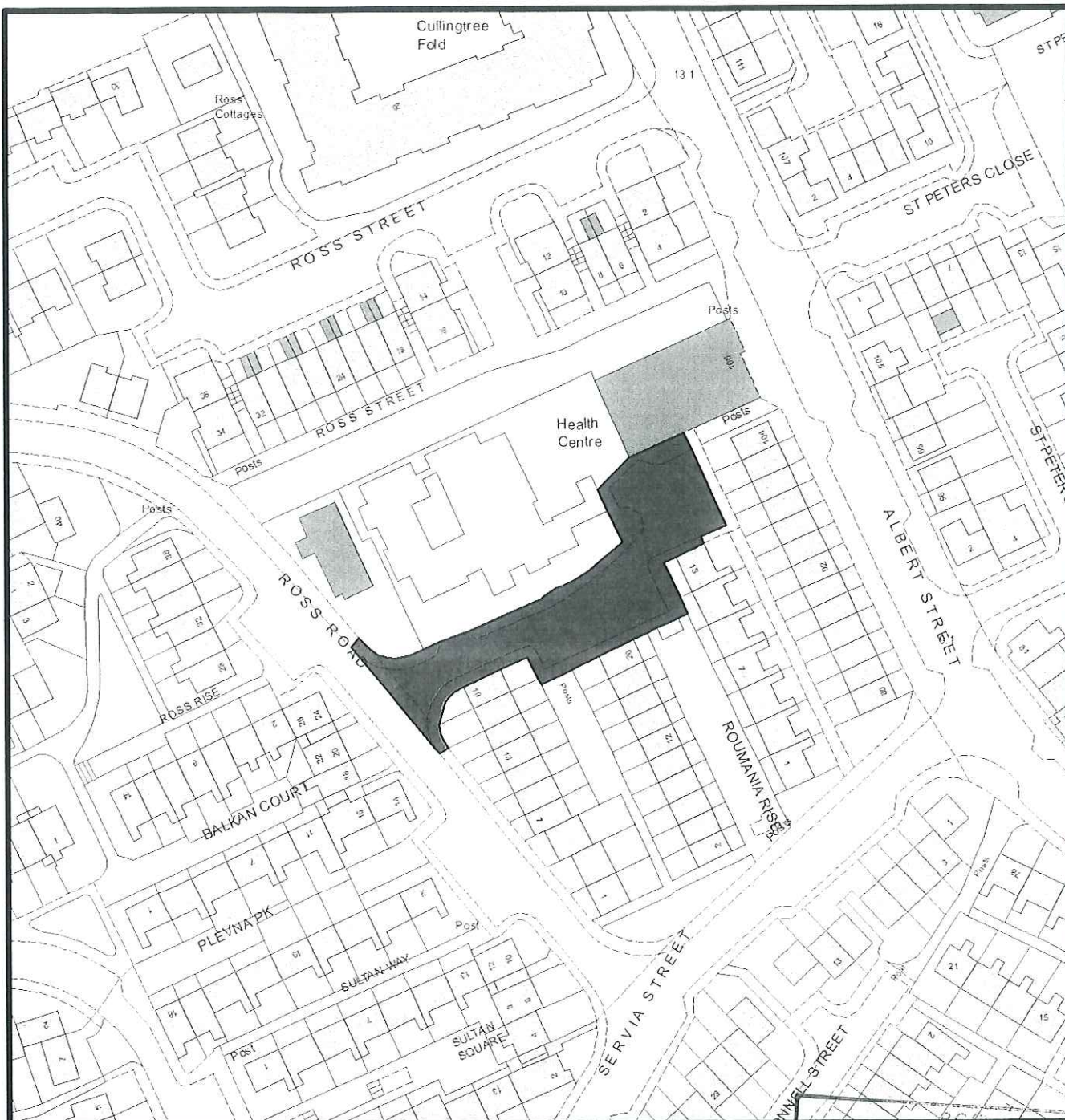
On the southern boundary there is a parking bay arrangement measuring 33m X 8m in hard-core/ asphalt adjacent to existing housing at Roumania Rise.

Adopted staggered 80m X average 3m footpath runs to the northern boundary adjacent to the Maureen Sheehan Centre/ demolished Credit Union site, and similarly 80m X average 3m to the southern boundary adjacent to Roumania Rise; additional 28m X 3m portion of pathway on radius of access from Ross Road.

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BELFAST, ROUMANIA RISE
Extinguishment of Public Right-of-Way
Order No. 1,2022
Map Dated 28th July 2022

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 31 OCT 2022
 BELFAST PLANNING
 SERVICE

**NORTHERN IRELAND HOUSING EXECUTIVE,
 THE HOUSING CENTRE,
 2 ADELAIDE STREET, BELFAST, BT2 8PB**

AUTHORISED OFFICER

OSNI Reference: I.G. 130-13SW2

Scale: 1:1,250

Your Reference:

Based upon Ordnance Survey of Northern Ireland's data with the permission of the Controller
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[Signature]
 OFFICER OF THE NORTHERN
 IRELAND HOUSING EXECUTIVE



The Department for Communities approves the foregoing Order
which was published on the 6th September 2022

Dated this 12th day of October



SENIOR OFFICER OF THE DEPARTMENT FOR
COMMUNITIES

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BELFAST PLANNING
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Decisions issued between 11 October and 3 November 2022 - No. 142

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2019/1819/F	LOCDEV	28 Malone Park Belfast BT9 6NJ.	Demolition of existing dwelling and erection of 3 storey (and basement) detached dwelling with garage and landscaping to front and rear. (AMENDED PLANS AND ADDITIONAL INFORMATION)	PERMISSION GRANTED
LA04/2019/1820/DCA	LOCDEV	28 Malone Park Belfast BT9 6NJ.	Demolition of existing detached dwelling, adjacent garage and associated hard standing to rear.	PERMISSION GRANTED
LA04/2020/0730/DC	LOCDEV	Bank Buildings (Bound by Castle Street Bank Street and Royal Avenue) Royal Avenue Belfast	Discharge of Condition no. 7 - LA04/2019/1903/F	CONDITION DISCHARGED
LA04/2020/0898/DC	LOCDEV	Lands at Kings Works Channel Commercial Park Queens Road Titanic Quarter Belfast.	Discharge of condition 10 LA04/2019/0683/F.	CONDITION DISCHARGED
LA04/2021/0359/F	LOCDEV	138 Castlereagh Road Belfast BT5 5FS	Retrospective Change of use from retail unit to hot food takeaway (Amended description)	PERMISSION GRANTED
LA04/2021/0535/F	LOCDEV	371 Oldpark Road Belfast BT14 6QS	Demolition of existing building and erection of 4no. 1 bedroom apartments and 1 no. 2 bedroom apartment in a 3 storey building (amended proposal)	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/0673/DC	LOCDEV	Lands West of Monagh By-Pass South of Upper Springfield Road & 30-34 Upper Springfield Road & West of Aitnamona Crescent & St Theresa's Primary School. North and East of 2-22 Old Brewery Lane Glanaulin 137-143a Glen Road & Airfield Heights & St Mary's CBG School Belfast.	Discharge of condition 12 LA04/2021/0804/F.	CONDITION DISCHARGED
LA04/2021/1139/F	LOCDEV	Site adjacent to and west of Victoria Tower Broadway Belfast BT12 6HJ	Relocation of substation building and erection of 2.4 galvanized palisade fencing	PERMISSION GRANTED
LA04/2021/1157/F	LOCDEV	Great Victoria Street Baptist Church 1 Hope Street Belfast BT12 5EE.	Construction of replacement Church with provision of in-curtilage parking and all associated site works (amended drawings / additional information)	PERMISSION GRANTED
LA04/2021/1592/F	LOCDEV	Gardens to the rear of 158 & 160 Barnetts Road Ballycloghan Belfast BT57BE	Proposed One & a Half Storey Detached Dwelling Previously Approved under LA04/2016/2034/RM at Gardens to the rear of 158 & 160 Barnetts Road, Ballycloghan, Belfast, BT5 7BE	PERMISSION GRANTED
LA04/2021/1594/F	LOCDEV	At Short Strand (8506) approx. 55m South of junction with Mountpottinger Road (A23) Belfast County Down BT5 4BH. (NGR: 147393E 529561N).	Installation of a 20m pole with 6No antennas, 2No ground based cabinets, 1 No electrical meter cabinet and ancillary equipment	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/1644/F	LOCDEV	440 Falls Road Belfast BT12 6EN.	Change of use from single dwelling 3No. 1 bed apartments with rear extension.	PERMISSION GRANTED
LA04/2021/1881/F	LOCDEV	Ground Floor Unit 1 - 80 Stewartstown Road Belfast BT11 9GF	Variation of Condition 3 of LA04/2018/2909/F (Opening Hours to be amended) (Retrospective).	PERMISSION GRANTED
LA04/2021/1927/F	LOCDEV	Site incorporating No. 1 Beechlands Malone Lower Belfast and land immediately to the south east of No. 1A Beechlands and No. 82 Malone Road Belfast	Proposed alterations and refurbishment of the existing dwelling to include a two storey extension to the rear of the dwelling with a single storey garage and new entrance extension to the side of the dwelling. Provision of new vehicular access with removal of existing access. Extension of existing curtilage to include area immediately to south east of No. 1A Beechlands and No. 82 Malone Road (Amended site address and proposal description)	PERMISSION GRANTED
LA04/2021/1929/DCA	LOCDEV	1 Beechlands Malone Lower Belfast BT9 5HU	Demolition of roof, chimneys, rear single storey extension, internal walls/fixtures and existing garage.	PERMISSION GRANTED
LA04/2021/2169/F	LOCDEV	On the Public Footpath on Monagh Bypass Approximately 46m North-West of the roundabout with Glen Rd/Kennedy Way Belfast Antrim BT11 8PN (NGR: 142311E 528098N).	Installation of a 20m pole with 6No antennas, 2No ground based cabinets, 1No electrical meter cabinet and ancillary equipment.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2174/F	LOCDEV	381 Beersbridge Road Belfast BT5 5DT.	The proposal is for the Change of use on ground floor from office space to coffee & record shop to include renovation and one storey rear extension with first floor outdoor terrace. Change of use on first floor from office space to 1No. one bedroom apartment including change to shop front to include new entrance door to apartment. (Amended Description)	PERMISSION GRANTED
LA04/2021/2236/DCA	LOCDEV	11 Eglantine Avenue Belfast BT9 6DW	Partial demolition of side and rear walls to facilitate a single storey side extension. Replacement of front sliding sash windows with new timber sliding sash windows.	PERMISSION GRANTED
LA04/2021/2335/F	LOCDEV	14 Manna Grove Ballyrushboy Belfast BT5 6AJ	Demolition of existing garage, outbuilding & kitchen return to facilitate new two storey rear extension and single storey side extension. Raised decking area to rear, summer house to rear and associated works (Amended Description and plans)	PERMISSION GRANTED
LA04/2021/2442/F	LOCDEV	11 Eglantine Avenue Belfast BT9 6DW	AMENDED DESCRIPTION Single Storey side extension to rear of existing return with decking area to rear and conversion from HMO to dwelling .	PERMISSION GRANTED
LA04/2021/2462/F	LOCDEV	Lands approx. 60m NW of 29 Hazel View Dunmurry.	Residential housing development comprising (13 dwellings in total) 6no. detached & 6no. semi detached 2 storey dwellings and 1no. detached 2.5 storey dwelling for social housing, including amenity space, landscaping and all other site and access works.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2591/F	LOCDEV	St Johns GAC Corrigan Park Whiterock Road Belfast BT12 7PG.	Re-grading and alterations to 2No. existing grass banks and creation of new standing terraces. Replacement of section of boundary wall, repositioning of WC Block and reconfiguration of new ball wall/warm up/childrens 3G play space, both previously approved under Planning application LA04/2018/2592/F	PERMISSION GRANTED
LA04/2021/2723/LBC	LOCDEV	133 Ballylesson Road Belfast BT8 8JU.	External ground works and landscaping. Conversion of temporary hard standings to permanent hard standings and a proposed tennis court. Landscaping works to the land immediate to the main house.	PERMISSION GRANTED
LA04/2021/2833/F	LOCDEV	415 Hollywood Road Belfast BT4 2GU.	Change of use from office building (Use Class B1) to private medical centre (Use Class D1). Small extension to side to accommodate new passenger lift and switch room.	PERMISSION GRANTED
LA04/2021/2842/A	LOCDEV	1 Bradbury Place Belfast BT7 1RQ.	Digital Advertising Screen	PERMISSION REFUSED
LA04/2022/0066/F	LOCDEV	39 Knightsbridge Park Belfast BT9 5EH	Construction of a small single storey side extension with reorganisation of internal layout. Addition of balconies to rear of property.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0069/F	LOCDEV	9 Elaine Street Belfast BT9 5AR	Alterations and two storey rear extension to dwelling to provide 2no. 2 bed apartments.	PERMISSION REFUSED
LA04/2022/0171/LBC	LOCDEV	Pearl Assurance House 1-3 Donegall Square East 1-5 Chichester Street Belfast BT1 5HB.	Change of use from storage at basement level, and retail/temporary cafe at ground floor level to a new restaurant; cafe/coffee shop and coffee dock at ground level; refurbishment and extension of existing offices at first to fifth floors; new glazed opening with access to balcony area to west elevation, and dormer window to south elevation and all associated works.	PERMISSION GRANTED
LA04/2022/0178/F	LOCDEV	Pearl Assurance House 1-3 Donegall Square East 1-5 Chichester Street Belfast BT1 5HB.	Change of use from storage at basement level, and retail/temporary cafe at ground floor level to a new restaurant; cafe/coffee shop and coffee dock at ground level; refurbishment and extension of existing offices at first to fifth floors; new glazed opening with access to balcony area to west elevation, and dormer window to south elevation and all associated works.	PERMISSION GRANTED
LA04/2022/0194/F	LOCDEV	57 Thornhill Parade Belfast BT5 7AT.	Kerb dropped to front of property to allow for new access and off-street parking.	PERMISSION GRANTED
LA04/2022/0249/F	LOCDEV	Ground floor unit 27 Gordon Street Belfast BT1 2LG	Proposed change of use from commercial space to hot food take away / sit in caf? (sui generis) (Amended Description)	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0302/F	LOCDEV	108 Wellesley Avenue Belfast BT9 6DH.	Change of use from house in multiple occupancy (HMO) to guest house	PERMISSION GRANTED
LA04/2022/0346/F	LOCDEV	5 Fairway Drive Upper Malone Road Belfast BT9 5ND.	Single storey rear extension, roofspace extension with rear dormer, velux to front and alterations to existing garage.	PERMISSION GRANTED
LA04/2022/0358/F	LOCDEV	9 Arthur Square Belfast BT1 4FD	Change of use from class A1 shop to Sui Generis Restaurant with associated internal alterations.	PERMISSION GRANTED
LA04/2022/0360/LBC	LOCDEV	9 Arthur Square Belfast BT1 4FD.	Internal alterations, including the part demolition of modern partitions to create a back-of-house area; new wall and floor finishes; installation of a new lighting scheme; installation of banquet seating and servery; and minor rerouting of internal ducting to facilitate a Change of use from Class A1 shop to Suis Generis Restaurant.	PERMISSION GRANTED
LA04/2022/0384/DCA	LOCDEV	7 Kings Road Belfast BT5 6JF	Demolition of existing out building and garage at rear of the property and replace with new single storey extension to existing dwelling.	PERMISSION GRANTED
LA04/2022/0385/F	LOCDEV	7 Kings Road Belfast BT5 6JF	Single storey rear extension, 2.5m timber fencing to rear/side, paving and associated landscaping works to rear. New brick pillar and iron gates to front access. (amended description and plans)	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0386/F	LOCDEV	129 Circular Road Belfast BT4 2GE.	Two storey front extension and single storey side extension. External changes including cladding to garage, new openings and associated site works.	PERMISSION GRANTED
LA04/2022/0578/F	LOCDEV	15 Piney Hills Malone Upper Belfast BT9 5NR.	Demolish existing conservatory and construct new single storey rear extension with raised patio. Alterations to facade and landscaping works.	PERMISSION GRANTED
LA04/2022/0593/LDE	LOCDEV	40 Melrose Street Belfast BT9 7DN.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0594/F	MAJDEV	700 Antrim Road Belfast Co. Antrim BT15 5GQ.	Three-storey extension including bridge link to the existing school building, reconfiguration of existing parking with additional car parking areas, restoration of hard play areas, landscaping, retaining walls, and associated site, access and ancillary works.	PERMISSION GRANTED
LA04/2022/0609/F	LOCDEV	Lands to the north of No. 35 Hampton Park Galwally Belfast BT7 3JP and to the west of Lowry Court 27 Hampton Park Galwally Belfast BT7 3JY and to the south of 7 and 8 Morningson Galwally Belfast BT7 3JS.	Erection of 2 no. dwellings to include change of house type and revision of site layout of previous approval Z/2007/1401/F at site 9 & 10 including detached garage, landscaping, access via Hampton Park and other associated site works.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0631/F	LOCDEV	Units 2-3 Knockgowan House 224-228 Knock Road Belfast BT5 6LA	Section 54 application to vary Condition 4 (restricted operating hours) of LA04/2021/1818/F - change of use from retail unit to hot food takeaway	PERMISSION GRANTED
LA04/2022/0652/F	LOCDEV	15 Myrtlefield Park Belfast BT9 6NE.	Planning permission is sought for a single storey extension to the side and rear, with a two storey element to the rear only, along with 6 no. roof lights and internal alterations and associated site works. Demolition of existing two-storey rear return, and single storey utility room and single storey garage to the side.	PERMISSION GRANTED
LA04/2022/0683/F	LOCDEV	Spectrum Centre 331 Shankill Road Belfast BT13 3AB	Awning installed to front of existing building.	PERMISSION GRANTED
LA04/2022/0697/F	LOCDEV	2 Mount Eagles Pass Belfast BT17 0WX.	Single storey extension to rear and providing kitchen/family/dine and play room and other associated site works.	PERMISSION GRANTED
LA04/2022/0736/F	LOCDEV	14 & 18 High Street Belfast	Change of use from vacant ground floor units (14 and 18 High Street Belfast) to public house (to facilitate extension to existing Whites Tavern). Elevational alterations to front and side.	PERMISSION GRANTED
LA04/2022/0753/F	LOCDEV	20 Harberton Crescent Belfast BT9 6WL.	Single storey side extension.	PERMISSION GRANTED
LA04/2022/0775/F	LOCDEV	29 Kings Crescent Belfast BT5 6PR.	Single storey timber shed, Single storey timber pergola, Timber fence along side of property.(Retrospective).	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0788/F	LOCDEV	4 Knockvale Grove Belfast BT5 6HL.	Demolition of existing garage with single-storey extension to rear and side of existing house with external changes including rendering and raised patios/access.	PERMISSION GRANTED
LA04/2022/0826/DCA	LOCDEV	15 Myrtlefield Park Belfast BT9 6NE	Demolition of existing two storey rear return, and single storey garage to side.	PERMISSION GRANTED
LA04/2022/0848/F	LOCDEV	25 Owenvarragh Park Belfast BT11 0BD	Proposed roof space conversion, creating dormer to rear	PERMISSION GRANTED
LA04/2022/0852/F	LOCDEV	69 Abbey Park Belfast BT5 7HP	Single storey rear extension	PERMISSION GRANTED
LA04/2022/0866/F	LOCDEV	Methodist College 1 Malone Road Belfast BT9 6BY	Installation of a bus lay-by	PERMISSION GRANTED
LA04/2022/0906/F	LOCDEV	725 Antrim Road Belfast BT15 4EJ	Proposed single storey side extension and rear balcony with 1.8m solid privacy screen to southern elevation of balcony and 2.1m high fence to rear boundary. (Amended proposal)	PERMISSION GRANTED
LA04/2022/0922/DCA	LOCDEV	57 Cranmore Gardens Belfast BT9 6JL	Demolition of two storey rear return	PERMISSION GRANTED
LA04/2022/0924/F	LOCDEV	57 Cranmore Gardens Belfast BT9 6JL	Two storey side and rear extension, single storey side and rear extension with terrace area to rear	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0963/LBC	LOCDEV	28 University Road and 1 Upper Crescent Belfast BT7 1NA	Internal and external alterations and all associated works to facilitate change of use	PERMISSION GRANTED
LA04/2022/0964/F	LOCDEV	28 University Road and 1 Upper Crescent Belfast BT7 1NA	Proposed change of use from bank (class A2) to office use (class B1) at ground floor level and part of first floor level; including internal and external alterations and all associated works	PERMISSION GRANTED
LA04/2022/0996/NMC	LOCDEV	354 Stranmillis Road Belfast BT9 5ED	Non-Material Change - LA04/2019/0883/F	NON MATERIAL CHANGE GRANTED
LA04/2022/1001/F	LOCDEV	70M SW of access to Belfast City Airport Sydenham-By-Pass Belfast BT3 9JH	Replacement 15m monopole with 20m monopole with associated cabinets and ancillary works	PERMISSION GRANTED
LA04/2022/1006/NMC	LOCDEV	Lands at 159-165 Holywood Road Belfast BT4 3BE	Non-Material Change - LA04/2019/2778/F	NON MATERIAL CHANGE GRANTED
LA04/2022/1018/F	LOCDEV	Lands adjacent to and SE of Ballymacarrett Community Centre between Severn Street and Ballymacarrett Walkway Belfast BT4 1SX	Retention of temporary car park	PERMISSION GRANTED
LA04/2022/1026/F	LOCDEV	46 Ballynahatty Road Belfast BT8 8LE	Demolition of existing rear return and roof structure. Proposed first floor extension to dwelling with internal and external changes	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/1062/F	LOCDEV	Unit 4 Merchant Square 22 - 26 Wellington Place Belfast BT1 6GB.	Proposed Change of Use From Retail Unit to Licensed Butchery / Restaurant.	PERMISSION GRANTED
LA04/2022/1065/F	LOCDEV	78-80 Castlereagh Road Belfast BT5 5FP.	First floor extension to form staff area and additional office.	PERMISSION GRANTED
LA04/2022/1079/F	LOCDEV	Cregagh Sports Club Gibson Park Avenue Belfast BT6 9GL	Proposal to erect 1 additional ball stop netting structure along the boundary with Cregagh Presbyterian Church. Structure to be 12.5m high and 32m long with 50mm mesh netting	PERMISSION GRANTED
LA04/2022/1100/NMC	LOCDEV	113-115 Ormeau Road Belfast	Non-Material Change - LA04/2019/0125/F	NON MATERIAL CHANGE GRANTED
LA04/2022/1111/F	LOCDEV	Lands approx. 60M of 3 Hazel Close Dunmurry	1.2m boundary fence and access gates	PERMISSION GRANTED
LA04/2022/1142/F	LOCDEV	32 Shaws Road Belfast BT11 9QJ.	Provision of hard standing and new vehicular access with adaption of existing public footpath and layby.	PERMISSION REFUSED
LA04/2022/1163/LDE	LOCDEV	25 Rathdrum Street Belfast BT9 7FZ.	Change of use from residential property to HMO.	PERMITTED DEVELOPMENT
LA04/2022/1184/A	LOCDEV	Lands at Riddel Hall 185 Stranmillis Road Belfast BT9 5EE.	The erection of various signage at Riddel Hall, including; 1 No. high-level replacement sign on building 2, 1 No. high-level replacement sign on building 3 and an elevation sign to the new Management School building	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/1236/F	LOCDEV	Land located at roundabout junction approx. 100m south west of 385 Springfield Road Belfast BT12 7DG within Forthriver Business Park access road.	Proposed art sculpture	PERMISSION GRANTED
LA04/2022/1242/F	LOCDEV	66 Bristow Park Belfast BT9 6TJ	Single storey rear extension	PERMISSION GRANTED
LA04/2022/1274/F	LOCDEV	13 Ashbrook Crescent Belfast BT4 2FH.	First floor extension to side of dwelling.	PERMISSION GRANTED
LA04/2022/1286/A	LOCDEV	Kings Hall Dataworks Building Lisburn Road Belfast.	Static non-illuminated light box with vinyl lettering. (Amended Scheme)	PERMISSION GRANTED
LA04/2022/1288/LDP	LOCDEV	37 Lucerne Parade Belfast. BT9 5FT.	The proposal is for the construction of a single storey porch to the front of the dwelling.	PERMITTED DEVELOPMENT
LA04/2022/1336/LDE	LOCDEV	39B Dunluce Avenue Belfast BT9 7AW.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/1360/F	LOCDEV	50 Edgcumbe Gardens Belfast BT4 2EH.	Single Storey Rear Extension.	PERMISSION GRANTED
LA04/2022/1379/A	LOCDEV	2A Templemore Street Belfast BT5 4SA.	Two aluminium panels with illuminated letters one illuminated poster box.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/1380/F	LOCDEV	Castle Hoarding 83-87 Castle Street Belfast.	Installation of 3 projector units to act as an interactive lighting installation along hoarding on Castle Street (temporary 2 years)	PERMISSION GRANTED
LA04/2022/1381/DC	LOCDEV	Colaiste Feirste 7 Beechview Park Belfast BT12 7PY.	Discharge of condition 5 LA04/2021/1597/F (Details of Foul Waste Disposal)	CONDITION NOT DISCHARGED
LA04/2022/1388/NMC	LOCDEV	82 Fruithill Park Belfast BT11 8GF.	Non material change LA04/2022/0049/F.	NON MATERIAL CHANGE GRANTED
LA04/2022/1395/F	LOCDEV	53 Beechgrove Avenue Belfast BT6 0ND	Retrospective application for decking area to rear.	PERMISSION GRANTED
LA04/2022/1402/F	LOCDEV	Greenwood Assessment Centre Greenwood Avenue Upper Newtownards Road Belfast BT4 3JJ.	Proposed demolition of existing single storey building (originally a dwelling) and construction of a new single storey modular building consisting of a classroom, ancillary and speech therapy accommodation. Widening of internal road to provide new car parking spaces. New pedestrian path with fencing either side.	PERMISSION GRANTED
LA04/2022/1433/A	LOCDEV	City Quays 3 City Quays Belfast BT1 3EE.	Rooftop Illuminated Building Sign on South East Elevation.	PERMISSION GRANTED
LA04/2022/1444/F	LOCDEV	5 Catherine Street Belfast BT2 8LX.	Single storey extension to rear.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/1456/A	LOCDEV	Queen's Arcade 29-33 Donegall Place Belfast BT1 5FF	Alterations to existing signage to front elevation of Queen's Arcade consisting of installation of new painted metalwork backing panel fixed to existing lettering (to be retained in-situ) to improve legibility from the Street.	PERMISSION GRANTED
LA04/2022/1457/LBC	LOCDEV	Queen's Arcade 29-33 Donegall Place Belfast BT1 5FF	Alterations to existing signage to front elevation of Queen's Arcade consisting of installation of new painted metalwork backing panel fixed to existing lettering (to be retained in-situ) to improve legibility from the street.	PERMISSION GRANTED
LA04/2022/1460/LDP	LOCDEV	76 Sicily Park Belfast. BT10 0AN.	The proposal involves a rear extension in the same location as an existing rear porch.	PERMITTED DEVELOPMENT
LA04/2022/1467/F	LOCDEV	16 Greenland Street Belfast BT13 2EN	Proposed 2 storey rear extension.	PERMISSION GRANTED
LA04/2022/1472/A	LOCDEV	Bank Buildings (bound by Castle Street Bank Street and Royal Avenue) Royal Avenue Belfast BT1 1BL.	Erection of additional signage comprising digital displays and internal light boxes to Castle Street ground floor facade windows and internal light box to Bank Street second floor cafe facade window.	PERMISSION GRANTED
LA04/2022/1473/LBC	LOCDEV	Bank Buildings (bound by Castle Street Bank Street and Royal Avenue) Royal Avenue Belfast BT1 1BL.	Erection of additional signage comprising digital displays and internal light boxes to Castle Street ground floor facade windows and internal light box to Bank Street second floor cafe facade window.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/1483/DC	LOCDEV	Land at Kings Hall and RUAS site south of Upper Lisburn Road/Balmoral Avenue West of Harberton Park and North East of Balmoral Golf Club.	Discharge of condition 7 LA04/2020/0845/O.	CONDITION NOT DISCHARGED
LA04/2022/1488/F	LOCDEV	Aster House Student Accommodation 2a University Road Belfast BT7 1NH.	Installation of CCTV cameras to building elevations of purpose built student accommodation building.	PERMISSION GRANTED
LA04/2022/1510/DC	LOCDEV	Lands immediately north and south of existing film studios north of Dargan Road Belfast (within wider Belfast City Council lands known as North Foreshore/Giants Park).	Discharge of conditions 8, 15 and 17 for application LA04/2021/1358/F.	CONDITION DISCHARGED
LA04/2022/1520/DC	LOCDEV	Former Belvoir Park Hospital Site Hospital Road Belfast BT8 8JP.	Discharge of condition 8 (Construction Management Plan) LA04/2019/1515/F.	CONDITION DISCHARGED
LA04/2022/1527/DCA	LOCDEV	66 Bristow Park Belfast BT9 6TJ.	Demolition of a single storey rear return	PERMISSION GRANTED
LA04/2022/1545/F	LOCDEV	5 Norwood Gardens Belfast	Single storey rear extension to dwelling	PERMISSION GRANTED
LA04/2022/1548/F	LOCDEV	29 Upper Cavehill Road Belfast BT15 5EZ	Erection of rear single storey extension.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/1566/F	LOCDEV	Unit 5 Obel Building 66 Donegall Quay Belfast BT1 3NL.	Change of use from retail to office use.	PERMISSION GRANTED
LA04/2022/1583/F	LOCDEV	130 Hazelwood Avenue Belfast BT17 0SZ.	Single storey rear extension & two storey side extension.	PERMISSION GRANTED
LA04/2022/1601/F	LOCDEV	52 Manna Grove Belfast BT5 6AJ.	Retrospective raised patio area to rear with 1.1m glass guarding.	PERMISSION GRANTED
LA04/2022/1628/LDE	LOCDEV	Flat 11 99-101 Eglantine Avenue Belfast BT9 6EX	House in multiple occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2022/1635/DC	LOCDEV	Springfield substation currently accessed via main entrance to Belfast Metropolitan College E3 Campus 398 Springfield Road Belfast	Discharge of Condition no.6 - LA04/2021/1350/F	CONDITION DISCHARGED
LA04/2022/1639/LDE	LOCDEV	10 St Albans Gardens Stranmillis Belfast BT9 5DR	House in multiple occupation (HMO)	PERMITTED DEVELOPMENT
LA04/2022/1659/F	LOCDEV	87 Malone Road Belfast BT9 6SJ.	Part retrospective erection of a perimeter wall (vehicular access, Marlborough Park boundary only).	PERMISSION GRANTED
LA04/2022/1661/LDE	LOCDEV	Flat 6 97 Eglantine Avenue Belfast BT9 6EX.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/1666/DC	LOCDEV	Brookfield Mill 309-355 Crumlin Road Belfast BT14 7EA.	Discharge of condition 2 LA04/2019/0845/F.	CONDITION DISCHARGED
LA04/2022/1667/DC	LOCDEV	Brookfield Mill 309-355 Crumlin Road Belfast BT14 7EA.	Discharge of conditions 2, 9 and 10 of LA04/2019/0845/F	CONDITION DISCHARGED
LA04/2022/1670/DC	LOCDEV	Land East of Queen's Road North of Public Records Office of NI and South of Belfast Metropolitan College Titanic Quarter Belfast.	Discharge of condition 3 LA04/2022/1003/F.(verification report)	CONDITION NOT DISCHARGED
LA04/2022/1692/F	LOCDEV	33 Rosepark Belfast BT5 7RG.	External alterations to existing dwelling to include dormer windows to the rear, patio door to the rear, new window openings in existing walls/roof and patio area to the rear.	PERMISSION GRANTED
LA04/2022/1698/F	LOCDEV	31 Inverary Drive Belfast BT4 1RD	Single storey side extension with ramped access	PERMISSION GRANTED
LA04/2022/1707/F	LOCDEV	Skainos Centre Newtownards Road Belfast BT4 1AF.	Provision of single storey building to incorporate community foodbank and community room.	PERMISSION GRANTED
LA04/2022/1711/F	LOCDEV	Unit 6 Boucher Square Boucher Crescent Belfast BT12 6HU.	Elevation changes including window alterations and new servery hatch for takeaway	PERMISSION GRANTED
LA04/2022/1712/LDE	LOCDEV	13 Curzon Street Belfast BT7 1QU.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/1716/F	LOCDEV	136 Brooke Drive Belfast BT11 9NR.	Single storey attached garage extension to front and side of dwelling.	PERMISSION GRANTED
LA04/2022/1717/F	LOCDEV	3 The Crescent Belfast BT10 0GJ.	Single storey extension to side and rear of dwelling and roofspace conversion creating dormer to rear of property.	PERMISSION GRANTED
LA04/2022/1719/F	LOCDEV	Units 1 - 3 Cityview Business Park 733 Springfield Road Belfast BT12 7FP.	Proposed change of use from business unit to food processing facility (no cooking) & associated offices and staff facilities with elevation changes.	PERMISSION GRANTED
LA04/2022/1726/DC	LOCDEV	Lands located south west of and immediately to the rear of No. 68 72 74 and 74a Ligoniel Road Belfast BT14 8BY.	Discharge of condition 3 LA04/2018/2600/F.	CONDITION NOT DISCHARGED
LA04/2022/1727/F	LOCDEV	11 Orby Close Belfast BT5 6BP.	Single storey extension to side and rear to incorporate kitchen and utility extension.	PERMISSION GRANTED
LA04/2022/1731/F	LOCDEV	152 Lagmore Dale Dunmurry.	Single story rear extension with ramped access.	PERMISSION GRANTED
LA04/2022/1732/DC	LOCDEV	228-232 Stewartstown Road Belfast.	Discharge of condition 13 LA04/2020/0426/F.(piling)	CONDITION DISCHARGED
LA04/2022/1734/F	LOCDEV	300 Beersbridge Road Belfast BT5 5DY.	Change of use from dwelling to HMO.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/1754/F	LOCDEV	11b Ormeau Avenue Belfast BT2 8HH.	Change of use from current restaurant to B1 office accommodation.	PERMISSION GRANTED
LA04/2022/1762/F	LOCDEV	35 Hawthornden Road Belfast BT4 3Jw.	Proposed replacement dwelling with attached garage.Amendment to previous scheme, LA04/2020/2217/F.	PERMISSION GRANTED
LA04/2022/1787/DC	LOCDEV	3 Grand Parade Belfast BT5 5HG.	Discharge of condition 7 LA04/2022/0708/F.(odour abatement)	CONDITION NOT DISCHARGED
LA04/2022/1789/F	LOCDEV	2 Irwin Crescent Belfast BT4 3AQ.	Single storey side extension.	PERMISSION GRANTED
LA04/2022/1794/F	LOCDEV	18 Friendly Street Belfast BT7 2HP	Conversion of ground floor garage and WC into a bedroom and en-suite.	PERMISSION GRANTED
LA04/2022/1802/DC	LOCDEV	Lands south of Albert Bridge and directly north of 5 Ravenhill Road Belfast BT6 8DN.	Discharge of condition 5 LA04/2019/2217/F.(archeological)	CONDITION DISCHARGED
LA04/2022/1810/CONTPO	LOCDEV	12 Adelaide Park Belfast BT9 6FX.	Works to 1 tree.	WORKS TO TREES IN CA - AGREED
LA04/2022/1815/CONTPO	LOCDEV	73 Myrtlefield Park Belfast BT9 6NG.	Works to 1 x beech and remove 3 x sycamore trees.	WORKS TO TREES IN CA - AGREED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/1818/LDE	LOCDEV	36 Lisburn Avenue Belfast BT9 7FX.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/1830/LDE	LOCDEV	20 Rathcool Street Belfast BT9 7GB.	House in multiple occupation (HMO).	PERMITTED DEVELOPMENT
LA04/2022/1834/F	LOCDEV	8 Shaws Park Belfast BT11 9QQ.	Single storey rear and side extension with ramp.	PERMISSION GRANTED
LA04/2022/1852/CONTPO	LOCDEV	17 Cranmore Avenue Belfast BT9 6JH.	Works to 3 trees.	WORKS TO TREES IN CA - AGREED
LA04/2022/1874/LDE	LOCDEV	50 Ethel Street Belfast BT9 7FW	House in multiple occupation	PERMITTED DEVELOPMENT
LA04/2022/1875/LDE	LOCDEV	19 Chadwick Street Belfast BT9 7FB.	House in Multiple Occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/1895/CONTPO	LOCDEV	14D ADELAIDE PARK BELFAST BT96FX.	Works to 1 tree.	WORKS TO TREES IN CA - AGREED
LA04/2022/1906/CONTPO	LOCDEV	3 Cleaver Gardens Belfast BT9 5HZ.	Works to 1 tree.	WORKS TO TREES IN CA - AGREED
LA04/2022/1941/LDE	LOCDEV	18 Rugby Avenue Belfast BT7 1RG.	House in Multiple Occupancy (HMO).	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/1970/CONTPO	LOCDEV	1 Windsor Court Belfast BT9 6JE.	Works to 3 trees.	WORKS TO TREES IN CA - AGREED

PLANNING COMMITTEE – 15 NOVEMBER 2022

APPEALS NOTIFIED

COUNCIL: BELFAST

No new appeals received

APPEAL DECISIONS NOTIFIED

ITEM NO	1	PAC REF:	2021/A0248
PLANNING REF:	LA04/2021/1280/F		
RESULT OF APPEAL:	ALLOWED		
APPLICANT:	RMA Belfast		
LOCATION:	32-36 University Road, Belfast, BT7 1NH		
PROPOSAL:	Proposed mixed-use development comprising alterations, rear extension and new shopfront to provide a modernised ground floor retail space and change of use from office to 9 No apartments on upper floors, with separate access to University Road		

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ADDENDUM REPORT	
Committee Meeting Date: 15 th November 2022	
Application ID: LA04/2021/2856/O	
Proposal: 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.	Location: 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.
Referral Route:	Major development
Recommendation:	Approval subject to conditions and Section 76 planning agreement
Applicant Name and Address: NITHCO Chamber of Commerce House 22 Great Victoria Street Belfast BT2 7LX	Agent Name and Address: Juno Planning & Environmental Ltd 409 Lisburn Road Belfast BT9 7EW
Background <p>This addendum report should be read in conjunction with the original report to the 31 August 2022 Planning Committee, appended.</p> <p>The application was approved by the Planning Committee at its meeting on 31 August 2022. The Committee accepted the officer recommendation to grant planning permission, subject to conditions and a Section 76 Planning Agreement, with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions and planning agreement.</p> <p>The Committee will recall that the outline planning application proposed maximum vertical and horizontal parameters, the acceptability of which had been tested through an indicative scheme including VU.CITY model. The Vertical Parameter Plan showing the maximum height of buildings across the site contains a note which states that '<i>the extent of roof plant is to be minimised and included in overall height</i>'.</p> <p>The draft condition relating to the maximum vertical parameters stated:</p> <ol style="list-style-type: none"> 4. <i>No part of the development, including plant and other structural elements of the rooftop of buildings [emphasis], 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.</i> 	

Reason: To regulate the height and scale of development in the interests of good place making principles and character and appearance of the area.

The applicant has subsequently requested that condition 4, above, is amended to add 'unless the Council gives its prior written consent for any variation' so that there is some flexibility to allow plant and other structural elements of the rooftop to exceed the maximum height parameters.

Officers recognise that this would provide the applicant with greater commercial flexibility and officers envisage that exceedance of the maximum height parameter would only be acceptable where it would be minor and that the applicant has demonstrated through a Reserved Matters application that the change would have only a very limited visual impact.

It is therefore recommended that condition 4 is amended to the following:

4. *No part of the development, including plant and other structural elements of the rooftop of buildings [emphasis], shall exceed the maximum height parameters as shown on Drawing Number 527-JMP-XX-XX-DR-A-2103 Revision P0X [to be updated] (Parameter Plan – Limits of vertical deviation above ground) uploaded to the Planning Portal on XX 2022, **unless the Council gives its written approval to any variation through determination of application/s for approval of Reserved Matters for that part of the development.***

Reason: To regulate the height and scale of development in the interests of good place making principles and character and appearance of the area.

The Vertical Parameter Plan will be amended to reflect the above flexibility.

The Committee should be aware that the applicant has sought similar flexibility to allow exceedance of the maximum horizontal parameters. Condition 5 currently reads:

5. *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.*
 - *Drawing Number 527-JMP-XX-XX-DR-A-2102 (Parameter Plan – Limits of horizontal deviation at ground, public realm + access); and*
 - *Drawing Number 1527-JMP-XX-XX-DR-A-2105 (Parameter Plan – Limit of horizontal deviation above ground).*

Reason: To regulate the scale and massing of development in the interests of good place making principles and character and appearance of the area.

However, officers consider that there is not the same argument for permitting flexibility for the horizontal parameters as there is for the vertical parameters; the latter specifically to allow discreet plant and other structural elements of the rooftop to be included as described above. Should the applicant wish to exceed the horizontal parameters shown in the approved plans then it is considered more appropriate for the applicant to apply for a Non-Material Change under Section 67 of the Planning Act (Northern Ireland) 2011. Very minor adjustments and *de minimis* changes to the horizontal parameters could potentially be agreed through that process.

Recommendation:

The recommendation remains to approve planning permission subject to conditions and a Section 76 planning agreement.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement.

Development Management Officer Report Committee Application	
Summary	
Committee Meeting Date: Wednesday 31 st August 2022	
Application ID: LA04/2021/2856/O	
Proposal: 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.	Location: 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.
Referral Route:	Major development
Recommendation:	Approval subject to conditions and Section 76 planning agreement
Applicant Name and Address: NITHCO Chamber of Commerce House 22 Great Victoria Street Belfast BT2 7LX	Agent Name and Address: Juno Planning & Environmental Ltd 409 Lisburn Road Belfast BT9 7EW
Executive Summary: 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 ' Weaver's Cross Regeneration Project ' ("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:	

'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.'

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 27th 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

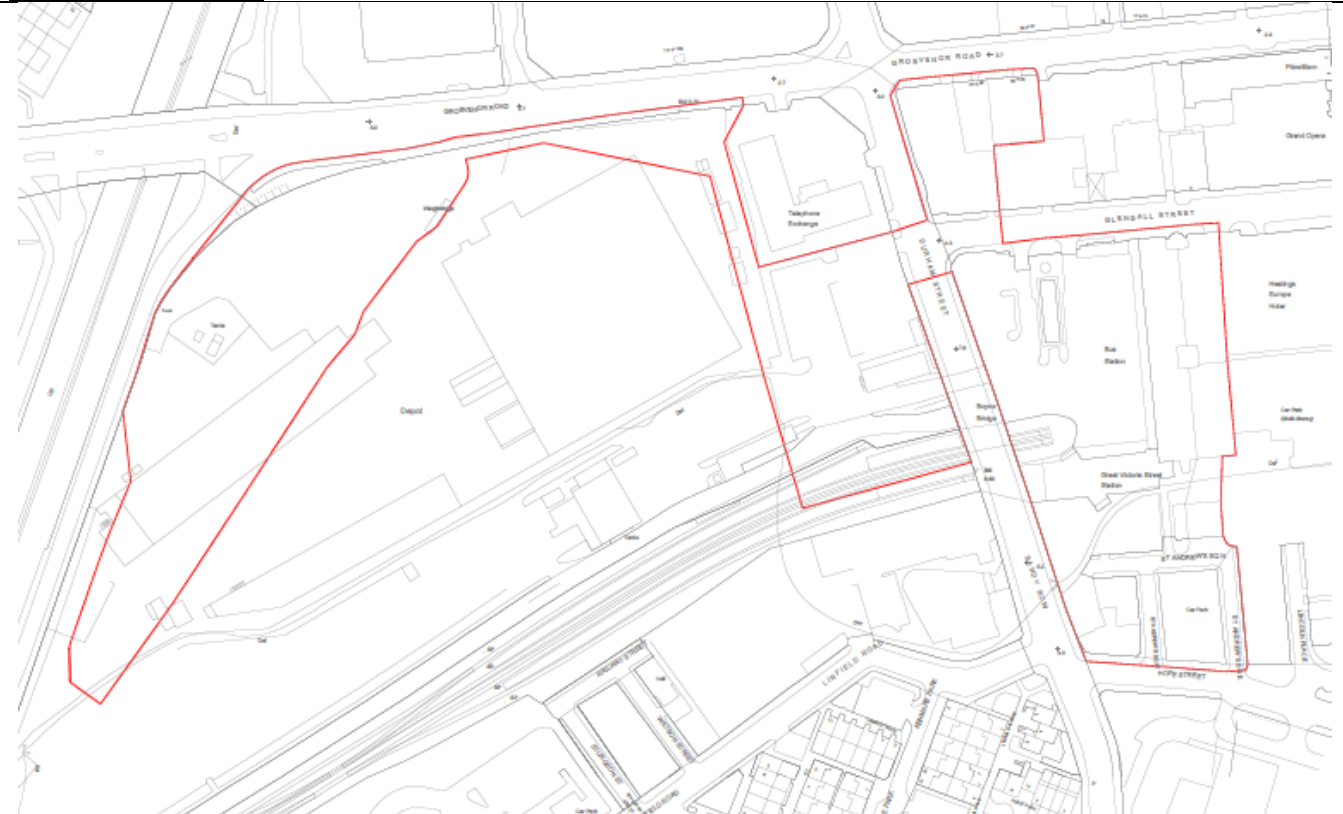
LA04/201/1388/F. The Boyne Bridge is located outside the application site (red line) for the current application. The objections are set out in more detail in the main report.

Having regard to the Development Plan and relevant material considerations, the proposed development is considered acceptable.

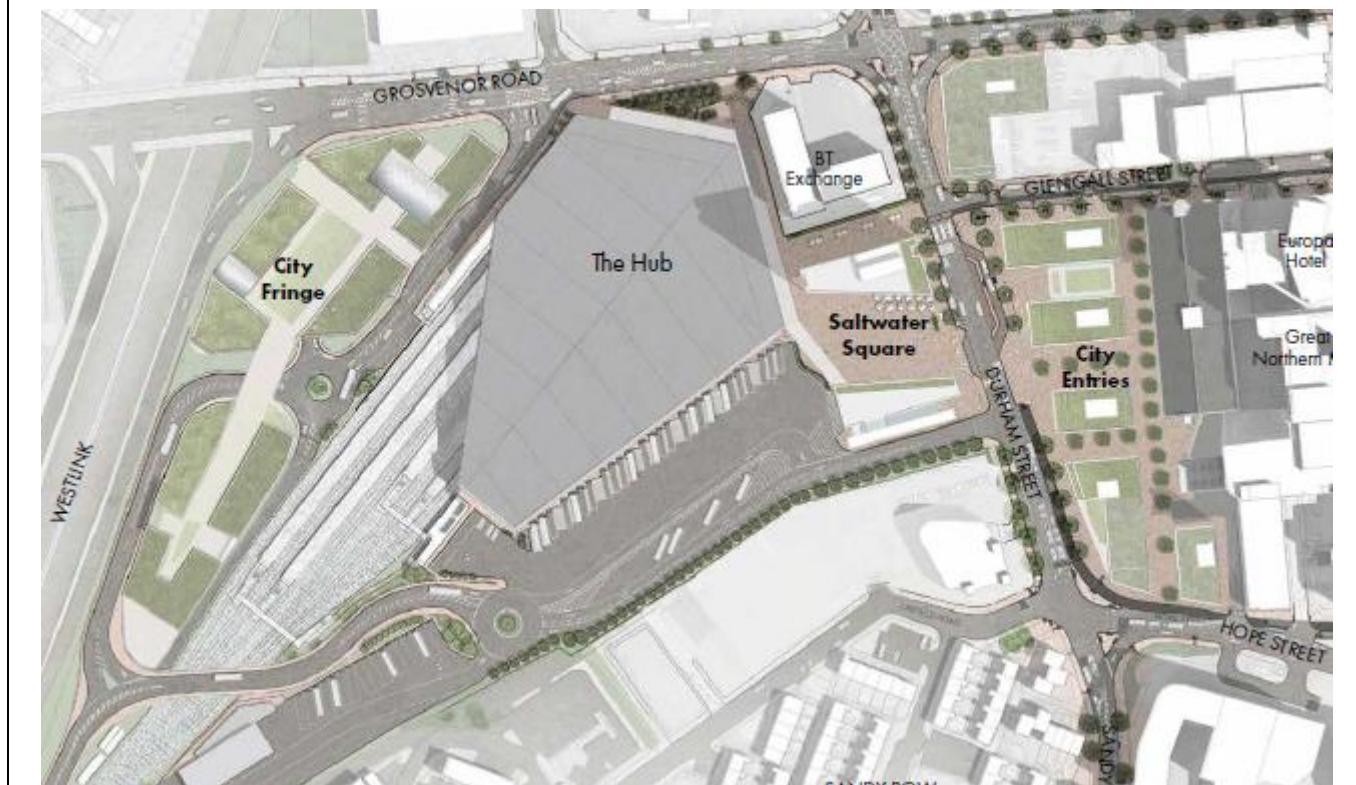
It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement. Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and Section 76 planning agreement, and resolve anomalies identified by the Senior 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)

	<ul style="list-style-type: none"> • 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)
1.4	The application is also supported by a Planning and Design Principles (“PDP”) document. The PDP 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"> 1. City Fringe (west of the site to the west of the Transport Hub) 2. Saltwater Square (centre of the site to immediate east of the Transport Hub) 3. City Entries (east part of the site in the location of the existing bus station)
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.

2.0	<u>Description of Site and Area</u>
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	Planning History
3.1	Detailed planning history relevant to the proposal, including the application site and adjacent land, is summarised at Appendix 1 .
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"> LA04/2020/0136/NMC granted in April 2020 relating to minor elevational and layout amendments to temporary garage/maintenance structures.

3.6	<ul style="list-style-type: none"> LA04/2021/1291/NMC granted in January 2021 relating to minor engineering amendments to the footbridge at Blythefield Park. LA04/2020/1832/NMC granted in September 2021 relating to minor elevational and layout amendments to the main BTH building. <p>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.</p>
4.0	Policy Framework
4.1	<p>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</p>
4.2	<p>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)</p>
5.0	<p><u>Statutory Consultees (current position)</u> DFI Roads – no objection subject to conditions DFI Rivers – no objection subject to conditions DAERA NIEA Natural Heritage – no objections DAERA NIEA Land, Soil, and Air – no objections subject to conditions DAERA NIEA Water Management Unit – no objections subject to satisfactory response from NI Water DfC Historic Buildings – no objections DfC Historic Monuments – no objections subject to conditions Shared Environmental Services – no objection subject to conditions NI Water – no objection subject to conditions Belfast City Airport – consideration to be given to buildings over 60m impacting aviation</p>
6.0	<p><u>Non-Statutory Consultees (current position)</u> Northern Ireland Housing Executive – have indicated there is social housing need BCC Senior Urban Design Officer – no objections BCC Environmental Health – no objections subject to condition BCC City Regeneration and Development Team – no objections BCC Landscape Team – no objections BCC Economic Team – no objections subject to clauses in S76 regarding Employability and Skills NI Electricity – no objections</p>

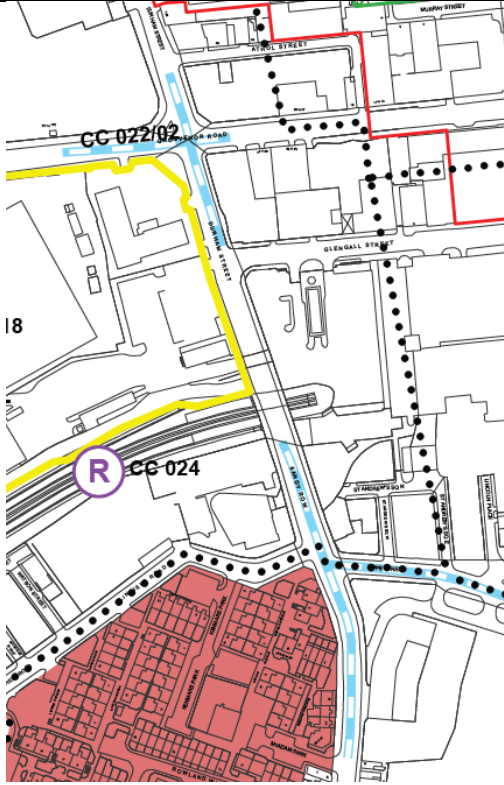
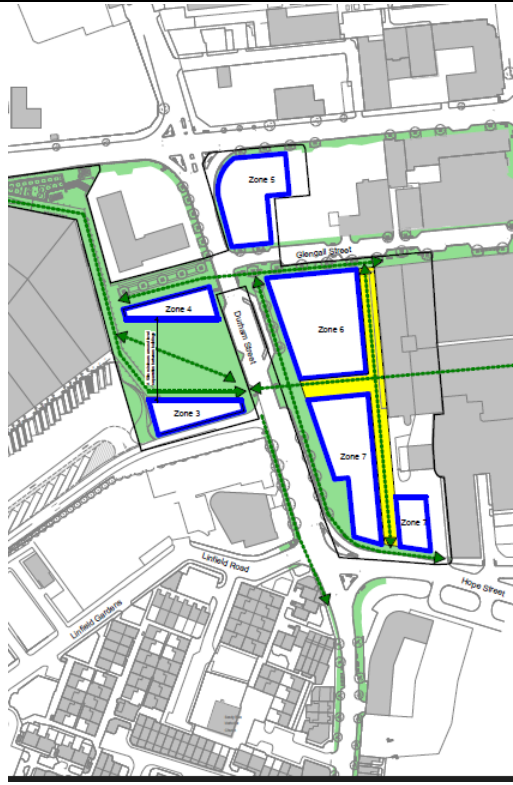
7.1	<u>Statutory Consultation</u>
7.1.1	The application was first advertised on 31 st December 2021 and was readvertised on 12 th August 2022 following the receipt of further information.
7.1.2	Neighbour notifications were issued on 12 th January 2022. Re-notifications were issued on 12 th August 2022.
7.2	<u>Representations</u>
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	The objections are summarised as follows. <ul style="list-style-type: none"> a) Demolition of the Boyne Bridge causing loss of culture and history b) Replacement of Boyne Bridge with toucan crossing would lead to the risk of road accidents c) Concerns about the height and concentration of proposed buildings d) Wind and shadow effects of tall buildings e) Concerns regarding timeframes and phasing f) Importance of the approach to the city from the new BTH g) Accommodation of tour buses in the new BTH instead of at City Hall
7.2.3	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.
7.2.4	The representations in support of the application are summarised as follows: <ul style="list-style-type: none"> • Welcome a regeneration-led project • Increased catchment for the retail industry • Provision of much needed connectivity • Contribution to regeneration of Linen Quarter • Positive contribution to economic, environmental and social vitality of the locale • Welcomes proposed Saltwater Square and permeability of routes • Potential for community events • Provision of Grade A office space to encourage investment • Promotion of sustainable transport • The proposal's focus on social value • Potential to contribute to the educational and medical innovation economies • Potential to rebuild city tourism • Potential to contribute to the hospitality sector • Potential to contribute to educational institutions nearby • Will encourage city centre living
8.0	<u>ASSESSMENT</u>
8.1	<u>Development Plan</u>
8.1.1	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.
8.1.2	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 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	<u>Key issues</u>
8.1.5	<p>The main issues relevant to the consideration of this application are:</p> <ul style="list-style-type: none"> • 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
8.2	<u>The Principle of the proposed uses at this location</u>
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"> • A masterplan 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

	<p>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.</p> <ul style="list-style-type: none"> • Provision of a new Transport Hub – this has been approved by the Department. • Proposals shall not include the use of ground floor frontages 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. • Development proposals shall facilitate the City Centre Ring Road – 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.
8.3	<u>Regeneration, employment and investment</u>
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	<p>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:</p> <ul style="list-style-type: none"> a) Jobs – promoting local skills and employment; b) Growth – supporting growth of responsible regional businesses; c) Social – healthier, safer and more resilient communities; d) Environment – decarbonising and safeguarding our world; e) Innovation – promoting social innovation; f) Diversity and Inclusion – recognising, promoting and leveraging our differences
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.
8.4	<u>Housing including delivery of affordable housing</u>
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.
8.5	<u>Transportation including transport sustainability, parking and impact on road safety</u>
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	<i>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.’</i>
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.

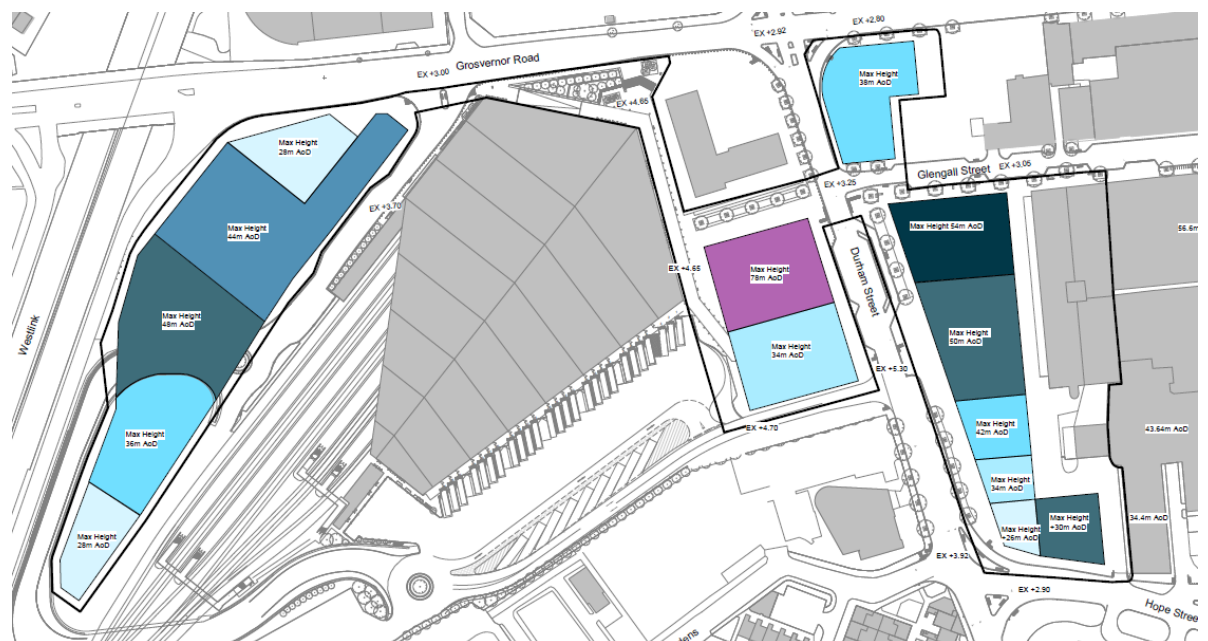
		
8.5.7	<div> <div>dbMAP 2015 (v2014) City Centre map proposals</div> <div>Proposed site layout</div> </div>	
8.5.8	<p>However, DfI Roads have stated that this scheme is not progressing and there are currently no plans for it to do so. DfI Roads have not raised any objections with regards to this issue in their consultation response. In this regard, the proposal is considered acceptable.</p>	
8.5.9	<p>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.</p>	
8.5.10	<p>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.</p>	
8.6	<p><u>Impact on the character and appearance of the area</u></p>	
8.6.1	<p>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.</p>	
8.6.2	<p>The proposal provides an excellent opportunity for strong place-making and to deliver a high-quality development in the heart of the city centre.</p>	
8.6.3	<p><u>Parameters Plans</u></p>	
	<p>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:</p>	

- 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)


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 **maximum heights** 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.

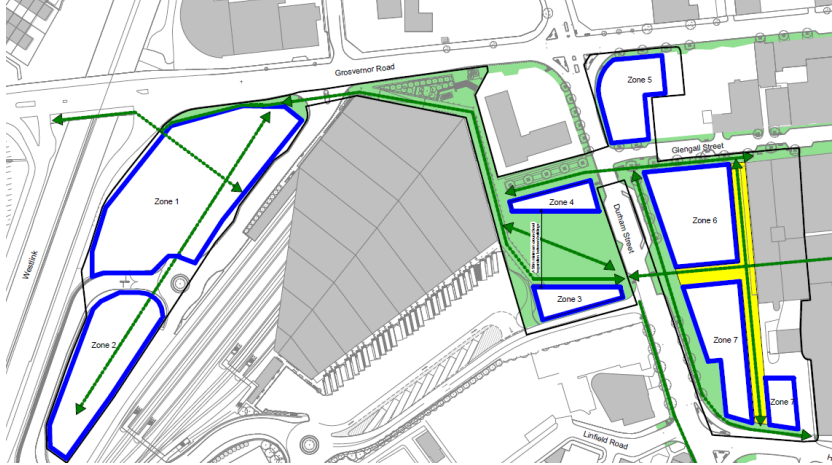
8.6.6 Saltwater Square is already permitted as part of the Belfast Transport Hub. This application for outline permission proposes to bring forward two tall buildings to the north and south parts of Saltwater Square. The indicative scheme shows a taller building to the North (which will be a maximum 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. 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.



8.6.7 *Proposed maximum height parameters*

8.6.8	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 ' <i>no objections are raised from an urban design viewpoint</i> ' as any concerns regarding separation distances, amenity, privacy and sunlight/daylight will be assessed at Reserved Matters Stage.
8.6.9	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.
8.6.10	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.
8.6.11	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.
8.6.12	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.
8.6.13	 <p><i>Proposed active frontages (broken pink line)</i></p>

8.6.14	<p>Planning and Design Principles</p> <p>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.</p>
8.6.15	<p>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.</p>
8.6.16	<p>Principle 1: Site Wide Public Realm</p> <p><i>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.</i></p>
8.6.17	<p>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.</p>
8.6.18	<p>Principle 2: Active Frontage</p> <p><i>Active frontages to all zones both horizontally and vertically particularly to all public faces of Saltwater Square, Grosvenor Road and Glengall Street.</i></p>
8.6.19	<p>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.</p>
8.6.20	 <p>Design principle – responding to the edges</p>

8.6.21	<p>Principle 3: Green Infrastructure and Landscape</p> <p><i>Promotion of Enhanced landscape and green edges / planting throughout the masterplan over hard landscaping.</i></p>
	<p>Public realm, public space and the amenity along key connections were a key consideration of the BTH application. The SUDO states that Principle 3 '<i>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</i>'. 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.</p>
8.6.22	<p>Principle 4: Landmark Building and Architecture</p> <p><i>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.</i></p>
8.6.23	<p>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 '<i>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</i>'.</p>
8.6.24	<p>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.</p>
8.6.25	<p>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.</p>
8.6.26	 <p><i>Maximum horizontal parameters as proposed</i></p>

8.6.27	The SUDO notes the <i>'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'</i> while <i>'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 heights to relate visually to the setting of the listed asset'</i> . He also welcomes the step-down approach along Hope Street towards the listed building as well as the <i>'clear tripartite ordering of building composition, comprising base, mid-section and top/roof, is also advocated through this principle'</i> .
8.6.28	Principle 5: Public Square and Open Space <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>
8.6.29	The BCC Landscape Team was consulted and states that they <i>'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'</i> . It also <i>'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'</i> .
8.6.30	The SUDO notes that <i>'deliberate placement of the larger tower along the northern edge of the square allows for greater light penetration and optimised daylight levels'</i> . 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.
8.6.31	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.
8.6.32	Principle 6: Mix of Uses <i>A mix of Office & 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>
8.6.33	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.
8.6.34	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.
8.6.35	Principle 7: Areas of Distinctive Character <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>

8.6.36	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 ' <i>reinforces the importance of the tripartite building composition and the clear intent to step buildings down in height within Zones 6 and 7 as a direct response to the listed Tobacco Works</i> '.
8.6.37	<u>Conclusion</u> The seven principles set out above are considered to appropriately cover all pertinent issues in anticipation of the Reserved Matters applications.
8.6.38	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.
8.7	Phasing
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.
8.8	<u>Impact on amenity of nearby residents and businesses</u>
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.
8.9	<u>Impact on Built Heritage and Archaeology</u>
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 SPPS 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"> • St Peter's Cathedral (HB26/33/103A) • Christchurch Centre of Excellence (HB26 50 025) • Former Health Centre at 89 Durham Street (HB26 50 116) • RBAI school (HB26/50/023) and the cluster of listed warehouses (HB26/50/303A-D) • Belfast City Hall • The Grand Opera House • Former Murray Tobacco Works (HB26/29/017)
8.9.4	<p>Policy BH11 requires that:</p> <ul style="list-style-type: none"> • <i>The detailed design respects the listed building in terms of scale, height, massing and alignment;</i> • <i>The works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and</i> • <i>The nature of the use proposed respects the character of the setting of the building</i>
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.
8.10	<u>Human health</u>
8.10.1	Contaminated Land – 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	Noise – Environmental Health offers no objections on noise grounds and the proposal is considered acceptable-
8.10.3	Odour - 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	Air Quality – The ES is supported by the following information: <ul style="list-style-type: none"> • Chapter 6 'Air Quality' of the Weavers' Cross Environmental Statement Volume 3 • Appendix 6 – Figures, 'Air Quality' of Environmental Statement Vol 5 • Appendix 6 – 'Air Quality Technical Appendices' of Environmental Statement Vol 6 • Chapter 17 'Transport Assessment' of Environmental Statement Vol 3 • Appendix 17 – 'Transport Assessment' of Environmental Statement Vol 6
8.10.5	Environmental Health has reviewed the above and advises that it meets the relevant requirements subject to conditions.
8.11	<u>Drainage and Flood Risk</u>
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.
8.12	<u>Wastewater Infrastructure</u>
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.
8.13	<u>Natural Heritage</u>
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"> the submission of a final CEMP to ensure delivery of proposed mitigation measures

	<ul style="list-style-type: none"> the submission of an Ecological Management Plan the submission of a Landscaping and Planting Plan
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.
8.14	<u>Developer Contributions and Planning Agreement</u>
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"> Provision of a minimum residential floorspace – 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. Provision of minimum 20% affordable housing with threshold to be reviewed after five years Green Travel Measures – 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. Compatibility with the BTH planning permission – 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. Employability and Skills – to secure appropriate commitments towards Employability and Skills. Management of private spaces – to ensure the ongoing management of the common parts of the site to be privately managed.
8.14.3	These planning obligations would be secured by means of a Section 76 planning agreement.
8.15	<u>Pre-Community Consultation</u>
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.
9.0	Summary of Recommendation
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.
11.0	DRAFT CONDITIONS
	<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"> • Ten years from the date of this permission; or • The expiration of two years from the date of approval of the last of the reserved matters <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> <p><i>Parameters plans</i></p> <p>4 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> <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>5 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"> • Drawing Number 527-JMP-XX-XX-DR-A-2102 (Parameter Plan – Limits of horizontal deviation at ground, public realm + access); and • Drawing Number 1527-JMP-XX-XX-DR-A-2105 (Parameter Plan – Limit of horizontal deviation above ground). <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> <p>6 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> <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>7 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> <p>8 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 10th August 2022.</p> <p>Reason: In the interests of place making and the character and appearance of the development.</p>
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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> <p><i>Phasing</i></p>
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> <p><i>Aviation</i></p>
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> <p><i>Waste management</i></p>
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> <p><i>Transport</i></p>
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>

15	<p><i>Protection of human health</i></p> <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"> • 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. • 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. • 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. <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</p>

	<p>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 & 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 & 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"> • Examination of representative baseline noise conditions specific to each proposed phase and predicted noise levels arising from each phase once operational; • Detailed mitigation measures to ensure internal and external noise levels at proposed premises will be achieved in line with relevant up-to-date guidance; • 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 <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"> • 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"> - 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; - 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; - 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. • 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. <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.</p> <p><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"> - 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, - 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.) - Quantitative Risk Assessment(s) as necessary in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks. To identify all unacceptable risks to health and the water environment and provide remedial criteria to be met if necessary through a remedial strategy. <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 https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks. 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 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.</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: http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf.</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"> a) Construction methodology and timings of works; b) Pollution Prevention Plan including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any

	<p>refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;</p> <ul style="list-style-type: none"> c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures; d) Spoil Management Plan; including identification of spoil storage areas, management and handling of spoil and details of the reinstatement of excavated soil; e) Water Quality Monitoring Plan; f) Environmental Emergency Plan; g) Details of updated surveys for bats and birds and appropriate mitigation measures; h) Details of updated surveys for solitary bees and appropriate mitigation measures; 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; j) Mitigation measures as detailed in the Environmental Statement (ARUP, Dec 2021) and Outline Construction Environmental Management Plan; and k) Details of the appointment of an Ecological Clerk of Works (EcoW) and their roles and responsibilities. <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"> a) Habitat creation including measures proposed within the Environmental Statement (ARUP, December 2021); b) Appropriate habitat creation and management measures to ensure solitary bee populations are supported; c) The specifications of bird and bat boxes and their location within the site d) Long term monitoring and management to be implemented and details of those responsible for their implementation. <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"> • The identification and evaluation of archaeological remains within the site;

37	<ul style="list-style-type: none"> • Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ; • Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and • Preparation of the digital, documentary and material archive for deposition. <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> <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>
38	<p><i>SES conditions</i></p> <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 11th 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>

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Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 15 th November 2022	
Application ID: LA04/2021/2870/F & LA04/2021/2869/DCA	
Proposal: Demolition of existing single storey building and erection of ground and four upper storeys providing new cafe/restaurant on ground floor and 12no. apartments on the upper four storeys. Provision of bin storage and cycle areas.	Location: 19-27 Lombard Street Belfast BT1 1RB
Referral Route: Approval for total demolition of a building within a Conservation Area; and because the recommendation is to approve where a statutory consultee (NIW) has objected	
Recommendation: Approval	
Applicant Name and Address: Marmont Properties Ltd c/o Frazer Kidd LLP 87-89 Victoria Street Belfast	Agent Name and Address: Insideout Architects 1 Tinamara Upper Station Road Greenisland BT38 8FE
Executive Summary: These applications seek full planning permission and Conservation Area Consent to demolish and replace a current single storey commercial building within the city centre currently operating as a coffee shop and retail store with a new five storey building with ground floor restaurant / café and twelve apartments to the upper floors. The main issues to be considered are: <ul style="list-style-type: none"> • The principle of the development • Impact on the character and appearance of the City Centre Conservation Area • Impact on the setting of Listed Buildings • Impact on amenity of prospective occupiers • Access, Movement and Parking • Flooding • Water/ Sewage and ecological impacts The application site lies within the settlement limits of the city centre within the BUAP, Draft BMAP v2004 and v2015. In dBMAP, the site is also within the retail core and an area of parking restraint. The site falls within the City Centre Conservation Area. The proposal will replace an existing building within the Conservation Area. The existing building, which is proposed to be demolished, is not considered to make a positive contribution to the character and appearance of the Conservation Area. The existing single storey building is currently somewhat of an anomaly in the street scene and the proposed replacement building would enhance the character and appearance of the Conservation Area and setting of nearby listed buildings. This would be achieved by a new building of a scale and form more commensurate with its corner plot location, by obscuring large blank prominent gables of neighbouring buildings and providing a building of more appropriate height and presence to the street. It also reuses original internal features and replicates the curvature of the façade of the existing building. Both HED and the Council's Conservation Officer are content with the proposal.	

The proposal will provide an acceptable level of amenity for prospective occupiers. The site benefits from a city centre location with access to all its amenities and public transport. The proposal occupies an already developed site therefore will not contribute to increased flooding.

Consultees including DfI Roads, DfI Rivers and BCC Environmental Health have no objection to the proposal subject to conditions. NI Water have objected on the basis of insufficient capacity within WWTWs and the associated network. DAERA and Shared Environmental Services were consulted on possible environmental impacts follows NIW's response. DAERA and SES have advised there is no clear evidence of environmental impact however, taking a precautionary approach advised a condition required preventing commencement of works until agreement reached with NIW for wastewater disposal.

No representations have been received from third parties.

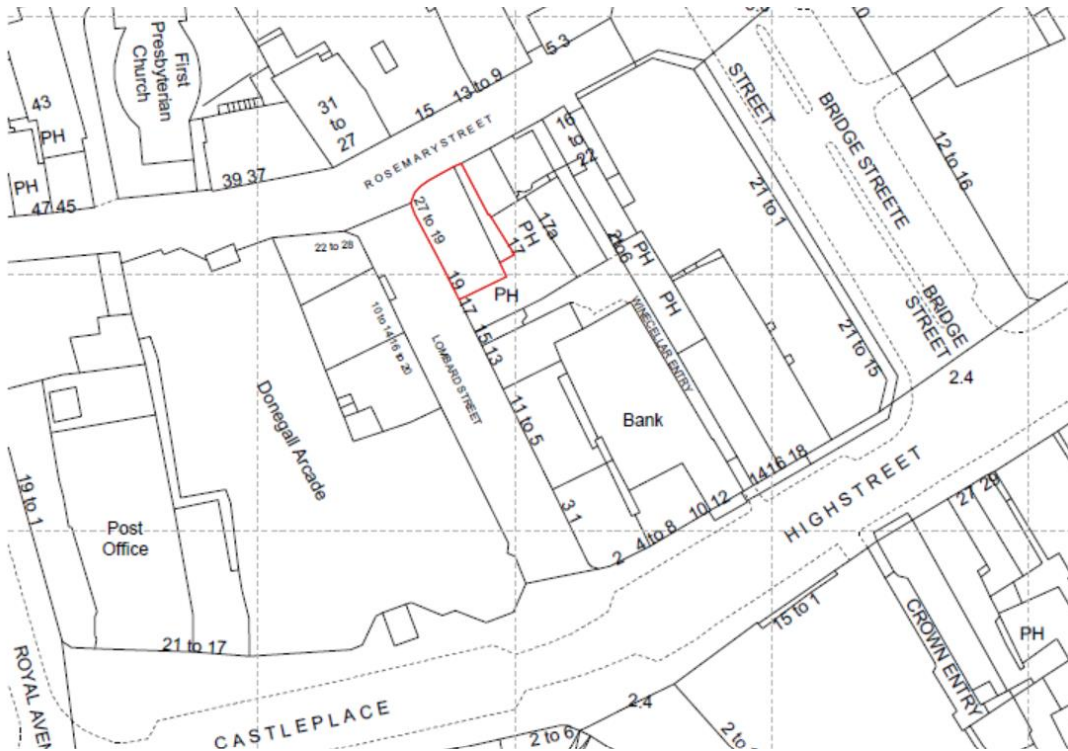
Having regard to the Development Plan, and other material considerations, the proposed development is considered to be acceptable. Approval is recommended for the reasons set out in detail on the main report below.

Recommendation

Subject to the notification of the application for Conservation Area Consent (LA04/2021/2869/DCA) for demolition to the Department for Infrastructure under Section 29 of the Planning Act (Northern Ireland) 2011, it is recommended that both applications are approved with conditions. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions.

Case Officer Report

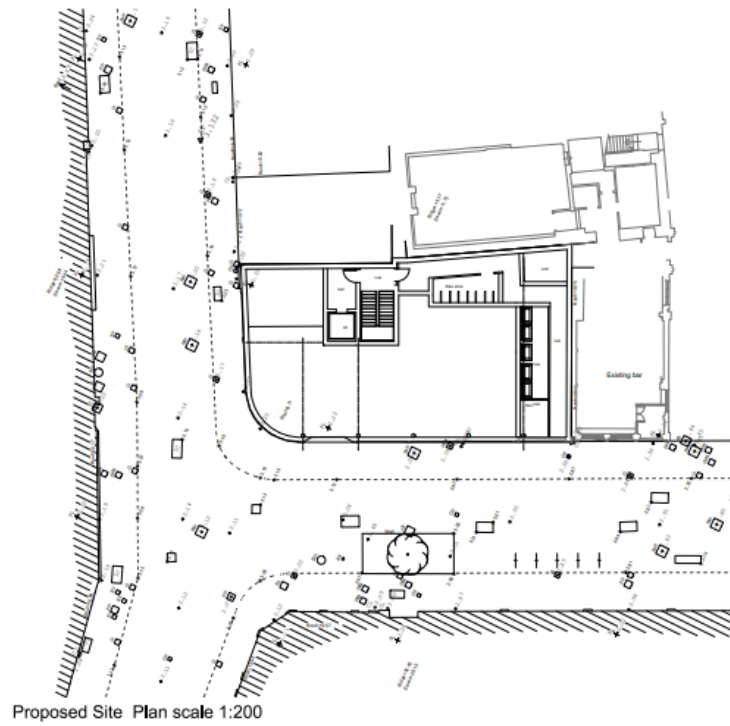
Site Location Plan



Current building on site to be demolished



Proposed site plan



Lombard Street Contextual Elevations



Rosemary Street Contextual Elevations





Indicative Visual of Proposal

Characteristics of the Site and Area

1.0	Description of Proposed Development
1.1	<p>The applications seek full planning permission and conservation area consent for demolition of the existing single storey commercial building and erection of five storey building with cafe/restaurant at ground floor level and twelve apartments above.</p> <p>Amended plans were secured during the processing of the applications to address:</p> <ul style="list-style-type: none"> • Design alterations to roof overhang, balustrade replaced with glass, inclusion of vertical louvres to curved portion of building. • Balcony amenity space for units not provided for in original plans. • Location of extractor flue to respond to Environmental Health consideration.
2.0	Description of Site and Area
2.1	<p>The application site is a corner plot at the junction of Rosemary Street and Lombard Street within Belfast City Centre. The site is within the City Centre Conservation Area and the retail core. The existing buildings are single storey in height, the main building being used as a coffee shop and the adjacent a small retail shop unit. The units do not exhibit history fabric in their construction unlike the neighbouring buildings on Lombard Street which have ornate sandstone facades. The neighbouring buildings also have a distinct different scale being four storeys and some with additional roof space provided</p>

2.2	<p>by dormer lofts. In this regard, the existing building is something of an anomaly in the Conservation Area. The adjacent building on Rosemary Street is also of modern construction and is three storeys in height with a retail unit on ground floor with commercial uses on the upper floors and next to this is a four-storey commercial building. The surrounding streetscape is a pedestrian zone with limited vehicle access.</p> <p>The site is also close to the recent planning approval for regeneration of this part of the city centre ("Tribeca"). The proposal will sit comfortably beside this regeneration scheme and adjacent existing uses, offering a mix of commercial and residential uses within the city centre.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <p>Z/2007/2527/F Erection of 7 storey building with ground and first floor as restaurant/catering use and associated facilities with 14 apartments above and a ground floor entrance lobby. PERMISSION GRANTED 18/05/09</p> <p>Z/2007/2526/DCA Demolition of single-storey restaurant and retail units. PERMISSION GRANTED 19/05/09</p> <p>Z/1979/1201 Change of use to licensed restaurant. PERMISSION GRANTED</p> <p><u>Surrounding area</u></p> <p>LA04/2017/02126/F (Tribeca scheme) Redevelopment including the construction of a new six storey building on the existing surface level car park and part change of use to create a mixed use development comprising retail units, restaurants and cafes, residential units, offices, church and related community floor space, new streets and public realm works. Demolition of 53 Royal Avenue and 27-31 Rosemary Street and restoration of Central Halls (37-39 Rosemary Street), Masonic Hall (15 Rosemary Street), 43/43a Rosemary Street and retention of 30-34 North Street (Amended plans and further information received). PERMISSION GRANTED 11/03/19.</p>
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	Draft Belfast Metropolitan Area Plan 2015 v2004
4.3	<p>Draft Belfast Metropolitan Area Plan 2015 v2014</p> <p>The extant Development Plan is the BUAP. Both versions of Draft BMAP 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 stage at which the Draft BMAP has reached pre-adoption through a period of independent examination, the policies within Draft BMAP 2015 (v2014) are considered to hold significant weight, save for policies relating to Sprucefield, Lisburn which remain contentious.</p>
4.4	<p>Belfast Local Development Plan Draft Plan Strategy 2035</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</p>

	a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.
4.5	Regional Development Strategy (RDS) 2035
4.6	Strategic Planning Policy Statement 2015 (SPPS)
4.7	Planning Policy Statement 2: Natural Heritage Planning Policy Statement 3: Access, Movement and Parking Planning Policy Statement 6: Planning Archaeology and the Built Heritage Planning Policy Statement 7: Quality Residential Environments Planning Policy Statement 12: Housing in Settlements Planning Policy Statement 15: Planning and Flood Risk
4.8	Section 91 of the Planning Act (Northern Ireland) 2011: 'In considering whether to grant planning permission for development which affects a listed building or its setting, a Council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.
4.9	Section 104(11) of the Planning Act (Northern Ireland) 2011: 'Special regard must be had to the desirability of: (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise.'
5.0	Statutory Consultees Responses
5.1	DFI Roads – No objection with conditions
5.2	Northern Ireland Water (NIW) – Objection due to insufficient waste-water capacity
5.3	DFI Rivers – No objection
5.4	DFC Historic Environment Division – No objection
5.5	Shared Environmental Services – No objection
5.6	DAERA Water Management Unit – No objection Drinking Water Inspectorate – No objection
6.0	Non-Statutory Consultees Responses
6.1	BCC Environmental Health – No objection
6.2	BCC Conservation Officer – No objection
7.0	Representations

7.1	<p>LA04/2021/2870/F The application was neighbour notified on the 26th of January 2022. It was advertised in the local press on the 7th of January 2022.</p> <p>LA04/2021/2869/DCA The application was advertised in the local press on the 7th of January 2022.</p> <p>No representations have been received in respect of both applications.</p>
8.0	Other Material Considerations
8.1	<p>DCAN 4 Restaurants, Cafes and Fast Food Outlets</p> <p>DCAN 8 Housing in Urban Areas</p> <p>Belfast City Centre Conservation Guide</p> <p>Creating Places – Achieving quality in residential developments</p> <p>Parking Standards</p> <p>BCC Developer Contribution Framework</p>
9.0	Assessment
9.1	<p><u>Principle of Development</u> The SPPS states that planning permission ought to be granted for sustainable development that accords with the area plan and causes no demonstrable harm to interests of acknowledged importance.</p>
9.2	<p>The site is located within the existing settlement limits of the city as defined in the BUAP 2002 and Draft BMAP 2015 (both v2004 and v2014). The site is shown in the BUAP as “white-land” (i.e., no land use designation). Within the dBMAs, the site is annotated as within the city centre retail core. The proposal is designed to supply a café/ restaurant at ground floor level and four floors of apartment accommodation above.</p>
9.3	<p>The existing buildings on site, to be replaced, are currently a restaurant use which has been operating for over thirty years, and a small retail unit. Regarding the loss of the small retail unit, Policy R1 of the dBMAP states that no more than 25% of retail ground floor shall be given over to non-retail use. The current make-up of Lombard Street and Rosemary Street has an equal mix of retail and non-retail that includes the Masonic Hall and Presbyterian Church. Although, the loss of the retail unit is counter to Policy R1 it should be viewed in the context of the overall redevelopment that, as will be explained later, would enhance the character and appearance of the Conservation Area, provide much needed residential accommodation within the city centre as well as valuable investment. Furthermore, the loss of retail floorspace is minimal. The proposed restaurant use is already long established on the site. For these reasons, the loss of retail is considered acceptable.</p>
9.4	<p>The use of the upper floors for apartments will increase housing stock in the city centre bringing vitality to the area, in line with planning policy and guidance and <i>Belfast Agenda</i> community plan. PPS 12 seeks to increase housing density, in line with the RDS 2035, Principle 1 of the document states increase density should be promoted in town and city centres as these areas benefit from high accessibility to public transport and other facilities. The policy also supports Living Over the Shop (LOTS) so long as it provides a suitable living environment and adequate refuse space is provided.</p>
9.5	<p><u>Impact on the character and appearance of the City Centre Conservation Area</u> There is a statutory requirement under Section 104(11) of the Planning (NI) Act 2011 to have special regard to the desirability of;</p>

	<ul style="list-style-type: none"> a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; or b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise.
9.6	<p>Paragraph 6.18 of the Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) contains a policy direction reflecting Section 104 of the 2011 Act. It states that there will be a general presumption against the grant of planning permission for development or Conservation Area Consent for demolition of unlisted buildings where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest. A similar approach is taken under Policies BH12 and BH14 of PPS 6.</p>
9.7	<p><i>Demolition:</i></p> <p>Policy BH 14 of PPS 6 advises that permission will normally only be granted for the demolition of an unlisted building in a Conservation Area where the building makes no material contribution to the character and appearance of the area.</p>
9.8	<p>Furthermore, paragraph 7.17 of Policy BH 14 states:</p> <p><i>'The Department will operate a presumption in favour retaining any building which makes a positive contribution to the character and appearance of a Conservation Area. In determining proposals for demolition of unlisted buildings, the Department will therefore take account of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation areas as a whole. In assessing proposals, the Department will have regard to the same broad criteria outlined for the demolition of listed buildings (see para 6.5 and policy BH 10).'</i></p>
9.9	<p>In determining the contribution of any building, consideration must be given to the four listed criteria in paragraph 6.5 of PPS 6,</p> <p><i>'(a) the importance of the building, its intrinsic architectural and historic interest and rarity, in the context of Northern Ireland and in local terms;</i></p> <p><i>(b) the particular physical features of the building (which may include its design, plan, materials or location) which justify its inclusion on the list; list descriptions may draw attention to features of particular interest or value, but they are not exhaustive and other features of importance (e.g. interiors) may come to light after the building's inclusion on the list;</i></p> <p><i>(c) the building's setting and its contribution to the local scene, which may be very important, e.g. where it forms an element in a group, park, garden or other townscape or landscape, or where it shares particular architectural forms or details with other buildings nearby; and</i></p> <p><i>(d) the extent to which the proposed works will bring substantial benefits to the community, in particular to contributing to the economic regeneration of the area or the enhancement of its environment (including other listed buildings).'</i></p>
9.10	<p>The Council's Conservation Officer was consulted and advises that the existing building makes a material contribution to the City Centre Conservation Area through its historically inspired shopfront, internal cast iron columns and beams dating back to 1910, along with its historic/ cultural interest associated with the former Delaney's Restaurant. Despite this, the Conservation Officer, although accepting the contribution the existing building makes to the Conservation Area, considers the replacement to offer an enhancement, with the associated demolition considered to be acceptable.</p>

9.11	<p>Notwithstanding the opinion of the Conservation Officer, officers are of the clear opinion that the existing building does not make a positive contribution to the character and appearance of the City Centre Conservation Area as a whole having regard to the Policies BH10 and BH14 of PPS6 and the criteria listed. The existing single storey building is an anomaly in the street screen and surrounding context, which is characterised by taller buildings, generally of four storeys or higher. Normally, taller buildings are expected on corner plots such as this and the existing building lacks physical presence and dilutes the street scene. Its lower scale also exposes the end gables of the adjacent buildings, which is visually discordant. Moreover, whilst the existing building may reflect some historic features, it is more contemporary in design and does not reflect the historic fabric or character of the more important buildings in this part of the Conservation Area.</p>
9.12	<p>HED have been consulted on the application and have welcomed the proposed demolition and redevelopment of the site. A site inspection has confirmed, whilst the shopfront is traditional in appearance, it has been substantially altered through the years resulting in the addition of non-original fabric. It is considered that the building itself is of limited architectural merit, when compared to the quality and detailing of the listed building which dominate the surrounding street scene. The proposed replacement scheme includes retention of the internal cast iron columns which allows for the cultural / historic interest of the past to be maintained through the new scheme.</p>
9.13	<p>When considering its setting, corner buildings will usually have height and presence as a maker of the junction between the two streets. The existing single storey building does not offer a presence on this street corner which is exaggerated by the heights of neighbouring buildings. The single storey height allows views of the blank gables of neighbouring properties that detract from the period buildings that make up the surrounding area and the conservation area. The Conservation Officer accepts that the proposal will be an enhancement to the area. Officers agree with this opinion that the proposal will enhance the Conservation Area by creating a building more appropriate in scale and presence. It will screen the existing blank gables, enhancing views into Lombard Street and the setting of nearby listed buildings. An acceptable redevelopment scheme is also in place as described below.</p>
9.14	<p>On this basis, the proposed demolition is considered acceptable in compliance with Policy BH14 of PPS6 and the SPPS and a suitable replacement scheme can be secured.</p>
9.15	<p><i>Impact on the character and appearance of the City Centre Conservation Area:</i> The scale, form, materials and detailing of the proposed replacement building are acceptable at this location, with the proposal designed to replicate the current curved facade of the existing building whilst also incorporating a contextually appropriate façade sympathetic to the City Centre Conservation Area. The Conservation Officer and HED was consulted on the new building's design and its potential to conflict with the surrounding character and nearby listed buildings. The advice of both is that the design is compatible for the surrounding character, with a mixed palette of materials used in a contemporary manner. The curvature of the existing facade is carried up over all four upper floors with significant glazing that gives the building a strong presence on the street corner providing a robust link between Lombard Street and Rosemary Street. The horizontal alignment of the new building also follows the line of adjacent historic buildings.</p>
9.16	<p>Overall, it is considered that the character and appearance of the City Centre Conservation Area would be enhanced with a building much more suited to this</p>

	important corner plot. The proposal is considered to comply with Policy BH12 and BH 14 of PPS 6, paragraphs 6.18 and 6.19 of the SPPS, Policy QD1 of PPS7, Policy BH2 of the draft Plan Strategy and Section 104(11) of the Act.
9.17	<p><u>Impact on the setting of Listed Buildings</u></p> <p>The proposal falls within the setting of a number of listed buildings including HB26 50 282 13-17 Lombard Street, Grade B2, HB26 50 281 5-7 Lombard Street, Grade B2, HB26 50 035 Gordon House, 22-24 Lombard Street & 26-28 Rosemary Street. Grade B1, HB26 50 054 First Presbyterian Church, 41 Rosemary Street, Grade A, HB26 50 300 Central Hall, 37-39 Rosemary Street, Grade B1 and HB26 50 196 Masonic Hall, 15 Rosemary Street, Grade B+.</p>
9.18	<p>Paragraph 6.12 of the SPPS states:</p> <p><i>'Listed Buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.'</i></p>
9.19	<p>Policy BH 11 of PPS 6 relates to development affecting the setting of a Listed Building. It states:</p> <p><i>The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:</i></p> <ul style="list-style-type: none"> <i>a) the detailed design respects the listed building in terms of scale, height, massing and alignment;</i> <i>b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and</i> <i>c) the nature of the use proposed respects the character of the setting of the building.</i>
9.20	<p>HED has considered the effects of the proposal on this listed building and have advised that it satisfies the policy tests of paragraph 6.12 of the SPPS and Policy BH11 of PPS 6 subject to conditions to ensure the use of high quality materials and submission of connection details with adjoining side façade of the listed building. Having regard to HED's advice, it is considered that the proposal would not adversely affect the setting of the listed building. Indeed, it is considered that the setting of the listed buildings would be enhanced with a new building more appropriate to this important corner location. Paragraph 6.12 of the SPPS, Policy BH 11 of PPS 6 and Section 91 of the Planning Act (NI) 2011 are satisfied.</p>
9.21	<p><u>Impact on amenity of prospective occupiers</u></p> <p>The apartments generally comply with the space standards as set out in the Addendum to PPS 7: eight units will be one bedroom ranging from the 56sqm to 76sqm, the standard being 50/55sqm. The remaining four units have two bedrooms with one unit marginally failing the space standard by 4 sqm (space standard 60 sqm). However, the space standards within the Addendum relate to Policy LC1 are not applicable to city centre development. Given that the policy does not apply and that all but one unit meets or exceeds the space recommendations and the city centre location, it is considered that the internal space provision is acceptable. Each unit will have their own private outdoor amenity in the form of balconies, which equates to an average of 6 sqm per apartment.</p>

	Given the sensitive city centre location, there is no further scope to provide any other form of outdoor amenity space.
9.22	Environmental Health assessed a submitted Noise impact assessment (NIA) which considered the impact of existing external plant, structure borne noise from neighbouring commercial premises, including ground floor café, delivery noise and external patron and entertainment noise from the neighbouring bar. The NIA confirmed that noise level control can be controlled and mitigated. Environmental Health has therefore recommended a planning condition relating to the control of noise impact on the proposed apartments. Likewise, an odour abatement report was submitted regarding the control of odours. Environmental Health has recommended conditions for the control of odours emanating from the ground floor café/restaurant.
9.23	On balance, the proposal is considered acceptable having regard to Policy QD1 of PPS7 and the SPPS, in providing adequate amenity for prospective occupiers of the proposed apartments.
	<u>Access, Movement and Parking</u>
9.24	The proposal is for a “car free” development located within an area of parking restraint in the city centre. The application site is within a highly sustainable location which is availing of the opportunities for public transport, foot and cycle access which supports the strategic aim of reducing private car use. DfI have offered no objection to the proposal subject to a travel plan requiring the future occupants to be offered a public transport travel card free of charge for a period of three years and free membership of the Belfast Bike scheme for a three-year period. The applicant has agreed to these range of measures, which in this case can be appropriately secured by condition.
9.25	It is considered the proposals comply with the relevant policy provision of the SPPS, PPS7 and PPS3.
	<u>Flooding</u>
9.26	DFI Rivers was consulted on the submitted drainage assessment for the proposal and offer no objection. The proposal is considered acceptable having regard to Policy FLD3 of PPS15.
	<u>Waste-water Infrastructure</u>
9.27	NI Water has objected to the proposal on grounds of insufficient capacity at the local wastewater treatment plant and insufficient network capacity.
9.28	NI Water has advised that existing public wastewater infrastructure cannot currently support the proposal without significant risk of environmental harm, potential pollution, flood risk and harm to local amenity. However, no supporting data or information to evidence NI Water’s concerns have been provided.
9.29	There are a significant number of extant and un-implemented planning permissions across the city for housing, commercial and other uses including over 20,000 new homes. This development represents something is a s strategic fall-back and will not come forward all at once, if at all. Given NI Water’s duty to connect to those developments and that it has not provided detailed evidence to support its objection to this particular application, it would be unreasonable for the Council to refuse planning permission on these grounds.
	<u>Ecological impacts</u>
9.30	Belfast City Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for undertaking an

	Appropriate Assessment where a proposal is likely to have a significant environmental effect on Belfast Lough, an environmentally protected Special Protection Area (SPA), RAMSAR and Special Area of Conservation (SAC). Water quality of the lough is a key consideration. The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also “in combination” impacts with other development.
9.31	Whilst a precautionary approach applies to Habitats Regulations Assessment (HRA), SES confirms that the onus is on NIW to provide evidence of likely actual impacts, rather than hypothetical impacts. As Competent Authority, the Council may take its own objective view on whether a proposal is likely to have a significant effect on water quality of the Lough. However, having regard to the precautionary approach, where there is clear intensification, the Council may need to consult SES and ask them to undertake a HRA Appropriate Assessment Screening to ascertain whether there would be a likely significant impact. This also triggers statutory consultation with DAERA NI Environment Agency.
9.32	In this case, it is considered that there would be clear intensification of the existing use of the site. Accordingly, it has been necessary to consult SES and DAERA. SES has advised following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, 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. This conclusion is subject to mitigation in the form of a planning condition to prevent commencement of development until the method of sewage disposal has been agreed with NI Water.
9.33	DAERA Water Management Unit has advised they have no objection in principle however the proposal has the potential to have an adverse impact effect on the aquatic environment. They have recommended a similar condition to SES requiring method of sewage disposal to be agreed prior to commencement.
9.34	Having regard to this advice, it is considered necessary to impose a condition to require details of foul drainage to be agreed prior to commencement of development. Subject to this condition, the proposal is considered compliant with PPS 2 Natural Heritage and the relevant provisions of the Strategic Planning Policy Statement.
9.35	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, should adopt the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 21 st October 2022. This found that the project would not have an adverse effect on the integrity of any European site subject to imposition of the foul drainage condition.
10.0 10.1	Summary of Recommendation: Subject to the notification of the application for Conservation Area Consent (LA04/2021/2869/DCA) for demolition to the Department for Infrastructure under Section 29 of the Planning Act (Northern Ireland) 2011, it is recommended that both applications are approved with conditions. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions.
11.0	LA04/2021/2870/F 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 installation of any windows and alternative means of ventilation, a report detailing the final window schedule and alternative means of ventilation shall be submitted to and approved in writing by the Council. This schedule must demonstrate that the windows and alternative means of ventilation meet the following minimum sound reduction values of 33dB Rw +Ctr, as presented in Section 11 of Layde Consulting, Noise and Odour Impact Assessment for 'Proposed Redevelopment of existing single storey café to a 5-storey building comprising of ground floor café and residential apartments with associated Services', No.21-27 Lombard Street, Belfast, P523-1, dated October 2021. The windows shall not be installed unless in accordance with the approved details and shall be retained in accordance with that specification at all times.

Reason: The protection of residential amenity.

3. Prior to occupation of the development hereby approved, a verification report which verifies that the windows have been installed in accordance with the requirements of condition 2 shall be submitted to and approved in writing by the Council. This should be in the form of a written declaration from the contractor confirming such installation.

Reason: The protection of residential amenity.

4. The Rating Level (dBLAr,T) from the operation of all combined plant and equipment shall not exceed the existing daytime and night-time background sound level of 55 dBLA90 and 43 dBLA90 respectively at any openable window on the facade of the development, when measured or determined in accordance with BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

Reason: The protection of residential amenity.

5. The proposed café/restaurant shall not operate outside the hours of 07:00-23:00hrs on any day.

Reason: The protection of residential amenity.

6. Service deliveries and collections to the café/restaurant shall not take place outside the hours of 07:00-23:00hrs on any day.

Reason: The protection of residential amenity.

7. The development hereby permitted shall not operate unless in accordance, at all times, with the approved Lisbane Consultants Travel Plan published to the Planning Portal 17th May 2022.

Reason: To encourage alternative modes of transport to the private car in the absence of parking provided on site.

8. Prior to occupation of each apartment on the upper floors, the occupier of the apartment shall be provided with an annual Travel Card which provides free and fully subsidised travel on public transport throughout Greater Belfast. Such Travel Cards shall thereafter be provided to each apartment on the first and second anniversaries of the occupation of the apartment. Written evidence of the provision of the Travel Cards to

	<p>each apartment shall be provided to the Council within 28 days of it having been provided.</p> <p>Reason: To encourage alternative modes of transport to the private car in the absence of parking provided on site.</p> <p>9. Prior to occupation of each apartment on the upper floors, the occupier of the apartment shall be provided with an annual Belfast Bikes Membership which provides free and fully use of Belfast Bikes. Belfast Bikes Membership shall thereafter be provided to each apartment on the first and second anniversaries of the occupation of the apartment. Written evidence of the provision of the Belfast Bikes Membership to each apartment shall be provided to the Council within 28 days of it having been provided.</p> <p>Reason: To encourage alternative modes of transport to the private car in the absence of parking provided on site.</p> <p>10. The development hereby approved shall not be occupied or operated unless covered bicycle storage has been provided in accordance with the approved plans. The covered bicycle storage shall be retained in accordance with the approved plans at all times.</p> <p>Reason: To ensure adequate provision and availability of cycle parking and encourage sustainable travel.</p> <p>11. Prior to the construction of the hereby approved building, a written specification and samples of the external facing and roof materials (including external walls, balconies, rainwater goods, shopfront and roof detail) shall be submitted to and approved in writing by the Council. The building shall be constructed in accordance with the approved details thereafter.</p> <p>Reason: In the interests of the character and appearance of the Conservation Area and setting of listed buildings.</p> <p>11. Prior to commencement of development, a methodology for connection of the new building hereby approved with the adjacent listed building side facade shall be 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: In the interests of the special architectural and historic qualities of the Listed Building.</p> <p>12. No development or works shall commence on site (other than that required to fulfil this condition) unless a programme of archaeological work has been implemented in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the Council.</p> <p>Reason: To ensure that archaeological remains and features are preserved in situ. Approval is required upfront because archaeological remains and features could be damaged or permanently lost.</p> <p>13. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under</p>
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	<p>condition 12. These measures shall be implemented, and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological programme of works.</p> <p>Reason: To ensure that the archaeological remains and features are properly analysed and recorded.</p> <p>14. No development shall commence on site unless details of foul water drainage, including a programme for implementation of these works, have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.</p> <p>Reason: To ensure appropriate foul drainage of the site. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.</p> <p>LA04/2021/2869/DCA</p> <p>1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.</p> <p>Reason: As required by Section 105 of the Planning Act (Northern Ireland) 2011.</p> <p>2. No demolition shall commence on site unless a contract has been secured for the redevelopment of the site in accordance with planning permission LA04/2021/2870/F and evidence of that contract has been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with planning permission LA04/2021/2870/F.</p> <p>Reason: As required by Sections 91(6) and 105 of the Planning Act (Northern Ireland) 2011, to preserve or enhance the character or appearance of the Conservation Area. Approval is required upfront because if redevelopment of the site does not take place it could leave the vacant site unsightly and harmful to the Conservation Area.</p>
Notification to Department (if relevant): Yes – referral of DCA application	
Representations from Elected members: None	

<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 1,12a ,Rosemary Street,Belfast,Antrim,BT1 1QD</p> <p>The Owner/Occupier, 12 Rosemary Street,Belfast,Antrim,BT1 1QD</p> <p>The Owner/Occupier, 15 Lombard Street,Belfast,Antrim,BT1 1RB</p> <p>The Owner/Occupier, 15 Lombard Street,Belfast,Antrim,BT1 1RB</p> <p>The Owner/Occupier, 15 Rosemary Street,Belfast,Antrim,BT1 1QA</p> <p>The Owner/Occupier, 17 Lombard Street,Belfast,Antrim,BT1 1RB</p> <p>The Owner/Occupier,</p>

18 Rosemary Street,Belfast,Antrim,BT1 1QD
 The Owner/Occupier,
 1st Floor,10-20 Lombard House,Lombard Street,Belfast,Antrim,BT1 1BH
 The Owner/Occupier,
 1st Floor,13 Lombard Street,Belfast,Antrim,BT1 1RH
 The Owner/Occupier,
 1st Floor,22 Rosemary Street,Belfast,Antrim,BT1 1QD
 The Owner/Occupier,
 2-8 ,Rosemary Street,Belfast,Antrim,BT1 1QD
 The Owner/Occupier,
 20 Lombard Street,Belfast,Antrim,BT1 1RD
 The Owner/Occupier,
 22 Lombard Street,Belfast,Antrim,BT1 1RD
 The Owner/Occupier,
 22-24 Gordon House,Lombard Street,Belfast,Antrim,BT1 1RD
 The Owner/Occupier,
 24 Lombard Street,Belfast,Antrim,BT1 1RD
 The Owner/Occupier,
 24 Rosemary Street,Belfast,Antrim,BT1 1QD
 The Owner/Occupier,
 27 Rosemary Street,Belfast,Antrim,BT1 1QB
 The Owner/Occupier,
 27 Rosemary Street,Belfast,Antrim,BT1 1QB
 The Owner/Occupier,
 2nd Floor Front,13 Lombard Street,Belfast,Antrim,BT1 1RB
 The Owner/Occupier,
 2nd Floor,10-20 Lombard House,Lombard Street,Belfast,Antrim,BT1 1RD
 The Owner/Occupier,
 2nd Floor,10-20 Lombard House,Lombard Street,Belfast,Antrim,BT1 1RD
 The Owner/Occupier,
 2nd Floor,13 Lombard Street,Belfast,Antrim,BT1 1RB
 The Owner/Occupier,
 2nd Floor,22 Rosemary Street,Belfast,Antrim,BT1 1QD
 The Owner/Occupier,
 3rd Floor 7,13 Lombard Street,Belfast,Antrim,BT1 1RB
 The Owner/Occupier,
 3rd Floor,10-20 Lombard House,Lombard Street,Belfast,Antrim,BT1 1RD
 The Owner/Occupier,
 3rd Floor,13 Lombard Street,Belfast,Antrim,BT1 1RB
 The Owner/Occupier,
 4th Floor,10-20 Lombard House,Lombard Street,Belfast,Antrim,BT1 1RD
 The Owner/Occupier,
 5th Floor,10-20 Lombard House,Lombard Street,Belfast,Antrim,BT1 1RD
 The Owner/Occupier,
 6th Floor,10-20 Lombard House,Lombard Street,Belfast,Antrim,BT1 1BW
 The Owner/Occupier,
 7th Floor,10-20 Lombard House,Lombard Street,Belfast,Antrim,BT1 1RB
 The Owner/Occupier,
 Horwath House,20 Rosemary Street,Belfast,Antrim,BT1 1QD

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 15 November 2022	
Application ID: LA04/2020/0235/F	
Proposal: Retrospective erection of new tyre depot with associated parking, site works and new entrance onto Duncrue Road.	Location: 2 Dargan Crescent, Duncrue Road Belfast BT3 9HJ
Referral Route: Council owned land.	
Recommendation:	Approval
Applicant Name and Address: Rory Byrne Modern Tyres Carnbane Industrial Estate Newry BT35 6QJ	Agent Name and Address: Gary Design Limited 5 Edward Street Newry BT35 6AN
<p>Executive Summary:</p> <p>The application seeks retrospective planning permission for the erection of a new tyre depot with associated parking, site works and new entrance onto Duncrue Road.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • Principle of a new depot at this location • Impact on the character and appearance of the area • Access, Movement and Parking • Environmental Matters <p>The site is located on Dargan Crescent off Duncrue Road. The application site was previously occupied by a vacant warehouse/ factory with previous permissions granted for a change of use to a tyre depot.</p> <p>The proposal has been assessed against and is considered acceptable having regard to to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Belfast Urban Area Plan 2001 (BUAP), Draft Metropolitan Area Plan 2015 (BMAP), Planning Policy Statement 3 (PPS3) and Planning Policy Statement 4 (PPS4).</p> <p>DFI Roads, BCC Environmental Health, DAERA NIEA and NI Water have been consulted and have offered no objection subject to conditions.</p> <p>No third party representations have been received.</p> <p>Recommendation: Approval subject to conditions</p> <p>It is recommended that the application is approved and it is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions.</p>	

Case Officer Report

Site Location Plan



Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The application seeks full planning permission for the erection of a tyre depot with associated parking, site works and new entrance onto Duncrue Road. This is a retrospective application.
1.2	The proposal relates to a servicing facility for vehicles and will not be used as a distribution facility. Tyres (old and new) are stored internally at the storage locations identified on the floor plans.
2.0	Description of Site
2.1	The site is located at 2 Dargan Crescent, Belfast. According to the P1 application form, its former use was a "building site" although it is understood it was previously a warehouse/factory. The site is defined by metal fencing at the boundary with vegetation to the front and side. The front elevation faces Duncrue Road.
Planning Assessment of Policy and other Material Considerations	
3.0	Relevant Site History
3.1	Z/2008/0567/F - Demolition of existing building and erection of proposed tyre depot with required parking and associated site works. Permission granted 03.11.2009.
3.2	LA04/2017/0456/F - Partial demolition of existing building and extension to provide new tyre depot with associated parking, site works and new access to Duncrue Road. Permission granted 20.08.2018. The current application seeks planning permission for a new building rather than extension.
4.0	Policy Framework
4.1	Strategic Planning Policy Statement 2015
4.2	Belfast Urban Area Plan 2001
4.3	Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014) Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. Given the advanced stage in the adoption process, the latest version of dBMAP (v2014) is considered to hold significant weight.
4.4	Belfast Local Development Plan Draft Plan Strategy 2035 The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.
4.5	Planning Policy Statement 3: Access, Movement and Parking
4.6	Planning Policy Statement 4: Planning & Economic Development
4.7	DCAN 15: Vehicular Access Standards

5.0	Consultations:
5.1	Statutory Consultee Responses
5.1.1	DFI Roads – No objection subject to conditions
5.1.2	DAERA NIEA – No objection.
5.1.3	NI Water – Available capacity
5.2	Non-Statutory Consultee Responses
5.2.1	Environmental Health – No objections
6.0	Representations
6.1	The application was neighbour notified and advertised in the local press and no objections have been received.
7.0	Assessment
7.1	<p>The key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> • Principle of a new depot at this location • Impact on the character and appearance of the area • Access, Movement and Parking • Environmental Matters
7.2	<p><u>Principle of the proposal at this location</u></p> <p>The site is un-zoned white land on the BUAP. It is located inside the Belfast Harbour Area of existing employment in both versions of draft Belfast Metropolitan Area Plan 2015. The principle of the proposed development (tyre depot) has already been established under a previous planning application Z/2008/0567/F and a subsequent application LA04/2017/0456/F which were both granted planning permission. The former for the demolition of the existing building and erection of a proposed tyre depot, the latter for partial demolition of the existing building and extension to provide a new tyre depot with associated parking, site works and new access to Duncrue Road. The current application seeks planning permission for a new tyre depot building. The proposed use is compatible with the employment zoning in dBMAP and surrounding area and is considered acceptable in principle.</p>
7.3	<p><u>Impact on the character and appearance of the area</u></p> <p>The proposed building will be double height but have only one floor. The floor plan shows 6 lorry bays to the front as well as a staff room, reception area and 4 car bays to the rear with the majority of space as storage. The proposed building is similar to that approved under application LA04/2017/0456/F. The overall bulk, scale and massing of the proposal is acceptable for the site and for the area. The exterior is composite cladding panels in goosewing grey and blue, with a grey composite cladding on the roof. The proposed building and use would be in keeping with the industrial character and appearance of the area. The proposal is considered to satisfy design policy in the SPPS.</p>
7.4	<p><u>Access, Movement and Parking</u></p> <p>A new entrance is proposed to the site on the western boundary accessing Duncrue Road. Parking is proposed to the north west of the site and along the southern boundary. The main difference between this application and the 2017 application is a reduction from 22 car spaces to 17. There are still 10 HGV spaces available, 4 of which are within the car park and 6 within the building. Some existing trees have been removed to create the new access on Duncrue Road. DFI Roads offer no objections subject to conditions, as recommended below. The proposal will not prejudice road safety or inconvenience the</p>

	<p>flow of traffic in their opinion. The proposal is considered to comply with relevant provisions of PPS 3 and DCAN 15.</p> <p><u>Environmental Matters</u></p>
7.5	<p>BCC Environmental Health was consulted in relation to the proposal and have examined the proposal in terms of noise, air pollution, general amenity, ambient air quality and contaminated land.</p>
7.6	<p>Under its initial consultation (response dated 10th February 2020 and referenced ST/LAM/507929), Environmental Health considered:</p> <ul style="list-style-type: none"> • A WYG Environment and Planning (Northern Ireland) Ltd report entitled 'Modern Tyres, Dargan Crescent – GQRA Update, Belfast' (dated June 2017 and referenced A047672-1). • A Gray Design report entitled 'Compiled Gas Protection Measures Report, 2 Dargan Crescent, Duncrue Road, Belfast'.
7.7	<p>Based on the information contained in this documentation, Environmental Health suggested conditions requiring submission of a Verification Report prior to operation of the proposed building. This Verification Report was to demonstrate that the remediation measures outlined in the Gray Design report entitled 'Compiled Gas Protection Measures Report, 2 Dargan Crescent, Duncrue Road, Belfast' and the WYG Environment and Planning (Northern Ireland) Ltd. report entitled 'Modern Tyres, Dargan Crescent – GQRA Update, Belfast' (dated June 2017 and referenced A047672-1) had been implemented.</p>
7.8	<p>In particular, the Verification Report was to provide evidence that gas protection measures commensurate with a Characteristic Situation 4 classification (in line with BS 8485:2015+A1:2019) had been incorporated within the development, consisting of:</p> <ul style="list-style-type: none"> • A 250mm thick ground bearing floor slab with minimal penetrations and a gas resistant membrane in all Type D parts of the building. • A 250mm thick ground bearing floor slab with minimal penetrations, a gas resistant membrane and a positive pressurisation unit operating with a clean air blanket in all Type C parts of the building.
7.9	<p>The Environmental Health Officer also noted that the gas resistant membrane must meet all requirements of Table 7 of BS 8485:2015+A1:2019, an appropriate alarm and response system must be installed within the building and the gas protection measures must be verified in line with the requirements of CIRIA C735.</p>
7.10	<p>Environmental Health would have anticipated submission of a Verification Report prior to operation of the development however the application is retrospective in d and the development is operational. During the application process, it became apparent the development had been completed and was operational. Following this, the proposal description was amended to refer to retrospective development and Environmental Health and DAERA were re-notified.</p>
7.11	<p>Under its most recent consultation (response dated 16th June 2022 and referenced ST/STM/583016), Environmental Health considered:</p> <ul style="list-style-type: none"> • A GQA Environmental Report entitled 'Gas Membrane Validation Report, Modern Tyre Depot, Dargan Crescent, Belfast, Report: GQA.PAT.MTD'. • A Prestige Air Technology Ltd report entitled 'Low energy clean air blanket, O&M manual documentation at Modern Tyre Depot, Dargan Crescent, Belfast, for Killowen Contracts Ltd' (Ref: 3184, Date: 17th June 2020).

	<ul style="list-style-type: none"> A Prestige Air Technology drawing entitled 'Ground floor plan 'preliminary' sub-floor probe & manifold layout 'as built' (Drawing No: 8178 AL(57) 001 P1 and Date: June 20).
7.12	Based on this documentation, additional information was requested to address a number of outstanding queries concerning the installation of the required gas protection measures.
7.13	Based on this additional information submitted from Prestige Air Technology, Gray Design, GQA Environmental, and the affirmative statements contained within this documentation regarding the ground gas protection measures installed in the building, Environmental Health advised they have no further comment to make with regards to contaminated land and offer no objections.
7.14	Additionally, DAERA NIEA Regulation Unit and Groundwater Team (DAERA) were also consulted following submission of the additional information. Originally, DAERA advised of no objections subject to conditions, however, they revised their response following submission of additional information. DAERA re-confirmed that they had no objections, however, noted the retrospective nature of the proposed development and advised that the previously suggested conditions may not be applicable.
7.15	Given the nature of the proposed use, any noise and / or disturbance are expected to be minimal. The proposed use is considered compatible with its commercial surroundings. It is considered acceptable with regard to the relevant provisions of the SPPS.
8.0	Conclusion
8.1	Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions. It is requested that delegated authority is given to the Director of Place and Economy to finalise the planning conditions.
9.0	Conditions:
9.1	<p>This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.</p> <p>Reason: This is a retrospective application.</p>
9.2	<p>Within three months of the date of the decision, a soft landscaping scheme shall be submitted to the Council. The scheme shall include all trees, hedgerows and other planting which are to be retained; a planting specification to include species, size, position and method of planting of all new trees and shrubs and a programme of implementation.</p> <p>All soft landscaping works shall be carried out in accordance with the approved details, including programme for implementation. 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>Reason: In the interests of the character and appearance of the area and to compensate for removal of existing trees.</p>

9.3	<p>The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.09B uploaded to the Planning Portal 22nd February 2022, prior to the operation of any other works or other development hereby permitted and shall be retained thereafter 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>
9.4	<p>The development hereby approved shall not be occupied or operated until the parking, turning and loading areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking, turning and loading of vehicles and such areas shall remain free of obstruction for such use at all times.</p> <p>Reason: To ensure adequate car parking within the site</p>

ANNEX	
Date Valid	20th January 2020
Date First Advertised	7th February 2020
Date Last Advertised	7th February 2020
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1-15 Musgrave Cash & Carry,Dargan Crescent,Belfast,Antrim,BT3 9HJ The Owner/Occupier, 32-34 Unit 1,Duncrue Road,Belfast,Antrim,BT3 9BP The Owner/Occupier, Unit 1-2,2-14 Quayside Office Park,Dargan Crescent,Belfast,Antrim,BT3 9JP The Owner/Occupier, Unit 11-12,1-3 ,Duncrue Crescent,Duncrue Industrial Estate,Belfast,Antrim,BT3 9BW The Owner/Occupier, Unit 3,2-14 Quayside Office Park,Dargan Crescent,Belfast,Antrim,BT3 9JP The Owner/Occupier, Unit 3-4,Quayside Office Park,14 Dargan Crescent,Belfast,Antrim,BT3 9JP	
Date of Last Neighbour Notification	3rd February 2020
Date of EIA Determination	
ES Requested	No
Drawing Numbers and Title	

01B – Location Map & proposed site plan
02 – Proposed Ground Floor Plan
03 – Proposed elevations & typical section
04 – proposed hard & soft landscape scheme
05 – Tracking of yard new entrance IN
06 – Tracking of yard new entrance OUT
07 – Tracking of yard existing entrance IN
08 – Tracking of yard existing entrance OUT
09B – Entrance Area Details 1
10A – Entrance Details 2

Notification to Department (if relevant) N/A

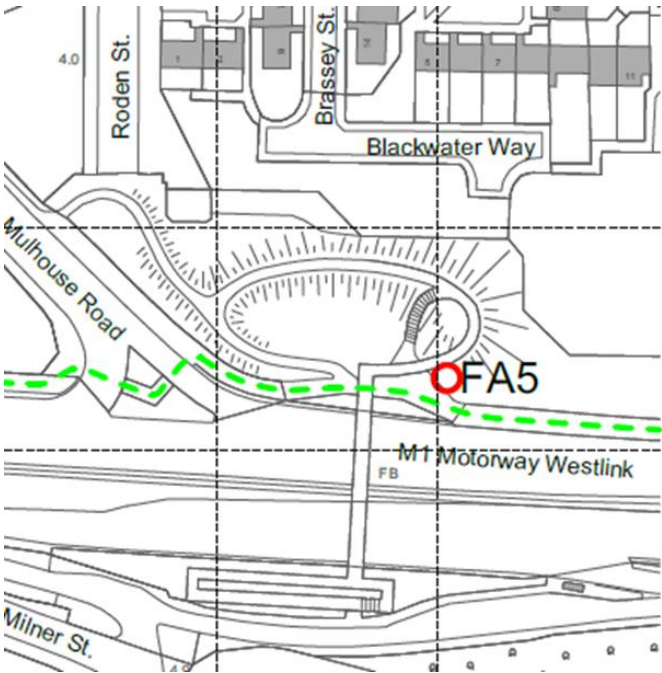
Date of Notification to Department:
Response of Department:

Development Management Officer Report Committee Application

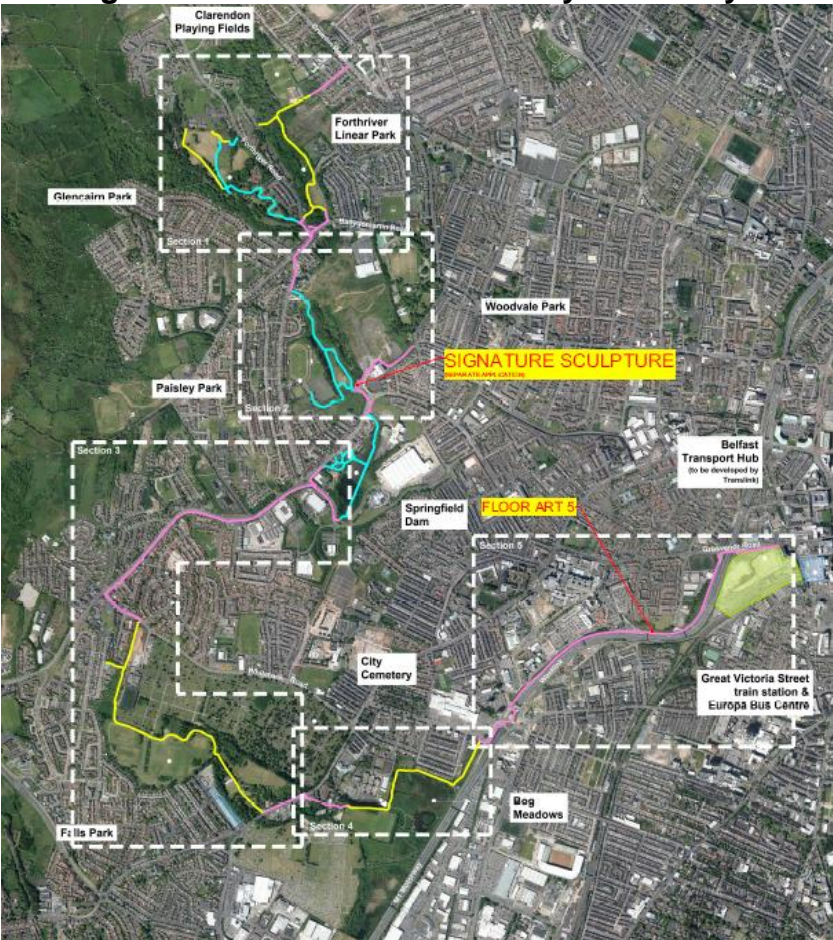
Summary	
Committee Meeting Date: 15 November 2022	
Application ID: LA04/2022/1804/F	Target Date:
Proposal: Floor art installation measuring 600 X 600mm in support of overall Signature Sculpture proposal (signature sculpture proposal is part of a separate application Ref: LA04/2022/1236/F) and all associated works as part of new Forth Meadow Community Greenway project.	Location: Lands located approx. 70m south of 5 Riverside Square Belfast BT12 5RJ (along the Forth Meadow Community Greenway).
Referral Route: The Council is applicant	
Recommendation:	
Applicant Name and Address: Belfast City Council Property & Projects Department Adelaide Street Belfast BT2 8DJ	Agent Name and Address: Bell Architects Ltd 65 Main Sreet Ballymoney BT53 6AN
Executive Summary: The application seeks full planning permission for a proposed floor art sculpture and associated site works on Land located approximately 70m south of 5 Riverside Square, Belfast. The site comprises the grassed area adjacent to the pedestrian footpath. The site lies between the Westlink and the pedestrian bridge which provides access to the Royal Victoria Hospital and forms part of the proposed Forth Meadow Community Greenway. The scale, design and materials of the proposal will not detract from the appearance and character of the surrounding area. The proposal is considered to comply with relevant planning policy and guidance. The sculpture is a well-designed compatible use at this location and will contribute positively to the overall environmental quality of the area. The proposal will provide an interesting feature for those travelling along the footpath which forms part of the Forth Meadow Greenway without detriment to the amenity of nearby uses nor it will hinder or preclude any future uses. Following advertisement in the local press no representations have been received. DFI Roads offers no objection. Recommendation Having regard to the policy context and other material considerations the proposal is considered acceptable and planning permission is recommended for approval. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.	

Case Officer Report

Site Location Plan



Location of site along the Forthmeadow Community Greenway



Visual of proposed floor art



Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The application seeks full planning permission for a floor art installation measuring 600 x 600mm and all associated works as part of new Forth Meadow Community Greenway project, on Land located approximately 70m south of 5 Riverside Square, Belfast.
2.0	Description of Site
2.1	The application site comprises the grassed area adjacent to the pedestrian footpath. The site lies between the Westlink and the pedestrian bridge which provides access to the Royal Victoria Hospital and forms part of the Forth Meadow Community Greenway.
2.2	The surrounding area is characterised by employment, industrial, educational, open space and residential areas around the Springfield Road.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	LA04/2022/0876/F – Proposed upgrade of existing footways – under consideration
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015 (2004 version)
4.3	Draft Belfast Metropolitan Area Plan 2015 (2014 version)
4.4	4.4.1 Strategic Planning Policy Statement for Northern Ireland (SPPS) 4.4.2 Planning Policy Statement 3: Access, Movement and Parking
5.0	Statutory Consultees Responses
5.1	DFI Roads – No objection subject to conditions.
6.0	Non-Statutory Consultees Responses
6.1	None
7.0	Representations
7.1	The application has been advertised in the local press on 15 th July 2022. No representations have been received to date following advertisement in the local press.
7.2	Having regard to the legislative requirements (Article 8 (2) of the General Development Planning Order (GDPO) 2015, no neighbours have been notified, as there are no occupiers of the neighbouring land adjacent the site.

8.0	Other Material Considerations
8.1	The adopted Belfast Urban Area Plan 2001 shows the site is designated as un-zoned “white land”.
8.2	Draft Belfast Metropolitan Area Plan (BMAP) (both versions) identifies the site as un-zoned “white land”.
9.0	Assessment
9.1	<p>The Key issues in the assessment of the proposed development are:</p> <ul style="list-style-type: none"> • Impact on the character and appearance of the surrounding area; • Impact on pedestrian and vehicular access and safety.
9.2	<p>Planning Policy Context</p> <p>The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area.</p>
9.3	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) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
9.4	As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP was never adopted, however, the version of draft BMAP which was purported to be adopted remains a material consideration. Given its advanced stage in the adoption process, the latest version of dBMAP (version 2014) is considered to hold significant weight.
9.5	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 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.
9.6	Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. It is considered that the proposal is in compliance with SPPS in that the proposed development will not cause demonstrable harm to interests of acknowledged importance which are considered below.
9.7	<p>Background</p> <p>The application seeks planning permission to erect a floor art installation measuring 600 x 600mm in the grass area adjacent to the existing footpath, which will form part of the Forth Meadow Community Greenway. The site falls with the Masterplan for Forth Meadow. The sculpture concept is inspired by the wide range of ages within the area's population and its</p>

9.8	<p>future hope for the community. This is embedded as the adult figure carries the next generation who carries a bird.</p> <p>Impact on the character and appearance of the area</p> <p>The floor art installation measuring 600 x 600mm by 10mm thick constructed of marine grade corten steel set flush to the ground to eliminate trip hazard. The floor art represents the community and the person and refers to the proximity of the site to the Royal Victoria Hospital, City Hospital and the Medical Library with the stethoscope also reinforcing the strength of listening. The artwork is of a minor scale. The proposal complies with the good design paragraphs within the SPPS.</p>
9.9	<p>The proposal has been assessed against SPPS, the sculpture is considered to be of a high quality and design and is considered to be in compliance with the SPPS, in that it will not adversely impact on the local character or integrity of the area.</p>
9.10	<p>Impact on Pedestrian and vehicular access and safety</p> <p>The statue is to be located flush to the ground in the grassed area and will not be on the public pavement therefore, it will not hinder pedestrian movement or cause an obstruction. DFI Roads consulted and offer no objection.</p>
10.0	Summary of Recommendation:
10.1	<p>Having regard to the policy context and other material considerations above, the proposal is considered acceptable. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.</p>
11.0	<p>Conditions</p> <ol style="list-style-type: none"> 1. The development hereby permitted must be begun within five years from the date of this permission. <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>Informatives</p> <ol style="list-style-type: none"> 1. The developer should consider all consultees comments prior to commencing this proposal. All comments can be viewed on the planning portal quoting the application reference number.
Notification to Department (if relevant)	
N/A	
Representations from Elected members:	
None	

ANNEX	
Date Valid	3rd October 2022
Date First Advertised	14th October 2022
Date Last Advertised	14th October 2022
Details of Neighbour Notification (all addresses) N/A	
Date of Last Neighbour Notification	N/A
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title 04 Proposed floor art design and site location 05 Proposed floor art site layout	

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Development Management Report Committee Application

Summary	
Committee Meeting Date: 15 November 2022	Item Number:
Application ID: LA04/2021/1774/F	Target Date:
Proposal: Partial demolition of existing buildings to facilitate proposed extension to existing Film Studios & Workshop Facilities to include for Virtual Studios. Development to also include part reclad of existing buildings, retention of lighting columns and boundary fence and all other associated site and access works	Location: Lands at Loop Studios 468-476 Castlereagh Road Belfast BT5 6RG
Referral Route: Major Development	
Recommendation:	APPROVAL
Applicant Name and Address: LCC Group Limited 16 Churchtown Road Churchtown Cookstown BT80 9XD	Agent Name and Address: TSA Planning 20 May Street Belfast BT1 4NL
<p>Executive Summary:</p> <p>The application site comprises an existing film studios facility on a site that was previously used for industrial processes in the manufacturing and production of soft drinks.</p> <p>The site consists of two large buildings in use as ancillary offices and filming studios, one located roughly centrally within the site and the other located along/adjacent to the eastern site boundary. These building are single storey and of typical industrial warehouse design and materials. There is a further single storey workshop building in the north-western corner of the site also of typical warehouse design. There is a large hard-surfaced yard area to the rear of the main building, and car parking areas along the site frontage. Boundary treatments consist of a mix of walls and fencing varying in height between approximately 2-3m.</p> <p>The site is located within an area of mixed uses, comprising industrial and warehousing uses along the Castlereagh Road adjacent to the site to the east, whilst a church and associated buildings is located immediately to the west. Two storey housing is also located to the west and northern (rear) boundaries, with a landscaped buffer located between the site boundary and dwellings to the north. A mix of commercial and industrial buildings and uses are located opposite the site, including a former Lidl supermarket which is now vacant and relocated to opposite the site (now trading) as part of a wider redevelopment scheme under construction.</p> <p>Full permission is sought for partial demolition of existing buildings to facilitate proposed extension to existing Film Studios & Workshop Facilities to include for Virtual Studios. Development to also</p>	

include part re-cladding of existing buildings, retention of lighting columns and boundary fence and all other associated site and access works.

The key issues in the assessment of the proposal are as follows:

- The principle of extensions at this location;
- Design and layout considerations;
- Impact on amenity / character of the area;
- Impact on transport and other infrastructure.
- Impact on natural environment;
- Impact on Built heritage assets;
- Developer contributions.

The proposal comprises extensions to existing buildings on the site, increasing floorspace from 7563sqm (gross) by 4058sqm to provide 11621sqm in total.

The proposal comprises the extension to an existing industrial use facility. Film studios fall within the industrial use (Class B) of the Use Classes Order and a Lawful Development to this effect was previously granted on the site. Accordingly, the proposal will not result in the loss of industrial land and PED7 of PP4 and the associated considerations are not relevant in this case. The main considerations are therefore within PED9.

All extensions will adopt matching materials, colours and form to the existing buildings and be subservient in scale to the existing buildings. Studio D will result in some visual impact on public views from the Castlereagh Road due to the bold colour of finishes proposed, however these will match the existing buildings on site and the slight setback from the public road will provide a degree of mitigation with the result that the impacts are acceptable. None of the extensions will adversely impact on amenity in relation to dominance, overshadowing or overlooking/privacy of existing properties adjacent to the site due to the separation distances available.

Taking account of the response from BCC Environmental Health, and the existing use rights and planning history, on balance it is considered that the proposal will not unacceptably impact on the amenity of existing properties adjacent to the site in relation to noise or lighting disturbance. It is necessary however, to secure delivery of the proposed noise mitigation measures by planning condition to safeguard amenity of adjacent properties.

No consultees have any objections to the application.

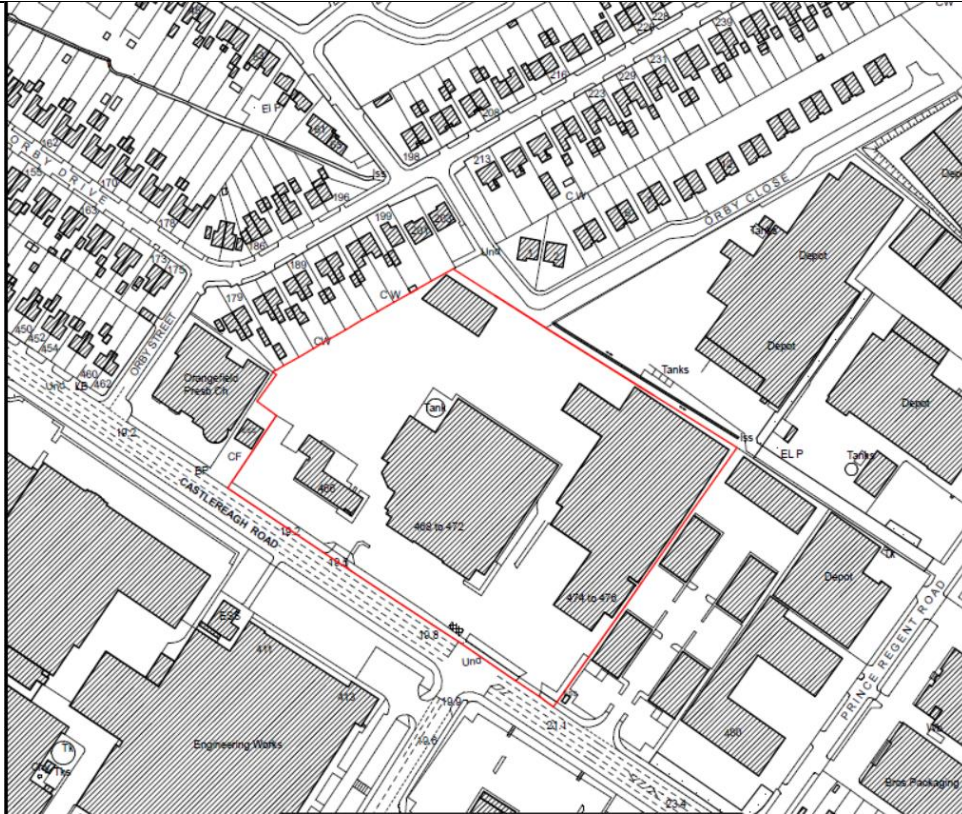
2 objections have been received. Issues raised include dominance, visual and amenity impacts, lack of contact from the developer, and disturbance from construction activities. It is considered that the proposal will not adversely impact on amenity. Lack of contact between the developer and 3rd parties is not a matter for the Council. Disturbance from construction works will be for a limited period and therefore will not result in long term/permanent amenity impacts to render the application unacceptable. One letter of support has been received from Gavin Robinson MP.

Developer contributions are not considered appropriate in this case due to the nature of the proposal.

Having regard to the policy context and other material considerations above, the proposal is considered acceptable, and approval of planning permission is recommended with delegated authority given to the Chief Executive, or her nominated officer to finalise the wording of conditions.

Case Officer Report

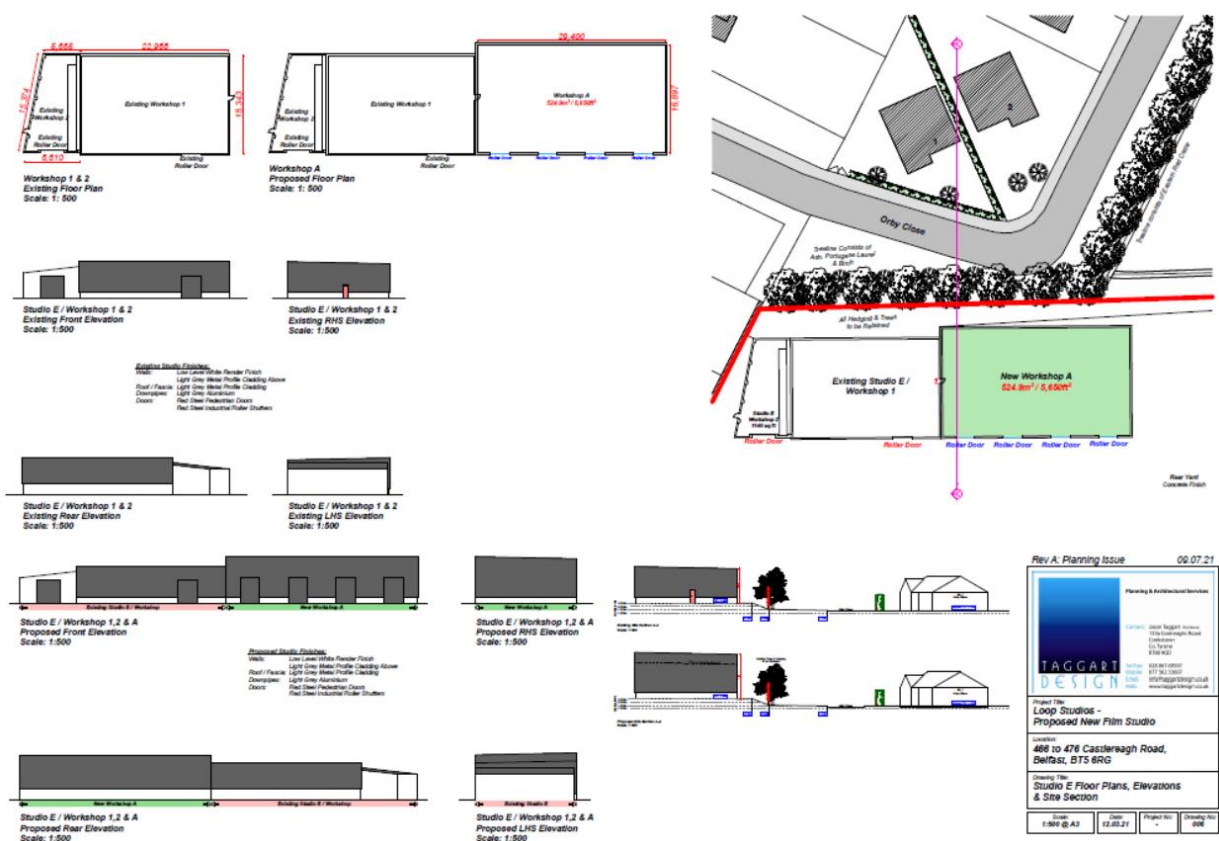
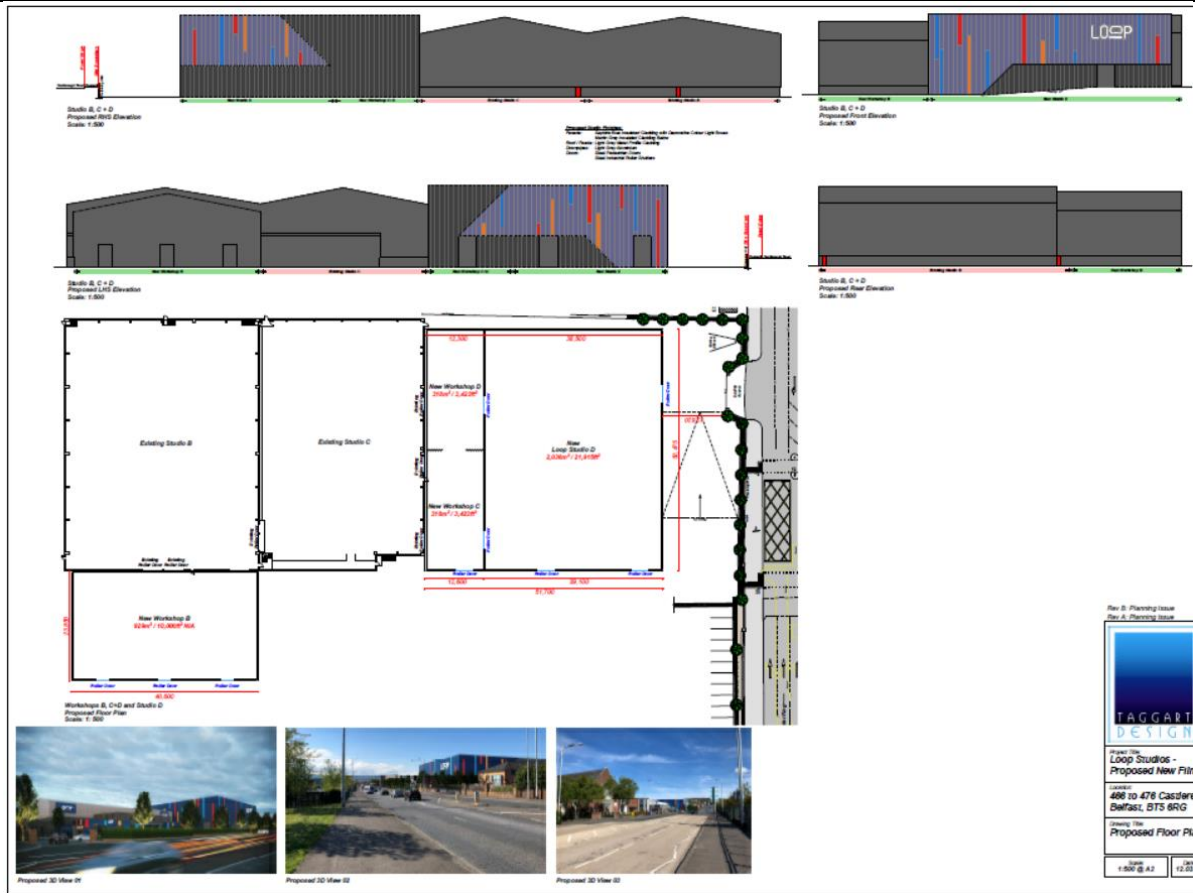
Site Location Plan



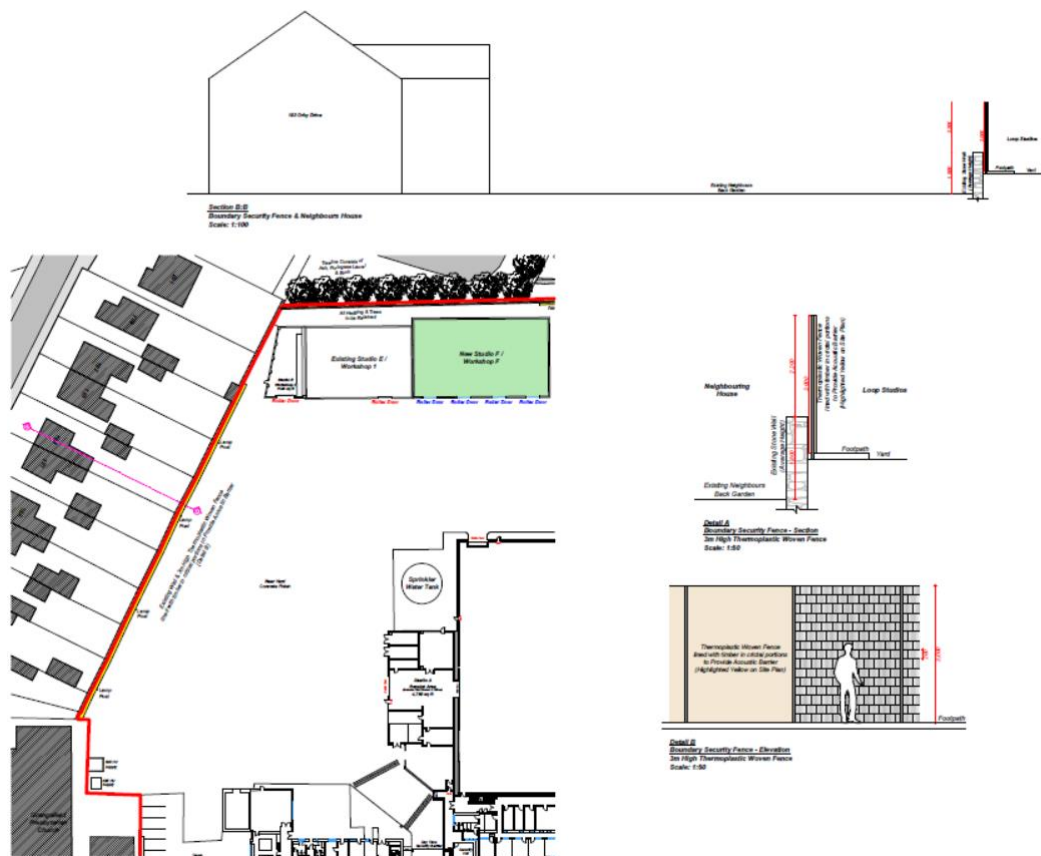
Site Layout Plan



Floor Plans & Elevations



Acoustic Fence Details



Representations:

Letters of Support	1
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Representations from Elected Officials	Letter of support from Gavin Robinson MP

1.0	Description of Proposed Development
1.1	Partial demolition of existing buildings to facilitate proposed extension to existing Film Studios & Workshop Facilities to include for Virtual Studios. Development to also include part reclad of existing buildings, retention of lighting columns and boundary fence and all other associated site and access works
2.0	Description of Site
2.1	The site comprises an existing film studios facility on a site that was previously used for industrial processes in the manufacturing and production of soft drinks.
2.2	The site consists of two large buildings in use as ancillary offices and filming studios, one located roughly centrally within the site and the other located along/adjacent to the eastern site boundary. These buildings are single storey and of typical industrial warehouse design and materials. There is a further single storey workshop building in the north-western corner of the site also of typical warehouse design. There is a large hard-surfaced yard area to the rear of the main building, and car parking areas along

2.3	<p>the site frontage. Boundary treatments consist of a mix of walls and fencing varying in height between approximately 2-3m.</p> <p>The site is located within an area of mixed uses, comprising industrial and warehousing uses along the Castlereagh Road adjacent to the site to the east, whilst a church and associated buildings is located immediately to the west. Two storey housing is also located to the west and northern (rear) boundaries, with a landscaped buffer located between the site boundary and dwellings to the north. A mix of commercial and industrial buildings and uses are located opposite the site, including a former Lidl supermarket which is now vacant and relocated to opposite the site (now trading) as part of a wider redevelopment scheme under construction.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	<p>Ref ID: Y/2013/0128/LDP Proposal: Proposed use of the existing industrial buildings for filming and related uses in connection with the production of a film Address: 468/472 Castlereagh Road, Belfast, BT5 6RG, Decision: Granted Decision Date:</p> <p>Ref ID: LA04/2021/0958/PAN Proposal: Proposed extension to existing Film Studios, including part demolition and creation of new floorspace for Film and Workshop Facilities including Virtual Studios. Part reclad of existing buildings and all other associated site and access works. Address: Lands at Loop Studios, 468-476 Castlereagh Road, Belfast, BT5 6RG, Decision: PANACC Decision Date:</p>
4.0	Policy Framework
4.1	<p>Belfast Urban Area Plan 2001; Draft Belfast Metropolitan Area Plan 2015 (v2004); Draft Belfast Metropolitan Area Plan 2015 (v2014); Draft Belfast Local Development Plan Draft Plan Strategy 2035;</p>
4.2	<p>Regional Development Strategy (RDS); Strategic Planning Policy Statement (SPPS); PPS2: Planning and Natural Heritage; PPS4: Planning and Economic Development; PPS6: Planning, Archaeology and Built Heritage; PPS3: Roads Considerations; Development Control Advice Note 15 Vehicular Access Standards;</p>
5.0	Statutory Consultee Responses
	<p>Transport NI – no objections subject to conditions; DEARA – no objections subject to conditions; Rivers agency - no objections subject to conditions; HED - no objections; NI Water- no objections; Health & Safety Executive – no objections; NIE – no objections.</p>

6.0	Non-Statutory Consultee Responses
	Environmental Health - no objections subject to conditions (TBC); Shared Environmental services- no objections subject to conditions;
7.0	Representations
	The application has been neighbour notified and advertised in the local press. 2 representations objecting to the application has been received. 1 letter of support from Gavin Robinson MP
8.0	Other Material Considerations
	BCC Belfast Agenda BCC Developer Contributions Framework Economic Benefits cited by the applicant: The proposed scheme will also deliver a number of significant short- and long-term benefits for Belfast, the wider Northern Irish economy, and the local community, as outlined below: - <ul style="list-style-type: none"> • The proposals represent the next phase of economic stimulus to this established filming location on Castlereagh Road, in addition to recent £2.5million refurbishment of on-site offices; • Total investment associated with the new film and workshop facilities total £6million, with c.60-80no. local construction jobs created throughout the c.12-month build period. • Positive benefit to local suppliers and subcontractors in the area, both throughout the construction phase of the proposal as well as on a continued basis for set design and build; • Bespoke Virtual Studio will be first of its kind on the island of Ireland, representing a significant c. £9million investment; • Once operational, the site will have capacity for c.150no. production roles on site. A further 25no. full-time positions will be created through installation of the Virtual Studio; • Positive ongoing contribution to the local economy, with Loop Studios catering for a rapidly expanding industry and attracting international investment to the City of Belfast; and • New indoor studio adjacent to Castlereagh Road, increasing the capacity for indoor filming/set production works. Going forward, this reduces the dependence upon using external yard areas.
9.0	Assessment
9.1	The key issues in the assessment of the proposal are as follows: <ul style="list-style-type: none"> - The principle of extensions at this location; - Design and layout considerations; - Impact on amenity / character of the area; - Impact on transport and other infrastructure. - Impact on natural environment; - Impact on Built heritage assets; - Developer contributions. Policy Considerations:
9.2	The RDS sets out the overall guidance for the economic and growth strategy for the region in key areas of the economy, society, and environment. It states at paragraph 3.2 that to underpin economic growth, Northern Ireland needs a modern and sustainable

	<p>economic infrastructure. Policy RG1 seeks to ensure adequate supply of land to facilitate sustainable economic growth. Policy RG7 seeks to support 'Urban renaissance', the process of development and redevelopment in urban areas to attract investment and activity, foster revitalisation and improve the mix of uses. Policy SFG3 seeks to enhance the role of Belfast City Centre as the regional capital and focus of administration, commerce, specialised services, and cultural amenities.</p>
9.3	<p>The SPPS sets out five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating, and enhancing shared space, and supporting good design and place making. The SPPS states at paragraph 1.13 (page 7) that a number of policy statements, including PPS3 and PPS4, remain applicable under 'transitional arrangements.</p>
9.4	<p>Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraph 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported.</p>
9.5	<p>Economic Development considerations:</p> <p>Paragraph 6.97 of the SPPS states that "planning authorities should generally adopt a positive and constructive approach to determining applications for appropriate sustainable economic development informed by the provisions of the LDP, the SPPS and all other material planning considerations. Where proposals come forward on land not identified for economic development through the LDP, the planning authority must consider and assess the proposal against a wide range of policy considerations relevant to sustainable development, such as integration with transportation systems (particularly public transport), synergy with existing economic development uses, and use of previously developed land or buildings."</p>
9.6	<p>PPS4:</p> <p>PPS4 policy is retained as a material consideration as set out at paragraph 1.13 of the SPPS. Policy relevant to the application includes Policy PED 1 - Economic Development in Settlements, Policy PED 7 - Retention of Zoned Land and Economic Development Uses, Policy PED 8 - Development incompatible with Economic Development Uses, and Policy PED 9 - General Criteria for Economic Development.</p> <p>Development Plan Considerations</p>
9.7	<p>Article 6 (4) of the Planning (Northern Ireland) 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 considerations indicate otherwise.</p>
9.8	<p>Within draft BMAP (v2004), the site falls within a designation of 'Existing Major Employment and Industry'.</p>
9.9	<p>Following the May 2017 Court of Appeal decision on Belfast Metropolitan Area Plan, the extant development plan is now the Belfast Urban Area Plan (BUAP). The application site is located within a simplified planning zone in the BUAP 2001. The plan states that legislation is being prepared which will provide for the establishment of Simplified Planning Zones (SPZ) within which certain planning controls will be removed and that the main purpose of SPZs is to allow greater freedom of action in stimulating and</p>

	encouraging development. However, no further advice or legislation was ever provided on these.
9.10	Given the stage at which the Draft BMAP 2015 (v2014) had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
9.11	BMAP 2015 (v2014) reached an adopted stage and was subject to legal challenge in relation to the policies regarding Sprucefield Shopping Centre. BMAP 2015 (v2014) is therefore considered to hold significant weight. The weight to be afforded is a matter of judgement for the decision maker.
9.12	<p>Within the dBMAP (v2014), the site is within the settlement development limit of Belfast and forms part of Existing Employment Zoning Ref: MCH 09 and a small portion of unzoned lands (i.e., White Land). The Area Plan states that Existing Employment Lands comprise undeveloped or partially developed sites of the previous local development plan, developed zonings from previous area plans or other lands currently in employment use. Developed portions of zonings such as this are noted as having potential to accommodate new development and offer opportunities of redevelopment for business use. Employment policy contained within the draft plan states that proposals within these sites will be determined in accordance with prevailing regional planning policy. Acceptable Uses on employment zonings based on the Planning (Use Classes) Order (Northern Ireland) 2004 are:</p> <ul style="list-style-type: none"> - Class B1: Business (b) as a call centre; - Class B1: Business (c) for research and development; - Class B2: Light Industrial; - Class B3: General Industrial; and - Class B4: Storage or Distribution.
9.13	The application site fronts also onto an arterial route. The plan states that as arterial routes provide local and neighbourhood reference points, an important aim of the plan is to promote and develop these routes.
9.14	<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 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.</p> <p>Consideration</p>
9.15	The proposal and comprises extensions to existing buildings on the site, increasing floorspace from 7563sqm (gross) by 4058sqm to provide 11621sqm in total.
9.16	As set out above, the main policy considerations are set out in PPS4, BUAP, and BMAP. The BMAP plans identify the site as exiting employment/industrial use. PED 7 of PPS4 relates to loss of industrial land, whilst PED9 sets out general criteria against which proposals will be assessed.

9.17	<p>PED7 (clarification) relates to the loss of industrial lands. The proposal comprises extensions to an existing industrial use facility. Film studios fall within the industrial use (Class B) of the Use Classes Order and a Lawful Development to this effect was previously granted on the site. Accordingly, the proposal will not result in the loss of industrial land and PED7 of PP4 and the associated considerations are not relevant in this case. The main considerations are therefore within PED9.</p> <p>Layout and Design</p>
9.18	<p>Two of the extensions (studio B and studio F) proposed are to buildings located towards the rear of the site and are not readily visible from public viewpoints due to screening provided by existing buildings on the site and adjacent built form. The extension to studio C will provide an additional studio (studio D) and involves built form to the front of the existing studio C building resulting in development to front of the site and closer to the Castlereagh Road. This extension will therefore be subject to public views and will result in built form slightly beyond adjacent buildings with a slight setback from the public road. The extension will, however, be setback more than the existing church building to the west of the site. All extensions will adopt matching materials, colours and form to the existing buildings and be subservient in scale to the existing buildings. Studio D will result in some visual impact on public views from the Castlereagh Road due to the bold colour of finishes proposed, however these will match the existing buildings on site and the slight setback from the public road will provide a degree of mitigation with the result that the impacts are acceptable.</p>
9.19	<p>None of the extensions will adversely impact on amenity in relation to dominance, overshadowing or overlooking/privacy of existing properties adjacent to the site due to the separation distances available. Studio F is the closest extension to adjacent residential properties and is approximately 24m from the nearest dwelling at 1 Orby Close. Existing boundary treatments and vegetation within the landscaped area to the north outside the site will mitigate any visual impacts. Studio F would be approximately 40m from the rear elevation of the nearest dwelling at Orby Drive.</p>
9.20	<p>The proposal includes the retention of 3m high fencing and floodlighting located along the western and northern site boundaries. The site sits at a higher level than existing properties to the west in Orby Drive by approximately 0.8m. there is an existing wall along this boundary approximately 1.8m in height. The 3m high fencing therefore appears higher from the rear garden areas of properties in Orby Drive. Public views of the fence are restricted to any gaps between these dwellings. Accordingly, it is not considered that the fence would adversely impact on public views from this location. The fence is not visible from the Castlereagh Road or Orby Close due to existing boundary structures and landscaping. On balance it is considered that the 3m fence will not adversely impact on existing residents/dwelling in Orby Drive as there is a minimum separation distance of approximately 20m to any rear returns, increasing to approximately 28m to the main rear elevations. These distances, together with existing mature boundary planting, are therefore considered sufficient to mitigate any adverse impacts.</p>
9.21	<p>The proposal is therefore considered to be compliant with the policy requirements of PPS 4, including the general criteria as set out at PED 9. It is also considered that the proposal would not compromise existing business/industrial uses adjacent to the site as they of similar uses and the proposal will not alter the nature of operations/activities.</p> <p>Noise & Lighting impacts</p>

9.22	Noise impact information has been provided in support of the application. In considering this aspect, existing use rights and unrestricted operating hours of the facility must be considered. The site has a longstanding historic industrial use at this location which is not subject to ongoing planning restrictions in terms of operations and activities. The key consideration is the potential of additional disturbance from the extensions proposed, as it is beyond the scope of the application to restrict the overall site in relation to amenity impacts. Objections have been received in relation to this issue and Environmental Health have been consulted for advice in relation to this aspect.
9.23	Environmental Health have expressed concerns in relation to the night-time noise impacts of the proposal. The applicant indicates that they have a good relationship with neighbouring properties and received one noise related complaint during the many years of operations. They also indicate that activities that currently are undertaken within the external yard areas will be relocated to within the new extensions and are seeking to include additional noise mitigation measures, such as upgrading the boundary fencing to include acoustic barriers, to further mitigate any impacts.
9.24	Taking account of the response from BCC Environmental Health, and the existing use rights and planning history, on balance it is considered that the proposal will not unacceptably impact on the amenity of existing properties adjacent to the site in relation to noise or lighting disturbance. It is necessary however, to secure delivery of the proposed mitigation measures by planning condition to safeguard amenity of adjacent properties. Access, Parking and Transport:
9.25	In relation to traffic, access, and parking issues, DFI Roads were consulted and are satisfied with the parking and access arrangements subject to conditions. Accordingly, the proposal is considered compliant with requirements in PPS3 and associated guidance. Natural Heritage Impacts
9.26	The site is not located in close proximity to protected habitats. NED and SES have reviewed the submitted details and have no objections to the application. This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Belfast City Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.
9.27	Having considered the nature, scale, timing, duration, and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site. HRA Stage 1 screening by SES has found no viable environmental pathway from the proposal as detailed to any European Site or feature. The application is therefore compliant with PPS2 based on these responses.
9.28	Water Management Water Management Unit has considered the impacts of the proposal on the water environment and have no objection subject to conditions.
9.29	Contamination:

	<p>A Preliminary Construction Method Statement has been provided by RSK Ireland Ltd (RSK) in support of this planning application. Regulation Unit Land and Groundwater team and Environmental Health have no objections to the content of the Construction Method Statement subject to conditions and informatives.</p> <p>Flooding and Drainage</p>
9.30	Rivers have been consulted in relation to these issues. A submitted Drainage assessment indicates that the proposal will not result in increased surface run off.
9.31	DfI Rivers PAMU advise the applicant that the Flood Hazard Map (NI) indicates that small portions of the proposed development does lie within the 1 in 100 year climate change fluvial flood plain. Adopting the precautionary approach embodied by PPS 15, DfI Rivers PAMU recommends that the finished floor levels of the proposed development are set with a minimum freeboard of 600mm.
9.32	DfI Rivers PAMU also recommends that the applicant ensures that the proposals take into consideration measures to improve the resilience of new developments in flood risk areas by the use of suitable materials and construction methods. Further details of Flood Proofing – Resistance & Resilience Construction can be found in revised PPS 15 Annex E.
9.33	Given the nature of the proposal, it is not considered practical to include the increase the finished floor levels of the extensions given the requirement for level access/floor levels to the existing buildings. DfI Rivers have no objections to the proposal in relation to PPS15.
9.34	<p>HSE</p> <p>After applying PADHI (Planning Advice for Developments near Hazardous Installations) Guidelines based on the information provided in this application, HSENI have no objections to the planning application.</p>
9.35	<p>NIW</p> <p>NIW have no objections to the application and confirm there is sufficient capacity at the receiving Wastewater Treatment Works for the proposal.</p> <p>Representations</p>
9.36	2 objections have been received. Issues raised include dominance, visual and amenity impacts, lack of contact from the developer, and disturbance from construction activities.
9.37	These issues have been considered in the above assessment, and it is not considered that the proposal will not adversely impact on amenity. Lack of contact between the developer and 3 rd parties is not a matter for the Council. Disturbance from construction works will be for a limited period and therefore will not result in long term/permanent amenity impacts to render the application unacceptable. One letter of support has also been received from Gavin Robinson MP
9.38	<p>Pre-Community Consultation</p> <p>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</p>

	duty on applicants for planning permission to consult the community in advance of submitting an application.
9.39	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. It is considered that the PACC Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.
9.40	<p>Developer Contributions</p> <p>Due to the nature of the application, impacts of the development are not likely to be significant and therefore it is not considered that contributions are necessary in this case.</p>
10.0	Having regard to the policy context and other material considerations above, the proposal is considered acceptable, and approval of planning permission is recommended with delegated authority given to the Chief Executive, or her nominated officer to finalise the wording of conditions.
<p>Draft Planning Conditions (delegated authority requested to the Chief Executive, or her nominated officer, to finalise conditions)</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. All external facing and roofing materials shall be carried out as specified on the approved plans.</p> <p>Reason: In the interests of the character and appearance of the area</p> <p>3. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed within the site in accordance with the approved plan. This area shall not be used at any time for any purpose other than for parking and movement of vehicles in connection with the approved development.</p> <p>Reason: To ensure that adequate provision has been made for parking and traffic circulation within the site.</p> <p>4. 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. No further development shall proceed until this new contamination has been 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>	

Prior to the occupation or 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 [include full title of Remediation Strategy/GQRA Report] (dated XXXXXX) have been implemented.

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 prepared in accordance with up-to-date Environment Agency, British Standards and CIRIA industry guidance. In particular, the Verification Report must:

Include all identified potential source-pathway-receptor contaminant linkages and the remedial measures required to break them;

Contaminating activity removal/treatment (if required) e.g., all fuel storage tanks, and associated infrastructure have been fully decommissioned and removed from the site in line with Guidance for Pollution Prevention (GPP2) and the Pollution Prevention Guidance (PPG27) (or any standard that reproduces or replaces this standard).

Soil source removal or treatment (if required). All remaining soils (or base and sidewalls of all excavations) to be proven suitable for the proposed end-use.

Pathway interruption methods (if required).

Gas protection measures (if required) as per BS 8485:2015+A1:2019 (or any standard that reproduces or replaces this standard), which must include (level of detail required may depend on Characteristic Situation).

Gas protection measures must be verified in line with the requirements of CIRIA C735 (or any standard that reproduces or replaces this standard). VOC vapour protection measures shall be installed and verified in accordance with the requirements of CIRIA C748 (or any standard that reproduces or replaces this standard).

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

5. No development hereby approved shall commence (other than site clearance, site preparation, demolition and the formation of foundations and trenches) until design details of structural components of the building façades including the roller shutter doors, roof, and acoustic PVC curtains to demonstrate how noise breakout will be prevented as referred to in the conclusion of the KRM consulting letter dated the 22nd July 2022 have been submitted to and approved in writing by the Council.

Reason: Protection of residential amenity against adverse noise impact.

6. The development hereby approved shall not be operated or occupied unless all of the following noise mitigation measures, including details to be agreed under condition 5 above, have been constructed and installed:

a. The structural façade and roof upgrades as outlined in the KRM Consulting letter of the 22nd September 2022 uploaded to the planning portal;

b. The structural design details for the new workshops and studio areas shall be constructed in accordance with the approved details;

c. Install the upgraded boundary fence to both Orby Drive and Orby Close in accordance with the details and extent as shown on the following drawings: 'Proposed Site Plan' (Dwg. No: 004 Rev. D); and 'Proposed Fence' (Dwg. No: 011 Rev. B planning submission 07.11.22).

The barriers shall be constructed and installed with no gaps and be of a minimum self-weight of 25kg/m².

d. The workshop door of 'Studio E Workshop 2' shall be fitted with an acoustic PVC curtain to reduce noise breakout.

All noise mitigation measures shall be permanently retained and operated in accordance with the approved arrangements thereafter.

Reason: Protection of residential amenity against adverse noise impact.

7. No part of the development hereby permitted shall become occupied or operational until a noise verification report, including documentary evidence, has been submitted to and approved in writing by the Council. The noise verification report must confirm that the structural upgrade work as recommended by KRM consulting has been completed and provide final details demonstrating how the structural components installed meet the recommendations of the KRM Consulting letter of the 22nd September 2022, all mitigation measures under condition 6 above have been installed.

Reason: Protection of residential amenity against adverse noise impact.

8. The development shall not be operated or occupied unless full details of all plant and equipment to be installed at the proposed development have been submitted to and approved in writing by the Council. The report shall demonstrate that the cumulative noise rating level (dBL_Ar,T) associated with the operation of all new plant and equipment does not exceed the baseline background noise level dBL_A90,T during the day and at night when measured in accordance with BS4142: 2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'. The plant and equipment shall be installed in accordance with the approved details and documentation and shall thereafter be retained as such at all times.

Reason: Protection of residential amenity against adverse noise impact.

9. Access to workshops and studios at the hereby approved development between the hours of 23:00 and 07:00 shall only be permitted via lobbied door arrangements.

Reason: Protection of residential amenity against adverse noise impact.

10. Roller shutter doors at the hereby approved development shall be kept shut at all times between the hours of 23:00 and 07:00hrs.

Reason: Protection of residential amenity against adverse noise impact.

11. The development shall not be operated or occupied unless, the external lighting have been installed, and luminaires orientated at a 100 tilt in accordance with details presented in the Tegral Lighting Report titled: 'External Lighting Assessment', report reference: TL-211-LOOP STUDIOS – REV01, DATED 25.04.2022. The lighting shall be operated and retained in accordance with the approved arrangements thereafter.

Reason: Protection of residential amenity against adverse light spill.

12. The development shall not be operated or occupied unless a lighting verification report which confirms that the lighting has had the 100 tilt mitigation measure applied as recommended by Tegral Lighting has been submitted to and approved in writing by the Council. The report shall also confirm by way of on-site verification measurements after 11pm that the vertical lux levels at nearby residential facades will not exceed 2 lux. The lighting shall be retained as such at all times.

Reason: Protection of residential amenity against adverse light spill.

Neighbour Notification Checked

Yes

Signature(s)

Date:

ANNEX	
Date Valid	8th September 2021
Date First Advertised	25th February 2022
Date Last Advertised	21st October 2022
Details of Neighbour Notification (all addresses) Stephanie Cherry1 Orby Close,Belfast,Down,BT5 6BP The Owner/Occupier, 179 Orby Drive,Belfast,Down,BT5 6BD The Owner/Occupier, 181 Orby Drive,Belfast,Down,BT5 6BD The Owner/Occupier, 183 Orby Drive,Belfast,Down,BT5 6BD The Owner/Occupier, 185 Orby Drive,Belfast,Down,BT5 6BD The Owner/Occupier, 187 Orby Drive,Belfast,Down,BT5 6BD The Owner/Occupier, 189 Orby Drive,Belfast,Down,BT5 6BD Stephen and Clare Orr189, Orby Drive, Belfast, Down, Northern Ireland, BT5 6BD The Owner/Occupier, 191 Orby Drive,Belfast,Down,BT5 6BD The Owner/Occupier, 193 Orby Drive,Belfast,Down,BT5 6BD The Owner/Occupier, 195 Orby Drive,Belfast,Down,BT5 6BD The Owner/Occupier, 197 Orby Drive,Belfast,Down,BT5 6BD The Owner/Occupier, 199 Orby Drive,Belfast,Down,BT5 6BD The Owner/Occupier, 1a ,Castlereagh Business Park,Belfast,Down,BT5 6BQ The Owner/Occupier, 1b ,Castlereagh Business Park,Belfast,Down,BT5 6BQ The Owner/Occupier, 1c ,Castlereagh Business Park,Belfast,Down,BT5 6BQ The Owner/Occupier, 1d ,Castlereagh Business Park,Belfast,Down,BT5 6BQ The Owner/Occupier, 2 Marshalls Road,Belfast,Down,BT5 6SR The Owner/Occupier, 2 Orby Close,Belfast,Down,BT5 6BP The Owner/Occupier, 201 Orby Drive,Belfast,Down,BT5 6BD The Owner/Occupier, 203 Orby Drive,Belfast,Down,BT5 6BD The Owner/Occupier, 2a ,Castlereagh Business Park,Belfast,Down,BT5 6BQ The Owner/Occupier, 2a ,Marshalls Road,Belfast,Down,BT5 6SR The Owner/Occupier, 2b ,Castlereagh Business Park,Belfast,Down,BT5 6BQ The Owner/Occupier, 2c ,Castlereagh Business Park,Belfast,Down, The Owner/Occupier, 2d,Castlereagh Business Park,478 Castlereagh Road,Belfast,Down,BT5 6BQ The Owner/Occupier, 3a ,Castlereagh Business Park,Belfast,Down,BT5 6BQ The Owner/Occupier, 3b ,Castlereagh Business Park,Belfast,Down,BT5 6BQ The Owner/Occupier, 3c ,Castlereagh Business Park,Belfast,Down,BT5 6BQ The Owner/Occupier, 3d ,Castlereagh Business Park,Belfast,Down,BT5 6BQ The Owner/Occupier, 4 Marshalls Road,Belfast,Down,BT5 6QU The Owner/Occupier, 41 Montgomery Road,Belfast,Down,BT6 9HL The Owner/Occupier, 415 Castlereagh Road,Belfast,Down,BT5 6QP The Owner/Occupier, 46 Montgomery Road,Belfast,Down,BT6 9HQ The Owner/Occupier, 460 Castlereagh Road,Belfast,Down,BT5 6BH The Owner/Occupier, 462 Castlereagh Road,Belfast,Down,BT5 6BH The Owner/Occupier, 466 Castlereagh Road,Belfast,Down,BT5 6BH The Owner/Occupier, 468-472 ,Castlereagh Road,Belfast,Down,BT5 6RG The Owner/Occupier, 474-476 ,Castlereagh Road,Belfast,Down, The Owner/Occupier, 478 Castlereagh Road,Belfast,Down, The Owner/Occupier, 478 Castlereagh Road,Belfast,Down,BT5 6QA The Owner/Occupier, 4a ,Castlereagh Business Park,Belfast,Down,BT5 6BQ	

The Owner/Occupier, 4b ,Castlereagh Business Park,Belfast,Down,BT5 6BQ
 The Owner/Occupier, 4c-4d ,Castlereagh Business Park,Belfast,Down,BT5 6BQ
 The Owner/Occupier, 4d ,Castlereagh Business Park,Belfast,Down,BT5 6BQ
 The Owner/Occupier, 5b ,Castlereagh Business Park,Belfast,Down,BT5 6BQ
 The Owner/Occupier, 5c ,Castlereagh Business Park,Belfast,Down,BT5 6BQ
 The Owner/Occupier, 5d ,Castlereagh Business Park,Belfast,Down,BT5 6BQ
 The Owner/Occupier, 5e ,Castlereagh Business Park,Belfast,Down,
 The Owner/Occupier, 5f ,Castlereagh Business Park,Belfast,Down,
 The Owner/Occupier, 6a ,Prince Regent Road,Belfast,Down,BT5 6QR
 Gavin Robinson MP 96 Strandtown Hall, Belmont Avenue, Belfast, Down, Northern Ireland,
 BT4 3DE
 The Owner/Occupier, Castlereagh Road,Belfast,Down,
 The Owner/Occupier, Castlereagh Road,Belfast,Down,
 The Owner/Occupier, Orangefield Presbyterian Church,464 Castlereagh
 Road,Belfast,Down,BT5 6BH
 The Owner/Occupier, Prince Regent Road,Belfast,Down,BT5 6QR
 The Owner/Occupier, Stirling House,5a ,Castlereagh Business Park,Belfast,Down,BT5 6BQ

Date of Last Neighbour Notification	12th October 2022
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: Y/1999/0157

Proposal: Erection of 4 No. detached dwellings and 20 No. semi- detached dwellings and associated garages.

Address: 201-211 Orby Drive and to rear of 213-259 Orby Drive,

Decision:

Decision Date: 15.04.2000

Ref ID: LA04/2019/1243/PAN

Proposal: Mixed use regeneration scheme involving demolition of vacant buildings on former Hughes Christensen site, erection of Class B2 (light industrial) and class B4 (storage/distribution) units, change of use of existing supermarket to class B4 use, erection of replacement supermarket, provision of new accesses from Montgomery Road and Castlereagh Road, road improvements, car parking, landscaping and associated site works (Lynas Food Outlet building to be retained).

Address: 46 Montgomery Road (former Hughes Christensen site), vacant site between Nos 44 and 46 Montgomery Road and, 41 Montgomery Road, Belfast,

Decision: PANACC

Decision Date:

Ref ID: Y/1981/0038

Proposal: EXTENSION TO SECURITY HUT

Address: 468 CASTLEREAGH ROAD

Decision:

Decision Date:

Ref ID: Y/1981/0249

Proposal: WATER TREATMENT PLANT ROOM, WATER AND OIL TANKS

Address: 468 CASTLEREAGH ROAD

Decision:
Decision Date:

Ref ID: Y/1977/0186
Proposal: EXTENSION TO CANOPY
Address: 468 CASTLEREAGH ROAD, CASTLEREAGH
Decision:
Decision Date:

Ref ID: Y/1992/0306
Proposal: Two Storey extension to existing factory premises to provide storage and mixing room.
Address: 468 CASTLEREAGH ROAD, CASTLEREAGH.
Decision:
Decision Date:

Ref ID: Y/1974/0143
Proposal: EXTENSION TO FACTORY BOILER-HOUSE FOR COOLING PLANT
Address: 468-472 CASTLEREAGH ROAD
Decision:
Decision Date:

Ref ID: Y/1976/0358
Proposal: ERECTION OF TEMPORARY SECURITY BUILDING
Address: 468-472 CASTLEREAGH ROAD (CANTRELL & COCHRANE)
Decision:
Decision Date:

Ref ID: Y/1977/0109
Proposal: ERECTION OF ILLUMINATED FASCIA BOX SIGNS
Address: 468-472 CASTLEREAGH ROAD BELFAST (CANTRELL & COCHRANE)
Decision:
Decision Date:

Ref ID: Y/1986/0078
Proposal: CONSTRUCTION OF OFFICE, CANTEEN AND WORKSHOP
Address: 468-472 CASTLEREAGH ROAD, BT15
Decision:
Decision Date:

Ref ID: Y/1986/0143
Proposal: INSTALLATION OF LPG TANK
Address: 468-472 CASTLEREAGH ROAD, BT5
Decision:
Decision Date:

Ref ID: Z/2005/2377/F
Proposal: Erection of single storey extension to front of existing offices (amendment to previous approval ref: Z/2005/0676/F).
Address: 468-472, Castlereagh Road, Carnamuck, Belfast, BT05 6RG
Decision:
Decision Date: 26.01.2006

Ref ID: Y/2013/0128/LDP
Proposal: Proposed use of the existing industrial buildings for filming and related uses in connection with the production of a film

Address: 468/472 Castlereagh Road, Belfast, BT5 6RG,
Decision: PG
Decision Date:

Ref ID: Y/1976/0211
Proposal: OFFICE ACCOMMODATION AT EXISTING WAREHOUSE
Address: 478 CASTLEREAGH ROAD
Decision:
Decision Date:

Ref ID: Y/1979/0006
Proposal: CONSTRUCTION OF CAR PARKING AREA
Address: 478 CASTLEREAGH ROAD
Decision:
Decision Date:

Ref ID: Y/2006/0451/F
Proposal: 22 no. own door office units 200sqm each (amendment to elevations approved under Y/2001/0620/F)
Address: 478 Castlereagh Road, Carnamuck, Belfast, BT5 6QA
Decision:
Decision Date: 14.11.2006

Ref ID: Y/2001/0620/F
Proposal: Office park comprising 22 own door office units of 200sq.m. each with associated access, parking and landscaping
Address: 478 Castlereagh Road, Castlereagh.
Decision:
Decision Date: 14.03.2003

Ref ID: Y/2011/0251/F
Proposal: Formation of access to warehouse and installation of canopy for storage of forklift trucks
Address: 6a Prince Regent Road, Belfast, BT5 6QR,
Decision:
Decision Date: 18.10.2011

Ref ID: Y/1994/0171
Proposal: Proposed warehouse and office extension to existing pharmaceutical distribution centre.
Address: A.A.H.PHARMACEUTICALS LTD.,PRINCE REGENT ROAD, CASTLEREAGH.
Decision:
Decision Date:

Ref ID: Y/1994/0378
Proposal: Proposed warehouse, loading bay and office extension to existing pharmaceutical distribution centre.
Address: A.A.H.PHARMACEUTICALS, PRINCE REGENT ROAD,CASTLEREAGH.
Decision:
Decision Date:

Ref ID: Y/1980/0312
Proposal: EXTENSION TO BOILER HOUSE FOR ADDITIONAL PLANT
Address: CANTRELL & COCHRANE, 468 CASTLEREAGH ROAD, BELFAST
Decision:

Decision Date:

Ref ID: Y/1995/0435

Proposal: External refurbishment of office block facade.

Address: CANTRELL AND COCHRANE (BELFAST) LTD., 474-476 CASTLEREAGH ROAD, CASTLEREAGH.

Decision:

Decision Date:

Ref ID: Y/1990/0431

Proposal: Extension to existing warehouse.

Address: CANTRELL AND COCHRANE LTD. 468-472 CASTLEREAGH ROAD, CASTLEREAGH.

Decision:

Decision Date:

Ref ID: Y/1987/0397

Proposal: Erection of engineers workshop and store

Address: CANTRELL AND COCHRANE LTD. 468/472 CASTLEREAGH ROAD, BELFAST

Decision:

Decision Date:

Ref ID: Y/1999/0245

Proposal: Double advertising hoardings.

Address: CANTRELL AND COCHRANE LTD., 474-476 CASTLEREAGH ROAD, CASTLEREAGH.

Decision:

Decision Date:

Ref ID: Y/1995/0309

Proposal: Extension to existing warehouse and construction of new service yard.

Address: CANTRELL AND COCHRANE LTD., 468-472 CASTLEREAGH ROAD, CASTLEREAGH.

Decision:

Decision Date:

Ref ID: Y/1977/0351

Proposal: ERECTION OF LOADING DOCK TO EXISTING WAREHOUSE

Address: CASTLEREAGH ROAD BELFAST W D & H O WILLS

Decision:

Decision Date:

Ref ID: Y/1974/0219

Proposal: ERECTION OF TEMPORARY CANTEEN AND KITCHEN.

Address: CASTLEREAGH ROAD, BELFAST (CANTRELL AND COCHRANE LTD).

Decision:

Decision Date:

Ref ID: Y/2001/0663/F

Proposal: Replacement cladding to the roof and walls of fire damaged high bay warehouse to match existing and replacement cladding to front of picking warehouse to match existing.

Address: Cantrell and Cochrane (Belfast) Ltd., 468 Castlereagh Road, Castlereagh.

Decision:

Decision Date: 27.02.2002

Ref ID: Y/2002/0060/F

Proposal: Replacement cladding to the roof and walls of fire damaged existing garage to match existing.

Address: Cantrell and Cochrane (Belfast), 468 Castlereagh Road, Belfast

Decision:

Decision Date: 05.04.2002

Ref ID: LA04/2021/0958/PAN

Proposal: Proposed extension to existing Film Studios, including part demolition and creation of new floorspace for Film and Workshop Facilities including Virtual Studios. Part reclad of existing buildings and all other associated site and access works.

Address: Lands at Loop Studios, 468-476 Castlereagh Road, Belfast, BT5 6RG,

Decision: PANACC

Decision Date:

Ref ID: LA04/2020/1089/PAD

Proposal: Demolition of existing buildings and the erection of a petrol filling station comprising of a covering forecourt, 5no pumps, store/control building: 1no trade counter and shop, 2no drive through cafe/restaurant units, car parking, landscaping and all associated site and access works.

Address: Lands at former Britvic Factory site, nos 466-476 Castlereagh Road, Belfast.,

Decision: WITHDR

Decision Date: 12.07.2022

Ref ID: LA04/2020/1211/F

Proposal: Mixed use regeneration scheme involving: demolition of vacant buildings Hughes Christensen site; erection of 8No. Class B2 (light industrial) and Class B4 (storage/distribution) unit; extension to, and subdivision of, existing supermarket building to form 4no. Class B4 units (existing retail use to be discontinued); erection of replacement supermarket; provision of new accesses from Montgomery Road and Castlereagh Road; road improvements; car parking, landscaping and associated site works. (Lynas Food Outlet building to be retained).

Address: No 46 Montgomery Road (former Hughes Christensen site), vacant between nos 44 and 46 Montgomery Road, and no 41 Montgomery Road (Lidl), Belfast.,

Decision: PG

Decision Date: 07.03.2022

Ref ID: Z/1999/0439

Proposal: Redevelopment of church halls and extension to car park

Address: ORANGEFIELD PRESBYTERIAN CHURCH 464 CASTLEREAGH ROAD BELFAST BT5

Decision:

Decision Date:

Ref ID: LA04/2021/1836/F

Proposal: Proposed Installation of a 20m High Telecoms Streetpole c/w Wraparound Cabinet, with Integrated Antenna, and 3no. additional Equipment Cabinets and Ancillary Equipment.

Address: On the Public Footpath Approximately 25m South-East of the Entrance to Loop Studios, 468-472 Castlereagh Road, Belfast, BT5 6RG,

Decision: PG

Decision Date: 17.05.2022

Ref ID: Z/2009/1093/F

Proposal: Construction of single storey extension to side of building and material change of use from NIE store to kitchen store

Address: Orangefield Presbyterian Church, 464 Castlereagh Road, Belfast BT5 6BH

Decision:

Decision Date: 09.03.2010

Ref ID: Z/2008/1091/A

Proposal: Display of church sign

Address: Orangefield Presbyterian Church, Castlereagh Road, Belfast, BT5

Decision:

Decision Date: 23.07.2008

Drawing Numbers and Title

01, 04B, 05A, 06, 07, 08, 09, 10, 11

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

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Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Tuesday 15 th November 2022	
Application ID: LA04/2022/1511/F	
Proposal: Section 54 Application to vary Condition 17 of the previously approved application LA04/2018/1415/F which reads, "The proposed public realm works, as shown on approved plan No. 22, date stamped 27/11/18, shall be carried out prior to the occupation / operation of any part of the development hereby approved." It is proposed to introduce a new landscaping & public realm drawing, accurately reflecting those works carried out on site and in agreement with DfI Roads. Varied wording is proposed to read as, "The proposed public realm works, as shown on approved plan No. 6303 L-205 date received 3rd August 2022, shall be carried out in accordance with the approved plan.	Location: The Residence (Former Ballynafeigh Police Station), 332 Ormeau Road, Belfast BT7 2GE
Referral Route: Major development	
Recommendation: Approval	
Applicant Name and Address: Knockburn Limited	Agent Name and Address: TSA Planning 20 May Street Belfast BT1 4NL
Executive Summary: This application seeks to vary condition 17 of planning permission LA04/2018/1415/F under Section 54 of the Planning Act (Northern Ireland) 2011. Condition 17 relates to public realm works. The original application granted planning permission for the "Demolition of former derelict Police Station and the erection of a mixed-use development comprising 2No. buildings with a total of 57 apartments. Block A comprises 33No. apartment units with 3No. ground floor cafe/restaurant/retail units. Block B comprises 24no. apartment units. Development includes communal landscaped courtyards, landscaping, basement car parking and all associated site and access works". Permission was granted 7th February 2019. The approved development includes a Private Streets Determination drawing, denoting those lands agreed for adoption by DfI Roads. This included a section of public footway realigned across the frontage to Ormeau Road, along with a newly formed parking layby and landscaping. DfI Roads confirmed that they would not adopt natural stone material for the footway at this location and have insisted that the footway be finished in asphalt with black chippings. Following implementation of the development the applicant agreed with DfI Roads Service to amend the approved material for the footpath (from natural stone to asphalt with black chippings), along with associated minor changes to the landscaping.	

The amended wording of condition 17 seeks to regularise this. DfI Roads Service has considered the proposed landscaping scheme and has no objections to the proposed variation.

As the public realm works have already been carried out, officers recommend the following wording:

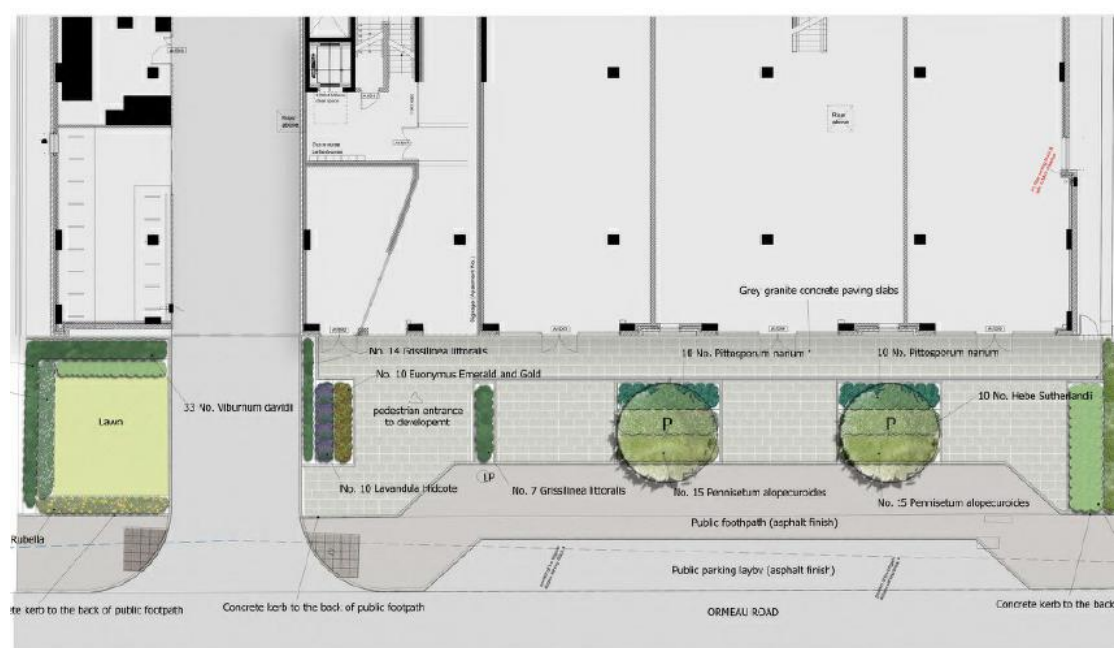
The public realm works, as carried out in accordance with the approved plan No. 6303 L-205 date received 3rd August 2022, shall be retained in accordance with the approved details.

Reason: To ensure the provision of a high quality of landscaping and public realm.

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

Case Officer Report

Site Location Plan & Proposed landscaping Plan



Representations:	
Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Characteristics of the Site and Area	
<p>1.0 Description of Proposed Development</p> <p>1.1 This is a Section 54 application to vary Condition 17, relating to the landscaping and public realm scheme, of planning permission reference LA04/2018/1415/F. The approved development was for the demolition of former derelict Police Station and the erection of a mixed-use development comprising 2No. buildings with a total of 57 apartments. Block A comprises 33No. apartment units with 3No. ground floor cafe/restaurant/retail units. Block B comprises 24no. apartment units. Development included communal landscaped courtyards, landscaping, basement car parking and all associated site and access works. The development is complete and many apartments occupied.</p> <p>1.2 Condition 17 of the previously approved application LA04/2018/1415/F reads, "The proposed public realm works, as shown on approved plan No. 22, date stamped 27/11/18, shall be carried out prior to the occupation / operation of any part of the development hereby approved." It is proposed to introduce a new landscaping & public realm drawing, accurately reflecting those works carried out on site and in agreement with DfI Roads. Varied wording is proposed to read as, "The proposed public realm works, as shown on approved plan No. 6303 L-205 date received 3rd August 2022, shall be carried out in accordance with the approved plan.</p> <p>2.0 Description of Site</p> <p>2.1 The site is located at 332 Ormeau Road, a main arterial route from Belfast City Centre. The approved development is complete. The area is largely characterised by shops, restaurants/hot food takeaways and residential dwellings and apartments. The site is unzoned and within the development limits of the Belfast Urban Area Plan (BUAP) and Draft Belfast Metropolitan Area Plan (dBMAP) in both the initial 2004 version and the version unlawfully adopted in 2015. In the Belfast Urban Area Plan and 2004 dBMAP the site abutted an Area of Townscape Character located immediately South (Rosetta ATC). There was a general objection to all ATCs but the designation remained the same.</p>	
Planning Assessment of Policy and Other Material Considerations	
<p>3.0 Site History</p> <p>3.1 Applicable planning history on the site relates to the full application to which this Section 54 application seeks to vary:</p> <ul style="list-style-type: none"> - LA04/2018/1415/F – Demolition of former derelict Police Station and the erection of a mixed-use development comprising 2No. buildings with a total of 57 apartments. Block A comprises 33No. apartment units with 3No. ground floor cafe/restaurant/retail units. Block B comprises 24no. apartment units. Development includes communal landscaped courtyards, landscaping, basement car parking and all associated site and access works – Permission granted 7th February 2019. <p>There is also planning history to vary condition 9 of the approved development under:</p> <ul style="list-style-type: none"> - LA04/2020/2506/F - Application to vary condition 9 LA04/2018/1415/F relating to odour abatement measures. – Permission granted 16th November 2021. 	

3.2 A number of conditions with respect to LA04/2018/1415/F have been successfully discharged already, conditions 2 and 3 under reference LA04/2021/0693/DC; condition 8 under reference LA04/2020/0432/DC; and conditions 4, 5 and 6 under reference LA04/2021/0254/DC.

4.0 Policy Framework

4.1 Belfast Urban Area Plan 2001 (BUAP); Draft Belfast Metropolitan Area Plan 2015 (v2004) & Draft Belfast Metropolitan Area Plan 2015 (v2014); and Belfast Local Development Plan Draft Plan Strategy 2035

4.2 Regional Development Strategy 2035 (RDS)

4.2 Strategic Planning Policy Statement (SPPS)

4.3 Planning Policy Statement (PPS) 3: Access, Movement and Parking

5.0 Statutory Consultees Responses

5.1 DfI Roads Service – No objection

6.0 Non Statutory Consultees Responses

6.1 None

7.0 Representations

7.1 The application has been neighbour notified and advertised in the local press. No comments have been received.

8.0 Other Material Considerations

8.1 None

9.0 Assessment

9.1 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.

9.2 Following the Court of Appeal decision relating to BMAP, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. Given the advanced stage at which Draft BMAP had reached it is considered to hold significant weight (save for policies around Sprucefield which remain contentious). The site is within the development limits of Belfast within (Draft) Belfast Metropolitan Area Plan (BMAP) 2004; BMAP 2015 and, the Belfast Urban Area Plan 2001 (BUAP).

9.3 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.

9.4 This application seeks to vary Condition 17 of planning permission LA04/2018/1415/F under Section 54 of the Planning Act (Northern Ireland) 2011 to allow for amendments to the approved

landscaping and public realm scheme. Currently Condition 17 of LA04/2018/1415/F reads as follows:

“The proposed public realm works, as shown on approved plan No. 22, date stamped 27/11/18, shall be carried out prior to the occupation / operation of any part of the development hereby approved.

Reason: To ensure the provision of a high quality of landscaping and public realm.”

9.5 The approved development includes a Private Streets Determination drawing (date stamped approved 7th February 2019), denoting those lands agreed for adoption by DfI Roads. This included a section of public footway realigned across the entire development frontage to Ormeau Road, along with a newly formed parking layby. The approved landscaping details referred to on approved drawing no 22 (date stamped approved 7th February 2019) included natural stone slab paving to the area of footway offered for adoption.

9.6 Evidence submitted shows correspondence between the applicant and DfI Roads to agree the public realm details as part of the footway adoption process. DfI Roads confirmed that they would not adopt natural stone material for the footway at this location and have insisted that the footway be finished in asphalt with black chippings. In addition to changes to the footway materials, there are very minor alterations to the landscaping and public realm scheme on Ormeau Road. The proposed change in material for the footway is considered acceptable at this location given the stance by DfI Roads and similar surfacing material is used on adjacent and opposite footways in both directions along the Ormeau Road. There is a minor change to the landscaping with a lawn at the entrance area and an increased variety of shrub and hedge planting to the front resulting in a greater diversity of planting.

9.7 The proposed changes to the public realm are considered acceptable and have been carried out. Therefore, notwithstanding the proposed wording submitted by the applicant, officers recommend that the amended wording for Condition 17 is proposed as follows:

“The public realm works, as carried out in accordance with the approved plan No. 6303 L-205 date received 3rd August 2022, shall be retained in accordance with the approved details.

Reason: To ensure the provision of a high quality of landscaping and public realm.”

9.8 DfI Roads responded to consultation on 10th October 2022 noting they have no objection to the variation of Condition 17.

10. Conclusion

The proposal to vary Condition 17 to allow for an amended landscaping and public realm scheme is considered reasonable. There are no technical objections to the application, and having regard to the planning policy context, the variation of condition is considered acceptable. This Section 54 application for the variation of condition will create a new stand-alone planning permission and it will be necessary to repeat the conditions from the original permission, subject to the variation granted by this decision. Conditions already discharged will not however be repeated. It is recommended that planning permission is granted with the final wording of conditions delegated to the Director of Planning and Building Control.

Neighbour Notification Checked: Yes

Summary of Recommendation: Approval subject to Conditions

Conditions

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. The proprietary noise and odour abatement system (as approved under LA04/2020/2506/F), as detailed in TGM Consulting Report, which includes sound attenuation, grease filters, ESP-electrostatic precipitators, followed by enhanced carbon filtration, as detailed in the TGM Consulting supporting technical information, shall be installed to suppress noise and odours, created from cooking operations, in the premises. The outlet from any extract ventilation shall terminate as detailed in Drawing 1969/PL/01 Rev B August 2021.

Reason: In the interests of amenity and public health.

3. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on drawing No.IBH0572/0002 bearing the Department for Infrastructure Determination date stamp 31st October 2018.

Reason: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

4. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with Private Streets Determination drawing No.IBH0572/0002 bearing the date stamp 02nd October 2018 and drawing no. 200-01 RevA to provide for parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

5. The vehicular access, including visibility splays, shall be provided in accordance with the approved plan 13/B bearing the date stamp 02/10/18, prior to the commencement of any other works or other development hereby permitted.

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

6. The development shall not be occupied until secure cycle parking facilities have been provided on the site in accordance with the approved plan Nos. 03/A, 05/A and 12/A, date stamped 06/11/18. These facilities shall be permanently retained on the site in accordance with these plans.

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

7. All soft and hard landscaping incorporated in the stamped approved landscape plan, Drawing No. 14/B bearing BCC date stamp 27/11/18, shall be completed in accordance with these plans and the appropriate British Standard or other recognised Codes of Practice in the first available planting season following commencement of the development or before occupation of the first residential unit in the development, whichever is the later.

Reason: To ensure the provision of a high standard of landscape and adequate amenity

space, consistent with Planning Policy Statement 7 'Quality Residential Environments'.

8. If within a period of 5 years from the date of the planting of any tree, that tree is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the maintenance of a high level of landscaping.

9. Maintenance and management of the open space and landscaped areas as shown on Plan No. 14/B date stamped 27/11/18, shall be carried out in accordance with the Park Hood Landscape Management and Maintenance Plan (Revision A) dated March 2018 . Any variations to these management arrangements shall be submitted to the Council for approval.

Reason: To ensure successful establishment and maintenance of the open space and amenity areas in the interests of visual and residential amenity.

10. The public realm works, as carried out in accordance with the approved plan No. 6303 L-205 date received 3rd August 2022, shall be retained in accordance with the approved details.

Reason: To ensure the provision of a high quality of landscaping and public realm.

11. The noise and vibration measures detailed in condition 2 of LA04/2018/1415/F shall be maintained in accordance with LA04/2021/0693/DC.

Reason: In the interests of residential amenity.

Informatives.

1. This approval should be read in conjunction with planning approvals LA04/2018/1415/F and associated discharge of condition decisions for conditions 2 and 3 under reference LA04/2021/0693/DC; condition 8 under reference LA04/2020/0432/DC; and conditions 4, 5 and 6 under reference LA04/2021/0254/DC. It should also be read in conjunction with planning approval LA04/2020/2506/F.

Signature(s)

Date:

ANNEX	
Date Valid	3rd August 2022
Date First Advertised	19th August 2022
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Jameson Street,Belfast,Down,BT7 2GU The Owner/Occupier, 1-3 ,Rectory Mews,Belfast,Down, The Owner/Occupier, 10 St Judes Avenue, Belfast The Owner/Occupier, 10 St Judes Crescent, Belfast The Owner/Occupier, 11 Jameson Street,Belfast,Down,BT7 2GU The Owner/Occupier, 12 St Judes Crescent, Belfast The Owner/Occupier, 13 Jameson Street,Belfast,Down,BT7 2GU The Owner/Occupier, 14 St Judes Crescent,Belfast,Down,BT7 2GW The Owner/Occupier, 15 Jameson Street,Belfast,Down,BT7 2GU The Owner/Occupier, 16 St Judes Crescent,Belfast,Down,BT7 2GW The Owner/Occupier, 17 Jameson Street,Belfast,Down,BT7 2GU The Owner/Occupier, 18 St Judes Crescent,Belfast,Down,BT7 2GW The Owner/Occupier, 19 Jameson Street,Belfast,Down,BT7 2GU The Owner/Occupier, 1a Jameson Street, Belfast The Owner/Occupier, 1b Jameson Street, Belfast The Owner/Occupier, 2 St Judes Avenue,Belfast,Down,BT7 2GZ The Owner/Occupier, 20 St Judes Crescent,Belfast,Down,BT7 2GW The Owner/Occupier, 21 Jameson Street,Belfast,Down,BT7 2GU The Owner/Occupier, 23 Jameson Street,Belfast,Down,BT7 2GU The Owner/Occupier, 25 Jameson Street,Belfast,Down,BT7 2GU The Owner/Occupier, 27 Jameson Street,Belfast,Down,BT7 2GU The Owner/Occupier, 	

29 Jameson Street, Belfast, Down, BT7 2GU
 The Owner/Occupier,
 3 Jameson Street, Belfast, Down, BT7 2GU
 The Owner/Occupier,
 31 Jameson Street, Belfast, Down, BT7 2GU
 The Owner/Occupier,
 322 Ormeau Road, Belfast
 The Owner/Occupier,
 33 Jameson Street, Belfast, Down, BT7 2GU
 The Owner/Occupier,
 330 Ormeau Road, Ormeau, Belfast, Down, BT7 2GE
 The Owner/Occupier,
 35 Jameson Street, Belfast, Down, BT7 2GU
 The Owner/Occupier,
 37 Jameson Street, Belfast, Down, BT7 2GU
 The Owner/Occupier,
 39 Jameson Street, Belfast, Down, BT7 2GU
 The Owner/Occupier,
 4 St Judes Avenue, Belfast
 The Owner/Occupier,
 4 St Judes Crescent, Belfast
 The Owner/Occupier,
 41 Jameson Street, Belfast, Down, BT7 2GU
 The Owner/Occupier,
 43 Jameson Street, Belfast, Down, BT7 2GU
 The Owner/Occupier,
 45 Jameson Street, Belfast, Down, BT7 2GU
 The Owner/Occupier,
 455 - 457 Ormeau Road, Belfast
 The Owner/Occupier,
 459 Ormeau Road, Ormeau, Belfast, Down, BT7 3GQ
 The Owner/Occupier,
 461 Ormeau Road, Ormeau, Belfast, Down, BT7 3GR
 The Owner/Occupier,
 465 Ormeau Road, Ormeau, Belfast, Down, BT7 3GR
 The Owner/Occupier,
 467 Ormeau Road, Ormeau, Belfast, Down, BT7 3GR
 The Owner/Occupier,
 47 Jameson Street, Belfast, Down, BT7 2GU
 The Owner/Occupier,
 49 Jameson Street, Belfast, Down, BT7 2GU
 The Owner/Occupier,
 5 Jameson Street, Belfast, Down, BT7 2GU
 The Owner/Occupier,
 51 Jameson Street, Belfast
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 53 Jameson Street, Belfast
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 55 Jameson Street, Belfast
 The Owner/Occupier,
 57 Jameson Street, Belfast
 The Owner/Occupier,
 6 St Judes Avenue, Belfast
 The Owner/Occupier,
 6 St Judes Crescent, Belfast

The Owner/Occupier,
7 Jameson Street, Belfast, Down, BT7 2GU
The Owner/Occupier,
8 St Judes Avenue, Belfast
The Owner/Occupier,
8 St Judes Crescent, Belfast
The Owner/Occupier,
9 Jameson Street, Belfast, Down, BT7 2GU
The Owner/Occupier,
Apartment 1, Rectory Mews, 2 St Judes Avenue, Belfast, Down, BT7 2GZ
The Owner/Occupier,
Apartment 2, Rectory Mews, 2 St Judes Avenue, Belfast, Down, BT7 2GZ
The Owner/Occupier,
Apartment 3, Rectory Mews, 2 St Judes Avenue, Belfast, Down, BT7 2GZ
The Owner/Occupier,
Ballynafeigh Methodist Church, 467a Ormeau Road, Belfast
The Owner/Occupier,
David Allen Jewellers, Carroll House, 463 Ormeau Road, Belfast
The Owner/Occupier,
Ormeau Dental Care, 324 - 326 Ormeau Road, Belfast
The Owner/Occupier,
Rosario Youth Club, 469 Ormeau Road, Belfast
The Owner/Occupier,
St Jude's Church, 340 Ormeau Road, Belfast
The Owner/Occupier,
T&L Ryan Opticians, 326 Ormeau Road, Belfast
The Owner/Occupier,
The Mortgage Shop, 463 Ormeau Road, Belfast

Date of Last Neighbour Notification

14th September 2022

Date of EIA Determination

N/A

ES Requested

No

Planning History

Ref ID: Z/2006/1577/F

Proposal: DDA alteration to the main station (to provide disabled access). Temporary Enquiry office (portacabbin) needed until works are completed.

Address: 332 Ormeau Road, Ballynafoy, Belfast, Northern Ireland, BT07 2GE

Decision:

Decision Date: 13.11.2006

Ref ID: Z/2005/1155/F

Proposal: Change of use from dwelling to 5 self contained flats including a single storey rear extension.

Address: 4 St Jude's Avenue, Belfast

Decision:

Decision Date: 28.04.2006

Ref ID: Z/2000/0754/F

Proposal: 20 ft long brick garden wall to height of existing walls and access gates from alley.

Address: 10 St Jude's Avenue, Ballynafoy, Belfast, Northern Ireland, BT07 2GZ

Decision:
Decision Date: 21.09.2000

Ref ID: Z/1977/0550
Proposal: CONVERSION OF DWELLING TO FUNERAL UNDERTAKERS AND OFFICES
Address: 330 ORMEAU ROAD
Decision:
Decision Date:

Ref ID: Z/1976/0810
Proposal: CHANGE OF USE - DWELLING TO OFFICES
Address: 330 ORMEAU ROAD
Decision:
Decision Date:

Ref ID: Z/1977/0873
Proposal: CHANGE OF USE TO OFFICES
Address: 330 ORMEAU ROAD
Decision:
Decision Date:

Ref ID: Z/1986/0964
Proposal: Erection of fence and use of land as temporary car park
Address: BALLYNAFEIGH RUC STATION, ORMEAU ROAD, BELFAST BT7
Decision:
Decision Date:

Ref ID: LA04/2018/0284/PAN
Proposal: Demolition of former police station to allow for the erection of 2No. residential buildings, comprising of circa 60No. apartment units in total, ground floor retail space, landscaped courtyards, basement parking and all associated site works.
Address: Former Ballynefeigh Police Station, 332 Ormeau Road, Belfast, BT7 2GE,
Decision: PANACC
Decision Date:

Ref ID: Z/1988/0388
Proposal: Erection of RUC Station (Renewal of Permission)
Address: ADJACENT TO 330 ORMEAU ROAD, BT7
Decision:
Decision Date:

Ref ID: Z/2003/1391/A
Proposal: Crimestoppers sign
Address: Ballynafeigh PSNI, 332 Ormeau Road, Belfast, BT7 2GE
Decision:
Decision Date: 16.10.2003

Ref ID: Z/1973/0231
Proposal: CONVERSION OF DWELLING TO 3 FLATS
Address: 338 ORMEAU ROAD
Decision:
Decision Date:

Ref ID: Z/1973/0232
Proposal: CONVERSION TO OFFICES

Address: 334 ORMEAU ROAD

Decision:

Decision Date:

Ref ID: Z/1974/1035

Proposal: PROPOSED HEALTH CENTRE FOR DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Address: 332-338 ORMEAU ROAD

Decision:

Decision Date:

Ref ID: Z/1980/0891

Proposal: ERECTION OF PETROL FILLING STATION

Address: 332-338 ORMEAU ROAD, BT6

Decision:

Decision Date:

Ref ID: Z/1982/1087

Proposal: ERECTION OF RUC STATION

Address: ADJACENT TO 330 ORMEAU ROAD, BT6

Decision:

Decision Date:

Ref ID: Z/1984/1556

Proposal: CONSTRUCTION OF BOUNDARY WALL AND SANGER AND THE PROVISION OF TEMPORARY

Address: 332/338 ORMEAU ROAD

Decision:

Decision Date:

Ref ID: Z/1983/0993

Proposal: ERECTION OF TEMPORARY RUC STATION

Address: BALLYNAFEIGH RUC STATION

Decision:

Decision Date:

Ref ID: Z/2002/0397/A

Proposal: Police Service Identification Crest

Address: Ballynafeigh Police Station, 332 Ormeau Road Belfast BT7 2GE

Decision:

Decision Date: 26.04.2002

Ref ID: LA04/2022/1511/F

Proposal: Section 54 Application to vary Condition 17 of the previously approved application LA04/2018/1415/F which reads, "The proposed public realm works, as shown on approved plan No. 22, date stamped 27/11/18, shall be carried out prior to the occupation / operation of any part of the development hereby approved." It is proposed to introduce a new landscaping & public realm drawing, accurately reflecting those works carried out on site and in agreement with DfI Roads. Varied wording is proposed to read as, "The proposed public realm works, as shown on approved plan No. 6303 L-205 date received 3rd August 2022, shall be carried out in accordance with the approved plan.

Address: The Residence (Former Ballynafeigh Police Station), 332 Ormeau Road, Belfast, BT7 2GE.,

Decision:

Decision Date:

Ref ID: LA04/2017/1518/PAN

Proposal: Demolition of former police station for 2 residential blocks comprising 65 apartments in total, ground floor retail space in Block A

Address: Former Ballynafeigh Police Station, 332 Ormeau Road, Belfast, BT7 2GE,

Decision: PANACC

Decision Date:

Ref ID: Z/2008/1923/F

Proposal: Extension to entrance, construction of guard house and replacement of front boundary wall and entrance gates.

Address: PSNI Station, Ballynafiegh, 332-334 Ormeau Road, Belfast

Decision:

Decision Date: 13.03.2009

Ref ID: Z/1998/6008

Proposal: Three storey building containing 3 apartments 2 St. Judes Avenue Belfast BT7

Address: 2 St. Judes Avenue

Decision:

Decision Date:

Ref ID: Z/1991/0014

Proposal: Change of use from hostel accommodation to offices

Address: 2 ST. JUDE'S AVENUE BELFAST BT7

Decision:

Decision Date:

Ref ID: LA04/2022/0355/LBC

Proposal: Proposed change of use of ground floor offices to funeral directors with consultation rooms, reception area and associated display area. Demolition of existing rear extension and yard to accommodate proposed extension and erection of chapel of rest with external vehicle canopy, provision of new front steps/ramp, additional car parking (Good Shepherd Church), landscaping and all associated site works.

Address: The Rectory, 2 St Judes Avenue, Belfast, BT7 2GZ.,

Decision: CG

Decision Date: 05.09.2022

Ref ID: LA04/2022/0354/F

Proposal: Proposed change of use of ground floor offices to funeral directors with consultation rooms, reception area and associated display area. Demolition of existing rear extension and yard to accommodate proposed extension and erection of chapel of rest with external vehicle canopy, provision of new front steps/ramp, additional car parking (Good Shepherd Church), landscaping and all associated site works.

Address: The Rectory, 2 St Judes Avenue, Belfast, BT7 2GZ.,

Decision: PG

Decision Date: 05.09.2022

Ref ID: LA04/2022/0543/A

Proposal: Application for plaque sign and replacement totem sign.

Address: The Rectory, 2 Judes Avenue, Belfast, BT7 2GZ.,

Decision:

Decision Date:

Ref ID: LA04/2020/0440/DC

Proposal: Discharge of condition no 9 of LA04/2018/1415/F

Address: 332-334 Ballynafeigh, Ormeau Road, Belfast, BT7 2GE,
Decision: WITHDR
Decision Date: 28.01.2021

Ref ID: LA04/2020/0432/DC
Proposal: Discharge of condition 8 LA04/2018/1415/F
Address: Former Ballynafeigh Police Station, 332 Ormeau road, Belfast, BT7 2GE.,
Decision: AL
Decision Date:

Ref ID: LA04/2018/1415/F
Proposal: Demolition of former derelict Police Station and the erection of a mixed use development comprising 2No. buildings with a total of 57 apartments. Block A comprises 33No. apartment units with 3No. ground floor cafe/restaurant/retail units. Block B comprises 24no. apartment units. Development includes communal landscaped courtyards, landscaping, basement car parking and all associated site and access works.
Address: Former Ballynafeigh Police Station, 332 Ormeau Road, Belfast, BT7 2GE.,
Decision: PG
Decision Date: 07.02.2019

Ref ID: LA04/2019/1364/CONTP
Proposal: Tree surgery to overhanging sycamore.
Address: Site 2 St Judes Avenue, Ormeau Road, Belfast, BT7 2GZ.,
Decision:
Decision Date:

Ref ID: LA04/2021/0693/DC
Proposal: Discharge of conditions nos2 and 3 of planning approval La04/2018/1415/f
Address: 332-334 Ormeau Road, Belfast, BT7 2GE,
Decision: AL
Decision Date:

Ref ID: LA04/2020/2506/F
Proposal: Application to vary condition 9 LA04/2018/1415/F relating to odour abatement measures.
Address: Former Ballynafeigh Police Station, 332 Ormeau Road, Belfast, BT7 2GE.,
Decision: PG
Decision Date: 16.11.2021

Ref ID: LA04/2021/0254/DC
Proposal: Discharge of conditions 4, 5 and 6 of LA04/2018/1415/F.
Address: Former Ballynafeigh Police Station, 332 Ormeau Road, Belfast, BT7 2GE.,
Decision: AL
Decision Date:

Ref ID: LA04/2021/0216/F
Proposal: Proposed balcony to Apartment 5, First Floor, Apartment Block B (retrospective)
Address: 332-334 Ormeau Road Belfast BT7 2GE,
Decision: PR
Decision Date:

Notification to Department (if relevant)

Date of Notification to Department: N/A

Response of Department:



Subject:	Delegation of Local applications with NI Water objections
Date:	15 November 2022
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
Contact Officer(s):	Ed Baker, Planning Manager (Development Management)

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of Main Issues
1.1	The Planning Committee will recall that at its meeting on 27 June 2022 it agreed to delegate authority to the Director of Planning and Building Control the determination of 97 Local applications to which NI Water had objected.
1.2	The Council continues to receive objections to NIW to a number of Local applications. The purpose of this report is to seek the Committee's agreement to delegate to officers those Local planning applications to which NI Water has objected as set out at Appendix 1 .
1.3	For the avoidance of doubt, it is only those applications which would have been delegated to officers under the Scheme of Delegation were it not for the objection from NI Water which are proposed to be delegated. Therefore, any of the Local applications listed at Appendix 1 which it may later transpire require to be referred to the Committee for other reason/s (other than the NI Water objection) will be reported to the Committee to determine. Individual Members can also still request that the applications at Appendix 1 are referred to the Committee under paragraph 3.8.1 of the Scheme of Delegation.

2.0	Recommendation
2.1	That the Committee agrees to delegate to the Director of Planning and Building Control those Local planning applications to which NI Water has objected set out at Appendix 1 .
3.0	Main Report
	<u>Background</u>
3.1	The Committee will be aware from the Committee Workshop on 18 November 2021 that NI Water has objected to a significant number of Local applications on grounds of insufficient waste-water infrastructure capacity.
3.2	As advised at the Committee Workshop, officers have been engaging with NI Water over the past several months to try to resolve those objections. Whilst progress is being made, and NI Water is actively considering a threshold for the scale and nature of development above which they would like to be consulted on future planning application, the objections to these Local applications remain.
	<u>Scheme of Delegation</u>
3.3	Members will be aware that the Council operates a Scheme of Delegation for Planning which identifies which matters are to be determined by the Committee and which are delegated to officers.
3.4	Paragraph 3.8.5 (f) of the Scheme of Delegation (January 2020) states that planning applications are not delegated where ' <i>There is an objection from a statutory consultee and the recommendation of the Planning Officer is to approve.</i> ' This means that those applications are required to be determined by the Planning Committee.
3.5	The Planning (General Permitted Development) Order (Northern Ireland) 2016 identifies NI Water as a statutory consultee ' <i>...where a development proposal is likely to significantly impact upon the availability of suitable water and sewerage infrastructure to service development proposals.</i> '
3.6	This means that where NI Water has lodged an objection to a Local application and the officer recommendation is to approve, the application cannot be delegated and must be determined by the Committee.
3.7	Therefore, at its meeting on 27 June 2022, the Committee agreed to delegate 97 Local applications with NI Water objections to the Director of Planning and Building Control. This avoided the potential need to report all 97 applications individually to the Committee. To have reported all those applications to the Committee would have been logistically extremely difficult, costly and would have resulted in further delays for applicants.
	<u>Nature of NI Water objections</u>
3.8	NI Water has lodged objections to Local applications for one or both of the following reasons. <ul style="list-style-type: none"> a) There is insufficient capacity at the local Waste Water Treatment Plant to support the proposed development; and/or b) There is insufficient network capacity within existing Combined Storm Overflows to support the development.

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

	transpires need to be referred to the Committee for other reason/s under the Scheme of Delegation will be reported to the Committee to determine. Individual Members can also still request that the applications at Appendix 1 are referred to the Committee under paragraph 3.8.1 of the Scheme of Delegation.
4.0	Financial & Resource Implications
4.1	Officers are aware of the infrastructure issues which NI Water are facing and have had regard to that in making this recommendation to Committee. However, each application must be assessed on its own merits and officers have sought detailed evidence to support the objections which have been provided by NI Water. That has not been forthcoming.
4.2	The cost and resources involved in individually reporting all Local applications to which NI Water has objected to the Planning Committee would be considerable. It would also require several additional sittings of the Committee.
4.3	Regard is also had to the considerable current pressures on the Planning Service and staff with an unprecedented high volume of live applications on hand due to the impacts of COVID-19. This was reported in detail to the 15 th February Planning Committee, item 12a . (hyperlink). The Committee will be aware that following the initial lock-down in March 2020, Council offices were closed for a time when it was not possible to receive or process applications. Site visits were initially suspended for health and safety reasons. New IT infrastructure had to be rolled out to support staff working remotely. Some staff were furloughed for a period. The knock-on impact has been that live application numbers have risen by approximately 20% from around 900 pre-pandemic to approximately 1,050. This has also been exacerbated by significant ongoing consultee delays. Whilst incoming applications and outgoing decisions has normalised, it has proven very difficult to shift the “backlog” caused by the pandemic. Current work volumes are unsustainable on the Planning Service and its staff.
4.4	For the reasons set out above, officers are of the view that it would be appropriate to delegate these applications.
5.0	Equality or Good Relations Implications / Rural Needs Assessment
5.1	No adverse impacts identified.
6.0	Appendices – Documents Attached
	Appendix 1 – List of Local applications which are proposed to be delegated to officers to determine.

Appendix 1 – Local applications with NIW objections (November 2022)

	DEA	REFERENCE	DATE RECEIVED	PROPOSED	ADDRESS
1	Castle	LA04/2022/0847/F	28/02/2022	Change of use from office accommodation to medical treatment facility	Edgewater House Edgewater Road Belfast BT3 9JQ
2	Castle	LA04/2022/0828/F	29/04/2022	Change of use from hair salon to cafe/restaurant and single storey extension to rear	133 Royal Avenue BT1 1FG
3	Castle	LA04/2022/1109/O	21/06/2022	Site for proposed apartment development.	Throne Centre Whitewell Road Newtownabbey BT36 7NH
4	Castle	LA04/2022/1872/F	11/10/2022	Change of use from 1No. dwelling house to 3 no. 2 bed Apartments with bin store to front. Demolition & re-build of rear return.	14 Camberwell Terrace Belfast BT15 3AS
5	Castle	LA04/2022/1779/F	16/09/2022	Demolition of buildings on site with replacement by 10No. new build apartments in a 2 storey building. Existing site entrance off Serpentine Road to be retained.	1 Serpentine Road Belfast BT36 7HA
6	Castle	LA04/2022/1699/F	09/09/2022	Proposed new development of 6no. 1 bedroom apartments	78 Parkmount Street Belfast BT15 3DX
7	Ormiston	LA04/2022/1359/F	01/07/2022	Demolition of existing and replacement with 1No. detached and 2No. semi-detached dwellings with individual accesses for each unit.	Lands at 277 Lower Braniel Road Belfast
8	Ormiston	LA04/2022/1647/F	23/08/2022	Detached dwelling and associated car parking. New entrance to rear garden to 17 Eastleigh Drive.	Land to rear of 17 Eastleigh Drive, Belfast
9	Titanic	LA04/2022/1384/F	05/08/2022	Proposed residential development of 12 no. apartments within a single building, including demolition of existing structures and relocation of existing access, and all other associated siteworks.	Lands at 12 Inverary Avenue Sydenham Belfast BT4 1RN
10	Titanic	LA04/2022/1279/F	01/07/2022	Proposed new 3 storey extension to provide additional Offices including roof terrace at rear of existing office building.	436-438 Newtownards Road Belfast BT4 1TR
11	Titanic	LA04/2022/1441/F	28/07/2022	Construction of mixed use development comprising of ground floor retail unit & 6 no. Apartments.	127 - 131 Holywood Road Belfast BT4 1PQ
12	Titanic	LA04/2022/1746/F	01/09/2022	Demolition of the existing buildings and construction of 2no. four storey buildings	Nos 372 and 374- 378 Newtownards Road

				comprising 27no. 1-bedroom apartments and 2no. ground floor retail units	Belfast BT4 1HG
13	Titanic	LA04/2021/1973/F	18/08/1973	Demolition of existing building and construction of 6No. apartments with related amenity space & bin & bicycle	47 Jocelyn Avenue Belfast BT6 9AX 61& 63 Euston Street
14	Balmoral	LA04/2020/2370/F	20/11/2020	Proposed change of use from guest house plus refurbishment, alterations and extensions to form 9no apartments and associated site works.	356 -358 Lisburn Road Belfast BT9 6GJ
15	Balmoral	LA04/2022/1046/F	04/05/2022	Proposed demolition of existing building and construction of a residential development consisting of 14 No. units (9 No. apartments and 5 No. terraced dwellings) with associated landscaping and car parking	18 Annadale Avenue Belfast BT7 3JH
16	Botanic	LA04/2022/1499/F	05/08/2022	Construction of new community wellbeing centre and cafe incorporating refurbishment and change of use of existing house, with a new adjacent community garden and men's shed facility.	The Lockhouse 13 River Terrace Belfast BT7 2EN.
17	Botanic	LA04/2021/2870/F	17/12/2021	Demolition of existing single storey building and erection of ground and four upper storeys providing new cafe/restaurant on ground floor and 12no. apartments on the upper four storeys. Provision of bin storage and cycle areas.	19-27 Lombard Street Belfast BT1 1RB
18	Botanic	LA04/2022/0009/F	16/12/2021	Creation of public bar along Crown Entry involving replacement of existing roof covering, proposed outdoor seating area within Crown Entry, internal alterations to form private function rooms, kitchen areas, creating of roof terraces and food court areas including food units. Creation of an additional storey to the rear along Crown Entry.	10A Ann Street and 10-12 Crown Entry Belfast BT1 4EF
19	Botanic	LA04/2022/1816/F	28/09/2022	Refurbishment and alterations to existing property to include a two storey extension to the rear to create 6No. own door short term serviced apartments, along with landscaped communal garden and bicycle storage.	4 Chlorine Gardens Belfast BT9 5DJ.
20	Botanic	LA04/2022/1934/F	18/10/2022	Proposed change of use to ground floor of former bank building to hot food cafe and associated external terrace space	49-51 University Road, Belfast, BT7 1ND

21	Botanic	LA04/2022/1619/F	24/08/2022	Change of use from offices to 3No. apartments	106 Malone Avenue, Belfast, BT9 6ES
22	Botanic	LA04/2022/1868/F	05/09/2022	Proposed partial demolition (removal of roof) and extension to existing office building creating additional 457 sq m of office floorspace amended parking layout, provision of covered cycle stand and ancillary development.	18 Windsor Avenue, Belfast, BT9 6EE
23	Botanic	LA04/2022/1822/F	27/09/2022	Proposed erection of a standalone restaurant with associated outdoor seating, car parking and landscaping	Lands off Marlborough Park in car park to South East of Marlborough House (348 Lisburn Road Belfast)
24	Botanic	LA04/2022/1579/F	19/07/2022	Change of Use from offices to five apartments including dormer window. Minor alterations to elevations and external works to include entrance steps, walls and railings, hard/soft landscaping and bin enclosure.	7 Elmwood Avenue Belfast BT9 6AZ
25	Botanic	LA04/2022/1011/F	25/05/2022	Two storey rear extension to facilitate Change of Use from a club and offices to licensed restaurant and public house, including terrace to front.	27-31 Malone Road Belfast BT9 6RU

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Subject:	Public Consultation on Review of Permitted Development Rights
Date:	15 November 2022
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
Contact Officer(s):	Ed Baker, Planning Manager (Development Management)

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of Main Issues
1.1	The Department for Infrastructure (DfI) is undertaking public consultation on further expansion of permitted development rights (development that can be carried out without the need to make a planning application to the Council). The proposal is for new permitted development rights in relation to the following: <ul style="list-style-type: none"> • Installation of domestic microgeneration equipment (heat pumps) • Installation of reverse vending machines
1.2	A copy of the public consultation is provided at Appendix 1 and is for notation.
1.3	The purpose of this report is to formulate the Council's response to the public consultation.
2.0	Recommendation
2.1	That the Committee endorses the proposed changes to permitted development rights subject to specific comments with delegated authority given to the Director of Planning and Building Control for the final wording of the consultation response.

3.0	Main Report
	<u>Background</u>
3.1	<p>The Department for Infrastructure (DfI) is undertaking public consultation on further expansion of permitted development rights (development that can be carried out without the need to make a planning application to the Council). The proposal is for new permitted development rights in relation to the following:</p> <ul style="list-style-type: none"> • Installation of domestic microgeneration equipment (heat pumps) • Installation of reverse vending machines
3.2	<p>A copy of the public consultation is provided at Appendix 1. The closing date for the consultation is 23 December 2022.</p> <p><u>Microgeneration Equipment (heat pumps)</u></p> <p><i>Air Source Heat Pumps</i></p>
3.3	<p>The proposals include the relaxation of existing permitted development rights for air source heat pumps closer to other parts of the UK and ROI. The proposals are:</p> <ul style="list-style-type: none"> • that the air source heat pump must comply with industry certification standards; • any part of the air source heat pump must be at least 1m from another dwelling; • to increase the height restriction from 2m to 3m. <p><i>Ground or Water Source Heat Pumps</i></p>
3.4	<p>The proposal includes the relaxation of existing permitted development rights for ground and water source pumps in line with GB, removing all conditions and limitations for such development.</p> <p><i>Domestic Wind Turbine</i></p>
3.5	<p>Unlike in GB and ROI, there are no permitted development rights for domestic wind turbines in NI. DfI is not proposing to introduce permitted development rights for such development at this time but is seeking views on the need for such rights.</p> <p><u>Reverse Vending Machines</u></p>
3.6	<p>DAERA is planning to introduce a deposit return scheme for single-use drink containers in 2024. The scheme aims to change consumer behaviour to encourage higher levels of drinks container recycling whereby resources are kept in use for as long as possible. This will in turn reduce litter whilst projected to increase recycling by 70% to 90%. DfI observes that if a planning application is required to install reverse vending machines then it will represent additional cost to retailers and may delay their introduction.</p>
3.7	<p>The proposal is to introduce new permitted development rights for the installation, alteration or replacement of reverse vending machines in a wall of a shop or within the curtilage of a shop, subject to certain limitations and restrictions. This would be in line with existing permitted development rights in Scotland.</p> <p><u>Proposed response to the onsultation</u></p>
3.8	<p>The proposed amendments to permitted development rights set out in the public consultation are generally considered positive and are welcomed. The removal of</p>

	<p>conditions and limitations for permitted development rights for ground and water source heat pumps is sensible given the limited nature of their impact below ground or water. The proposed relaxation of permitted development rights for air source heat pumps is sensible and conditions and restrictions would serve to protect the amenities of the area.</p>
3.9	<p>The proposed introduction of permitted development rights for reverse vending machines would encourage recycling and reduce litter, benefiting the environment. However, there are concerns that some of the proposed limitations are not stringent enough or inappropriate as set out below.</p> <ul style="list-style-type: none"> • The permitted development rights would allow reverse vending machines up to 4 metres in height – this would be excessive and a height restriction of 2 metres would seem more appropriate to human scale; • The permitted development rights would allow a footprint of up to 80sqm – this is a huge footprint, which could cause significant visual harm. The footprint limitation should be reduced; • The restriction on reverse vending machines in the wall of a shop may refer to machines installed, altered or replaced <u>inside</u> a shop – it should be made clear that works undertaken inside a building is not development.
3.10	<p>It is recommended that the Council relays the above comments and concerns in its response to the public consultation. It is further recommended that DfI consolidates the proposed changes, previous and future changes to the original Planning (General Development Procedure) Order (Northern Ireland) 2015 into a single Order rather than having to cross reference the original 2015 Order with separate new Orders, which can be confusing for practitioners and customers.</p>
3.11	<p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the consultation response.</p>
4.0	Financial & Resource Implications
4.1	<p>The relaxation of existing permitted development rights and introduction of new permitted development rights as proposed by this public consultation will reduce the number of planning applications for minor, low impact developments submitted to the Council. This will save costs and enable the Planning Service to assign existing resources to applications and proposals that have greater impact or are more complex.</p>
5.0	Equality or Good Relations Implications / Rural Needs Assessment
5.1	<p>No adverse impacts identified.</p>
6.0	Appendices – Documents Attached
	Appendix 1 – Public Consultation on Review of Permitted Development Rights (DfI)

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Department for

Infrastructure

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PUBLIC CONSULTATION

REVIEW OF PERMITTED DEVELOPMENT RIGHTS

- **Domestic Microgeneration Equipment**
 - **Air Source Heat Pumps**
 - **Ground or Water Source Heat Pumps**
- **Reverse Vending Machines**

Date: October 2022

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Responding to this consultation document

How to Respond

You are invited to send your views on this consultation document. Comments should reflect the structure of the document as far as possible with references to question numbers and paragraph numbers where relevant.

All responses should be made in writing and submitted to the Department no later than 23rd December 2022 in one of the following ways:

1. **Where possible online via Citizen Space.**
2. **By e-mail to: Legislation.planning@infrastructure-ni.gov.uk**
3. **By post to:**
Permitted Development Rights Consultation
Regional Planning Directorate
Room 1-08
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

In keeping with government policy on openness, responses to this consultation may be made available on request or published on the Department's website at:

Planning Legislation | Department for Infrastructure (infrastructure-ni.gov.uk).

We look forward to receiving responses to the proposals and issues raised within this consultation document. Additional copies of the consultation document can be downloaded from the Department's website at:

Planning Legislation | Department for Infrastructure (infrastructure-ni.gov.uk) or requested via the postal address, e-mail as above, by telephone on (028) 90540563 or by Text phone (028) 90540642.

This document is available in alternative formats. Please contact us using the contact details above to discuss your requirements.

If you have any comments or complaints about the consultation process itself (rather than the content of this document), these should also be directed to the postal or e-mail addresses above.

Confidentiality and Data Protection

Information contained in your response may be made public by DfI. If you do not want all or part of your response made public, please state this clearly in the response by marking your response as 'CONFIDENTIAL'. Any confidentiality disclaimer that may be generated by your organisation's IT system or included as a general statement in your correspondence will be taken to apply only to information in your response for which confidentiality has been specifically requested. Information provided in response to this consultation, excluding personal information, may be subject to publication or disclosure in accordance with the access to information regimes (this is primarily the Freedom of Information Act 2000 (FOIA)).

The Department will process your personal data in line with the Department's Privacy Notice (DfI Privacy | Department for Infrastructure ([infrastructure-ni.gov.uk](https://www.infrastructure-ni.gov.uk))). Personal data provided in response to this consultation will not be published. If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

As indicated above, the Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraph below and it will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation or a call for evidence. The Department cannot automatically consider as confidential information supplied to it in response to a consultation or a call for evidence. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, excluding information about your identity, should be made public or treated as confidential.

Impact Assessments

Government bodies are required to screen the impact of new policies and legislation against a wide range of criteria, including equality and human rights.

Equality Impact Assessment Screening and a Preliminary Regulatory Impact Assessment have been undertaken and are set out at Annexes C and D to this consultation paper. The Department believes that there would be no differential impact in rural areas or on rural communities.

The Department also considers that the proposals laid out in this document are fully compliant with the Human Rights Act 1998.

The Department welcomes views and comments on whether the conclusions

contained in the above assessments are correct.

Introduction

Purpose of the consultation

- 1.1 The Planning (General Permitted Development) Order (Northern Ireland) 2015 (GPDO) sets out types of development which can be undertaken without requiring a planning application. These are referred to as permitted development rights and often relate to minor building works that have minimal impact to amenity and the environment. In most cases permitted development rights are subject to conditions and limitations specified in the GPDO. These may, for example, specify the maximum size or scale of what is permitted, restrict or dis-apply the rights in certain locations (e.g. conservation areas, World Heritage Sites etc.) or provide that the permitted development rights only apply to certain developers (e.g. councils, or statutory undertakers). Proposed developments that do not fall within the scope of permitted development rights including any conditions, must be the subject of a planning application.
- 1.2 This consultation document forms part of the continuing review of permitted development rights being undertaken by the Department for Infrastructure. The Department is seeking your views on proposed changes in relation to permitted development rights for:
- installation of domestic microgeneration equipment; and
 - reverse vending machines.

A copy of the draft Order can be found at Annex A.

Installation of domestic microgeneration equipment

- 1.3 The Executive published an Energy Strategy on 16 December 2021, and its accompanying Action Plan was published on 20 January 2022. This Action Plan contained a commitment for the Department for Infrastructure to review permitted development legislation for low carbon heat installations to ensure it is up to date and fit for purpose.

- 1.4 The review has now been completed and this consultation document sets out the Department for Infrastructure's proposals for changes to the nature and scale of permitted development rights for the installation, alteration or replacement of heat pumps (air source and ground or water) to align with modern standards and requirements.
- 1.5 Permitted development rights are currently provided for the installation of domestic microgeneration equipment and can be viewed in Part 2 of the Schedule to GPDO at:
The Planning (General Permitted Development) Order (Northern Ireland) 2015 (legislation.gov.uk)

Reverse vending machines

- 1.6 The Department of Agriculture, Environment and Rural Affairs has plans to introduce a Deposit Return Scheme for single-use drinks containers alongside England and Wales in 2024. The scheme aims to change consumer behaviour to encourage higher levels of drinks container recycling where resources are kept in use for as long as possible and waste is minimized.
- 1.7 Deposit Return Scheme retailers will be responsible for providing a means to take back containers, usually through reverse vending machines, or for small premises through manual take back. If retailers are required to apply for planning permission for reverse vending machines outside of their premises it could result in delays to the scheme implementation and represent an additional cost to retailers.
- 1.8 This consultation is also proposing adding a new Class D to Part 3 (minor operations) of the Schedule to the GPDO specifically for reverse vending machines subject to certain limitations and conditions.

Installation of domestic microgeneration equipment

- 2.1 In Northern Ireland Part 2 of the Schedule to the GPDO currently provides permitted development rights for air source heat pumps (Class G) and ground or water source heat pumps (Class F) subject to a number of limitations and conditions (See Annex B). Although the position in the other UK planning jurisdictions varies from one to another it is apparent that the current system of permitted development rights in Northern Ireland is the most restrictive.

Air source heat pumps

- 2.2 Air source heat pumps (ASHP) are a low carbon technology that extract heat energy from the air in order to warm houses and provide hot water. The ASHP Unit essentially needs to be fitted outside the house on a wall or on the ground with enough space to ensure a good flow of air.
- 2.3 The current permitted development rights for ASHP were added in March 2014 to provide permitted development rights for the installation, alteration or replacement of an air source heat pump within the curtilage of a dwellinghouse subject to certain conditions and limitations.
- 2.4 The permitted development rights allow for one ASHP within the curtilage of a dwellinghouse. Development is not permitted if:-
- any part of an ASHP would be less than 30 metres from another dwellinghouse;
 - any part would be situated on land forward of a wall which faces onto a road and forms either the principal elevation or a side elevation of the original dwellinghouse;

- any part of an ASHP within a World Heritage Site or conservation area faces onto and is visible from a road;
- the external unit would exceed 2 metres in height;
- installed on a roof; or
- situated within the curtilage of a listed building unless listed building consent has previously been granted.

The ASHP must be used to provide heat for use within the curtilage of the dwellinghouse and the equipment must be removed when no longer needed for, or capable of, domestic microgeneration.

- 2.5 Northern Ireland is currently out of step with the other jurisdictions in these islands in relation to ASHP. Currently to avail of permitted development rights in the North an ASHP must be sited at least 30 metres from another dwelling. In England it is now 1 metre, while Scotland and the South have no distance restriction and Wales 3 metres.
- 2.6 The current distance restrictions in the other jurisdictions take into account new technology advances within heat pumps and require that the ASHP must comply with the Microgeneration Certification Scheme (MCS) Planning Standards or equivalent standards. This in particular applies in relation to noise outputs of ASHPs.
- 2.7 The MCS scheme certifies, quality assures and provides consumer protection for microgeneration installations and installers. These consist of small scale renewable electricity technologies such as solar PV, biomass, wind, heat pumps and battery storage.
- 2.8 The MCS requires that the equipment and installers are certified and registered, and that the installer carries out a number of sound level calculations at the time the equipment is installed. MCS certification is a mark of quality and demonstrates compliance to industry standards

including the quality of products and competence of installers in the renewable technology sector. Making use of the MCS certification scheme in the permitted development rights should provide a threshold for sound consideration that neighbours of ASHP will find acceptable.

Proposals

2.9 We are proposing:-

- that the ASHP must comply with MCS Planning Standards or equivalent standards;
- any part of the ASHP would be at least 1 metre from another dwellinghouse; and
- to increase the height restriction from 2 metres to 3 metres.

The other restrictions and conditions including those in relation to World Heritage Sites, conservation areas and listed buildings will remain unchanged.

Question 1: Do you agree with the above proposals in relation to air source heat pumps?

Question 2: Do you have any additional amendments which you believe should be included? Please provide reasons.

Ground or water source heat pumps

2.10 The current permitted development rights for ground and water source heat pumps are detailed in Class F of Part 2 of the Schedule to the GPDO. This provides permitted development rights for the provision of a ground or water source heat pump within the curtilage of a dwellinghouse subject to certain conditions and limitations.

Development is not permitted if:

- any part of the heat pump or its housing would be within 3 metres of the boundary of the curtilage of the dwellinghouse and would exceed 4 metres in height;
- any part of the heat pump or its housing would be nearer to a road which bounds the curtilage than the part of the dwellinghouse nearest to that road;
- it would involve the provision of any heat pump within an area of special scientific interest or a site of archaeological interest; or
- the dwellinghouse is within the curtilage of a listed building unless listed building consent for the development has previously been granted.

2.11 The permitted development right is also subject to the conditions that the heat pump would be used to provide heat for use within the curtilage of the dwellinghouse and when no longer used to provide heat it must be removed as soon as reasonably practicable.

2.12 A ground source heat pump (GSHP) needs space for the ground loops for a horizontal collector – generally the available land needs to be at least two and a half times larger than the entire floor area of the property. There also needs to be space for a plant room to hold the heat pump and cylinder. Because of this, only larger properties or those in a rural location are generally suited to a GSHP. The alternative is to

drill a series of vertical boreholes that will carry the ground collector pipe.

- 2.13 A water source heat pump uses submerged pipework to absorb energy from water sources such as lakes, ponds, rivers, aquifers and mine water. It is essentially the same unit as a GSHP, however, the heat source they use and the way they collect the heat is different.
- 2.14 The North is currently out of step with the other jurisdictions in relation to ground and water source heat pumps which are currently permitted development in Scotland, England and Wales with no conditions or limitations. In the South exempted development is provided for the installation on or within the curtilage of a house of a ground heat pump system (horizontal and vertical) subject to certain restrictions.

Proposals

- 2.15 We are proposing to align the permitted development rights with Scotland, England and Wales and propose to provide permitted development rights for the provision of a ground or water source heat pump within the curtilage of a dwellinghouse with no conditions or limitations.

Question 3: Do you agree with the above proposals in relation to ground or water source heat pumps?

Domestic Wind Turbines

- 3.1 There are currently no permitted development rights in the North for domestic wind turbines reflecting the fact that such development can raise issues, including in relation to visual amenity, noise and interference with air navigation systems, which may be more appropriately considered in the context of a planning application.

- 3.2 Scotland, England and Wales do provide permitted development rights for domestic wind turbines subject to a number of limitations and conditions. In the South, exempted development provides for a wind turbine within the curtilage of a house subject to a number of restrictions.

Proposals

- 3.3 The Department does not intend to bring forward proposals to provide for permitted development rights for domestic wind turbines at this time, but is seeking views on whether there is a demand or need for the introduction of such a right in the North.

Question 4: If you have any views on whether permitted development rights for domestic wind turbines should be considered please provide details.

Reverse Vending Machines

- 4.1 Part 3 of the Schedule to the GPDO currently provides permitted development rights for Minor Operations.
- 4.2 The Department of Agriculture, Environment and Rural Affairs (DAERA) has plans to introduce a Deposit Return Scheme (DRS) for single-use drinks containers alongside England and Wales in 2024. The scheme aims to change consumer behaviour to encourage higher levels of drinks container recycling where resources are kept in use for as long as possible and waste is minimised.
- 4.3 DAERA advise the proposals for DRS will reduce costs of handling litter to the rate payer and reduce littering of DRS containers by increasing recycling of drinks containers from 70% to 90%.

- 4.4 If retailers are required to apply for planning permission for reverse vending machines outside of their premises it could result in delays to the scheme implementation and represent an additional cost to retailers.

Proposals

- 4.5 The Department proposes adding a new Class D to Part 3 (minor operations) of the Schedule to the GPDO specifically to allow for the installation, alteration or replacement of a reverse vending machine (RVM) in a wall of a shop or within the curtilage of a shop, subject to certain limitations and conditions. This is in line with the current permitted development rights in Scotland.
- 4.6 We are proposing:
- there should be no limit to the number of RVM that can be installed within the curtilage of a shop;
 - in the case of a RVM installed in the wall of a shop, any part of the development must not exceed 2 metres beyond the outer surface of that wall;
 - the RVM must not exceed 4 metres in height;
 - the footprint of the RVM must not exceed 80 square metres;
 - it must not face onto and be within 5 metres of a road;
 - the RVM must not be situated within 15 metres of the curtilage of a building used for residential purposes; and
 - the permitted development right would not apply to the proposed installation of a RVM in a World Heritage Site, conservation area, an area of special scientific interest or a site of archaeological interest or within the curtilage of a listed building unless listed building consent has been granted.

Question 5: Do you agree with the introduction of a new permitted development right for reverse vending machines?

Question 6: Do you have any amendments or additional restrictions you would propose to the permitted development right? Please provide reasons.

Overview of Consultation Questions

Question 1: Do you agree with the above proposals in relation to air source heat pumps?	12
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Question 4: If you have views on whether permitted development rights for domestic wind turbines should be considered please provide details?	15
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If you disagree with any of these proposals it would be helpful to explain why.

Annex A – Draft Statutory Rule

STATUTORY RULES OF NORTHERN IRELAND

2023 No.

PLANNING

The Planning (General Permitted Development) (Amendment) Order (Northern Ireland) 2023

Made - - - - - ?? 2023

Coming into operation - - - - - ?? 2023

The Department for Infrastructure makes the following Order in exercise of the powers conferred by sections 32 and 247(6) of the Planning Act (Northern Ireland) 2011(a) and now vested in it(b).

Citation and commencement

1. This Order may be cited as the Planning (General Permitted Development) (Amendment) Order (Northern Ireland) 2016 and comes into operation on ?? 2023.

Amendment of the Planning (General Permitted Development) Order (Northern Ireland) 2015

2.-(1) The Planning (General Permitted Development) Order (Northern Ireland) 2015(c) is amended in accordance with paragraph (2).

(1) In the Schedule (development permitted under Article 3)—

- (a) Part 2 (installation of domestic microgeneration equipment) is amended in accordance with Schedule 1; and
- (b) Part 3 (Minor Operations) is amended in accordance with Schedule 2.

Sealed with the Official Seal of the Department for Infrastructure on ?? 2023.

A senior officer of the Department for Infrastructure

(a) 2011 c.25 (N.I.)

(b) S.R. 2016 No.76, article 8(1)(b) and Schedule 5, Part 2

(c) S.R. 2015 No. 70 as amended by S.R. 2020 No.292

SCHEDULE 1

Article 2(2)(a)

AMENDMENTS TO PART 2 OF THE SCHEDULE TO THE PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER (NORTHERN IRELAND) 2015

3. For Class F and Class G substitute—

“Class F

Permitted development	F.	The installation, alteration or replacement of a ground or water source heat pump within the curtilage of a dwellinghouse.
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Class G

Permitted development	G.	The installation, alteration or replacement of an air source heat pump within the curtilage of a dwellinghouse.
------------------------------	-----------	--

Development not permitted

- | | |
|-----|---|
| G.1 | Development is not permitted by Class G if— |
|-----|---|
- (a) it would result in the presence within the curtilage of more than one air source heat pump;
 - (b) any part of the air source heat pump would be less than one metre from a dwellinghouse (other than the dwellinghouse on which the air source heat pump is being installed or replaced);
 - (c) any part of the air source heat pump would be situated on land forward of a wall which—
 - (i) faces onto a road; and
 - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse.
 - (d) in the case of a dwellinghouse within a World Heritage Site or conservation area and any part of the air source heat pump faces onto and is visible from a road;
 - (e) the external unit of the air source heat pump would exceed 3 metres in height
 - (f) the air source heat pump would be installed on a roof; or
 - (g) the air source heat pump would be situated within the curtilage of a listed building unless listed building consent for the development has previously been granted.

Conditions

- | | |
|-----|--|
| G.2 | Development is permitted by Class G subject to the following conditions— |
|-----|--|
- (a) the air source heat pump would be used to provide heat for use within the curtilage of

the dwellinghouse; and

- (b) when no longer used to provide heat it shall be removed as soon as reasonably practicable; and
- (c) the air source heat pump must comply with MCS planning standards or equivalent standards.

Interpretation of Class G	G. 3	For the purposes of Class G “MCS Planning Standards” means the product and installation standards for air source heat pumps specified in Microgeneration Certification Scheme MCS 020 ¹ ;
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¹ Issue 1.3 dated 19th June 2019 at MCS-020.pdf (mcs-certified.com)

SCHEDULE 2

Article 2(2)(b)

AMENDMENT TO PART 3 OF THE SCHEDULE TO THE PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER (NORTHERN IRELAND) 2015

Amendments in relation to shops, financial or professional services establishments

1. After Class C insert—

“Class D

Permitted development

D. The installation, alteration or replacement of a reverse vending machine in a wall of a shop or within the curtilage of a shop

Development not permitted

- D.1.** Development is not permitted by Class D if—
- (a) the reverse vending machine would exceed 4 metres in height;
 - (b) its footprint would exceed 80 square metres;
 - (c) in the case of a reverse vending machine installed in the wall of a shop, any part of the development would protrude 2 metres beyond the outer surface of the wall;
 - (d) it would be situated within 15 metres of the curtilage of a building used for residential purposes;
 - (e) it would face onto and be within 5 metres of a road;
 - (f) the development would be within the curtilage of a listed building unless listed building consent has previously been granted; or
 - (g) the development would be within a conservation area, a World Heritage Site, an area of special scientific interest or a site of archaeological interest.

Conditions

- D.2.** Development is permitted by Class D subject to the following conditions—
- (a) where the reverse vending machine is no longer in operation the development must be removed as soon as reasonably practicable; and
 - (b) the land on which the development was situated, including any wall in which the development was installed must, as soon as reasonably practicable and so far as reasonably practicable, be reinstated to its condition before the development was carried out.

Interpretation of Class D

- D.3.** For the purposes of Class D—
“footprint” means an area of ground covered by

the development;

“reverse vending machine” means a machine for the purpose of accepting scheme packaging, reimbursing deposits for each item of scheme packaging accepted and retaining the scheme packaging for collection within the meaning of the [Deposit and Return Scheme Regulations] and any associated enclosure, building, canopy or other structure;

“scheme packaging” has the meaning given in [regulation xx of the Deposit and Return Scheme Regulations];

“shop” means a building used for any purpose within Class A1 of the Schedule to the Use Classes Order.”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Planning (General Permitted Development) Order (Northern Ireland) 2015 (“the 2015 Order”).

Schedule 1 of this Order amends by substitution Class F and Class G of Part 2 of the Schedule to expand the scopes of that permitted development.

Schedule 2 of this Order amends Part 3 (Minor operations) of the Schedule to the 2015 Order to expand the scope of that permitted development by adding a new Class D (Reverse vending machines).

The Explanatory Memorandum is available alongside the Order on the government’s website www.legislation.gov.uk

The Planning (General Permitted Development) Order (Northern Ireland) 2015

Part 2 Installation of domestic microgeneration equipment

Class F Permitted development	F.	The provision of a ground or water source heat pump within the curtilage of a dwellinghouse.
Development not permitted	F.1	Development is not permitted by Class F if— <ul style="list-style-type: none"> (a) any part of the heat pump or its housing would be within 3 metres of the boundary of the curtilage of the dwellinghouse and would exceed 4 metres in height; (b) any part of the heat pump or its housing would be nearer to a road which bounds the curtilage than the part of the dwellinghouse nearest to that road; (c) it would involve the provision of any heat pump within an area of special scientific interest or a site of archaeological interest; or (d) the heat pump would be situated within the curtilage of a listed building unless listed building consent for the development has previously been granted.
Conditions	F.2	Development is permitted by Class F subject to the following conditions— <ul style="list-style-type: none"> (a) the heat pump would be used to provide heat for use within the curtilage of the dwellinghouse; and (b) when no longer used to provide heat it shall be removed as soon as reasonably practicable.
Class G Permitted development	G.	The installation, alteration or replacement of an air source heat pump within the curtilage of a dwellinghouse.
Development not permitted	G.1	Development is not permitted by Class G if— <ul style="list-style-type: none"> (a) it would result in the presence within the curtilage of more than one air source heat pump; (b) any part of the air source heat pump would be less than 30 metres from a dwellinghouse (other than the dwellinghouse on which the air source

heat pump is being installed, altered or replaced);

- (c) any part of the air source heat pump would be situated on land forward of a wall which—
 - (i) faces onto a road; and
 - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;
- (d) in the case of a dwellinghouse within a World Heritage Site or conservation area any part of the air source heat pump faces onto and is visible from a road;
- (e) the external unit of the air source heat pump would exceed 2 metres in height;
- (f) the air source heat pump would be installed on a roof;
- (g) the air source heat pump would be situated within the curtilage of a listed building unless listed building consent for the development has previously been granted.

Conditions

G.2

Development is permitted by Class G subject to the following conditions—

- (a) the air source heat pump would be used to provide heat for use within the curtilage of the dwellinghouse; and
- (b) when no longer used to provide heat it shall be removed as soon as reasonably practicable.

Annex C – Screening for Equality Impact Assessment

DEPARTMENT FOR INFRASTRUCTURE

SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM

The purpose of this form is to help you to consider whether a new policy (either internal or external) or legislation will require a full equality impact assessment (EQIA). Those policies identified as having significant implications for equality of opportunity must be subject to full EQIA.

The form will provide a record of the factors taken into account if a policy is screened out, or excluded for EQIA. It will provide a basis for quarterly consultation on the outcome of the screening exercise, and will be referenced in the biannual review of progress made to the Minister and in the Annual Report to the Equality Commission.

Further advice on completion of this form and the screening process including relevant contact information can be accessed via the Department for Infrastructure (DfI) Intranet site.

HUMAN RIGHTS ACT

When considering the impact of this policy you should also consider if there would be any Human Rights implications. Guidance is at:

- <https://www.executiveoffice-ni.gov.uk/articles/human-rights-and-public-authorities>

Should this be appropriate you will need to complete a Human Rights Impact Assessment. A template is at:

- <https://www.executiveoffice-ni.gov.uk/publications/human-rights-impact-assessment-proforma>

Don't forget to Rural Proof.

Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

Information about the policy

Name of the policy

Review of Permitted Development Rights

Is this an existing, revised or a new policy?

Existing Policy

What is it trying to achieve? (intended aims/outcomes)

To amend permitted development rights for (1) Installation of domestic microgeneration equipment; and (2) To add new permitted development rights for Reverse Vending Machines.

Are there any Section 75 categories which might be expected to benefit from the intended policy?

If so, explain how.

No

Who initiated or wrote the policy?

The former Department of the Environment

Who owns and who implements the policy?

The Department for Infrastructure owns the policy. The Department for Infrastructure, Council Planning Departments and the relevant sectors of the

development industry/economy are the main groups/organisations that implement the policy.

Background

This policy relates solely to amendments to the Planning (General Permitted Development) Order (NI) 2015 (GPDO) and is part of the Department's ongoing programme of expanding the scope of the permitted development regime. The Department is consulting on amendments to the GPDO. This is part of the Department's approach to better regulation, and is intended to provide a considered balance between lightening the regulatory burden on businesses and individuals (and reducing any associated costs) and protecting the environment, amenity and public safety.

The consultation document is seeking your views on proposals in relation to permitted development rights for:

- Installation of domestic microgeneration equipment; and
- Reverse vending machines (RVM).

Domestic Microgeneration – Heat Pumps

The Department for Infrastructure is reviewing permitted development legislation for domestic low carbon heat installations to ensure it is up to date and fit for purpose and is consulting on changes to the nature and scale of permitted development rights for the installation, alteration or replacement of heat pumps to align with modern standards and requirements.

This policy proposes to change the nature and scale of permitted development rights for the installation, alteration or replacement of heat pumps to align with modern standards and requirements particularly in relation to noise emissions. any specifics on this. This will make it easier and quicker for homeowners to install heat pumps.

Reverse Vending Machines

The Department of Agriculture, Environment and Rural Affairs has plans to introduce a Deposit Return Scheme (DRS) for single-use drinks containers alongside England and Wales in 2024. The scheme aims to change consumer behaviour to encourage higher levels of drinks container recycling where resources are kept in use for as long as possible and waste is minimized.

DRS retailers will be responsible for providing means to take back containers, usually through RVM, or for small premises through manual take back. If permitted development rights are not provided retailers will be required to apply

for planning permission for RVM outside of their premises which would result in delays to the scheme implementation and represent an additional cost to retailers.

The Department for Infrastructure is proposing to introduce permitted development rights for RVM to facilitate this Deposit Return Scheme.

This policy proposes to add a new Class D to Part 3 (minor operations) of the Schedule to the GPDO specifically for RVM subject to certain limitations and conditions. These include:

- in the case of a RVM installed in the wall of a shop, any part of the development must not exceed 2 metres beyond the outer surface of that wall;
- the RVM must not exceed 4 metres in height;
- the footprint of the RVM must not exceed 80 square metres;
- it must not face onto and be within 5 metres of a road;
- the RVM must not be situated within 15 metres of the curtilage of a building used for residential purposes; and
- the permitted development right would not apply to the proposed installation of a RVM in a World Heritage Site, conservation area, an area of special scientific interest or a site of archaeological interest or within the curtilage of a listed building unless listed building consent has been granted.

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

If yes, are they (please delete as appropriate)

Legislative – The implementation of the policy will require amendments to subordinate legislation

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon? (please delete as appropriate)

Staff Yes

service users Yes

other public sector organisations Yes

voluntary/community/trade unions No

other, please specify Yes – businesses, in particular Retailers and the providers and installers of heat pumps

Other policies with a bearing on this policy

- what are they? The Department of Agriculture, Environment and Rural Affairs Deposit Return Scheme (DRS) for single-use drinks containers. The scheme aims to change consumer behaviour to encourage higher levels of drinks container recycling where resources are kept in use for as long as possible and waste is minimized.

Department for the Economy who are leading on the Executive's Energy Strategy. The Energy Strategy was published on 16 December 2021, and its accompanying Action Plan was published on 20 January 2022. This Action Plan contained a commitment for the Department for Infrastructure who hold responsibility for the GPDO to review permitted development legislation for low carbon heat installations to ensure it is up to date and fit for purpose.

- who owns them?

The Department of Agriculture, Environment and Rural Affairs
Department for the Economy
Department for Infrastructure

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data. The Commission has produced this guide to signpost to S75 data.

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Religious belief evidence / information:

The Department does not envisage or consider that there are likely to be any specific negative impacts associated with this policy.

There is no evidence to suggest that expanding the scope of the permitted development regime of itself, or generally, is more or less likely to adversely impact upon any s.75 group(s).

The Department does not therefore envisage any significant, adverse or unequal impact of these changes upon any s.75 category

Political Opinion evidence / information:

As above

Racial Group evidence / information:

As Above

Age evidence / information:

As above

Marital Status evidence / information:

As above

Sexual Orientation evidence / information:

As above

Men & Women generally evidence / information:

As above

Disability evidence / information:

As above

Dependants evidence / information:

As above

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision?

Specify details of the needs, experiences and priorities for each of the Section 75 categories below:

Religious belief

None – The policy relates solely to the permitted development rights for domestic heat pumps and RVM. No equality issues identified by expanding the scope of permitted development rights as the changes will be available to all potential users of the planning system. In line with the Equality Commission NI guidance, regular and ongoing monitoring and screening of each policy will be undertaken to examine any potential equality impacts. DAERAs Deposit Return Scheme will mean retailers will be responsible for providing means to take back containers, usually through RVM, or for small premises through manual take back.

Political Opinion

As above

Racial Group

As above

Age

As above

Marital status

As above

Sexual orientation

As above

Men and Women Generally

As above

Disability

As above

Dependants

As above

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 which are given on pages 66-68 of this Guide.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;

- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1. **What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories?**

Please provide details of the likely policy impacts and determine the level of impact for each S75 categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**:

None – Expanding the scope of permitted development rights will be available equally to all potential users of the planning system who wish to install a domestic heat pump or require a RVM.

What is the level of impact? None – as above

Details of the likely policy impacts on **Political Opinion**: None – as above

What is the level of impact? As Above - None

Details of the likely policy impacts on **Racial Group**: None – as above

What is the level of impact? None

Details of the likely policy impacts on **Age**: None – as above

What is the level of impact? None

Details of the likely policy impacts on **Marital Status**: None – as above

What is the level of impact? None

Details of the likely policy impacts on **Sexual Orientation**: None – as above

What is the level of impact? None

Details of the likely policy impacts on **Men and Women**: None – as above

What is the level of impact? **None**

Details of the likely policy impacts on **Disability**: **None – as above**

What is the level of impact? **None**

Details of the likely policy impacts on **Dependants**: **None – as above**

What is the level of impact? **None**

2. **Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?** Yes/No

Detail opportunities of how this policy could promote equality of opportunity for people within each of the Section 75 Categories below:

Religious Belief – No: The relaxation of permitted development rights is part of the Department's commitment to the Executive's Energy Strategy to review permitted development legislation for low carbon heat installations to ensure it is up to date and fit for purpose and aligns with modern standards and requirements.

Proposals for a new permitted development right for reverse vending machines are to facilitate the Department of Agriculture, Environment and Rural Affairs plans to introduce a Deposit Return Scheme (DRS) for single-use drinks containers. The scheme aims to change consumer behaviour to encourage higher levels of drinks container recycling where resources are kept in use for as long as possible and waste is minimised.

There is no opportunity to better promote equality of opportunity.

Political Opinion - No: as above.

Racial Group - No: as above.

Age - No: as above.

Marital Status - No: as above.

Sexual Orientation - No: as above.

Men and Women generally - No: as above.

Disability - No: as above.

Dependants - No: as above.

3. **To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?**

Please provide details of the likely policy impact and determine the level of impact for each of the categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**: None as the policy driving these changes is aimed at protecting the environment by encouraging the use of low carbon heat technologies and promoting the recycling of drinks containers. The proposed changes will apply equally to all potential users of the planning system applying for permitted development rights under amendments to the Planning (General Permitted Development) Order (NI) 2015.

There are no identified opportunities to promote good relations between persons of different religious belief.

What is the level of impact? None.

Details of the likely policy impacts on **Political Opinion**: None – as above

What is the level of impact? None

Details of the likely policy impacts on **Racial Group**: None – as above

What is the level of impact? None

4. **Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?**

Detail opportunities of how this policy could better promote good relations for people within each of the Section 75 Categories below:

Religious Belief – No - The policy driving these changes is aimed at protecting the environment by encouraging the use of low carbon heat technologies and promoting the recycling of drinks containers. The proposed changes will apply equally to all potential users of the planning system applying for permitted development rights under amendments to the Planning (General Permitted Development) Order (NI) 2015.

Political Opinion - No – as above.

Racial Group - No – as above.

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category.

Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?

(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

There is no evidence that the policy has any impact on people with multiple identities.

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

None.

Part 3. Screening decision

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

The Department does not envisage or consider that there are likely to be any specific significant negative, adverse or unequal impacts associated with this policy. The expansion of the scope of permitted development rights are to facilitate policies to improve the environment and encourage recycling.

There is no evidence that existing or enhanced permitted development rights have any impact in terms of equality of opportunity or good relations. The policy will be subject to public consultation and any S75 issues raised will be considered.

In line with the Equality Commission NI guidance “regular and ongoing monitoring and screening of each major project will be undertaken to examine any equality impacts”

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced - please provide details.

As above

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

N/A

All public authorities’ equality schemes must state the authority’s arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, **give the reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

N/A

Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been '**screened in**' for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion [Author pick 1 2 or 3 if a full EQIA is to take place]

Effect on equality of opportunity and good relations	Rating 1, 2 or 3
Social need	Rating 1, 2 or 3
Effect on people's daily lives	Rating 1, 2 or 3
Relevance to a public authority's functions	Rating 1, 2 or 3

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities?

No

Part 4. Monitoring

Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

Effective monitoring will help the public authority identify any future adverse impact arising from the policy which may lead the public authority to conduct an equality impact assessment, as well as help with future planning and policy development.

Part 5 - Approval and authorisation

Screened by: [David Doherty](#)

Position/Job Title: [Deputy Principal Planning](#)

Date: 17 [October 2022](#)

Approved by: [Irene Kennedy](#)

Position/Job Title: [Assistant Director](#)

Date: 17 [October 2022](#)

Note: A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy, made easily accessible on the public authority's website as soon as possible following completion and made available on request.

For Equality Team Completion:

Date Received:

Amendments Requested: Yes / No

Date Returned to Business Area:

Date Final Version Received / Confirmed:

Date Published on DfI's Section 75 webpage:

Annex D

Title: Review of Permitted Development Rights	Regulatory Impact Assessment (RIA)
	Date: October 2022
	Type of measure: Subordinate Legislation
Lead department or agency: Department for Infrastructure	Stage: Initial
	Source of intervention: Domestic NI
Other departments or agencies: N/A	Contact details: Irene Kennedy

Summary Intervention and Options

What is the problem under consideration? Why is government intervention necessary? (7 lines maximum)

This intervention fulfils a Departmental commitment to review the Planning (General Permitted Development) Order (Northern Ireland) 2015 (GPDO) to provide enhanced permitted development rights (PDR) for heat pumps to ensure they are up to date and fit for purpose to align with modern standards and requirements. It also provides a new permitted development right for reverse vending machines (RVM). This is in line with the Department's approach to better regulation which is intended to provide a considered balance between lightening the regulatory burden on businesses and individuals and protecting the environment, amenity and public safety.

What are the policy objectives and the intended effects? (7 lines maximum)

The relaxation of permitted development rights is part of the Department's commitment to the Executive's Energy Strategy to review PDR for low carbon heat installations to ensure it is up to date and fit for purpose. Proposals for a new PDR for RVM are to facilitate the Department of Agriculture, Environment and Rural Affairs plans to introduce a Deposit Return Scheme for single-use drinks containers. The scheme aims to change consumer behaviour to encourage higher levels of drinks container recycling. It is difficult to measure/quantify the monetary benefits or effects of any proposed changes as the level of future planning applications cannot be accurately predicted, however, it is not unreasonable to conclude that any further relaxations would be positive overall.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base) (10 lines maximum)

Essentially there are two options:

- Option 1 - Do nothing (maintain the status quo); and
- Option 2 - Review the GPDO.

The review fulfils the Departmental commitment to review PDR for low carbon heat installations.

The review will facilitate the installation of RVM in a significant number of cases and allow the industry greater certainty that they will be able to meet potential statutory obligations.

Not to review the legislation, nor to consider in line with changes in other jurisdictions may be disadvantageous to local business and therefore is not an option.

Will the policy be reviewed? It will be reviewed

If applicable, set review date: January 2023

Cost of Preferred (or more likely) Option		
Total outlay cost for business £m	Total net cost to business per year £m	Annual cost for implementation by Regulator £m

Does Implementation go beyond minimum EU requirements?		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Is this measure likely to impact on trade and investment?		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Are any of these organisations in scope?	Micro Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Small Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Medium Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
			Large Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

The final RIA supporting legislation must be attached to the Explanatory Memorandum and published with it.

Approved by: Date:

Summary: Analysis and Evidence
Description:

Policy Option 2

ECONOMIC ASSESSMENT (Option)

Costs (£m)	Total Transitional (Policy) (constant price) Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Cost (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best			
Description and scale of key monetised costs by ‘main affected groups’ Maximum 5 lines It is not possible to quantify the monetary costs to the main affected groups of this option as it is predicated on whether an application for planning permission would have been forthcoming and if associated costs then removed under permitted development. There will be a cost to business in relation to heat pumps in undertaking the microgeneration certification compliance procedure, however this should be less onerous than the costs associated with planning applications.			
Other key non-monetised costs by ‘main affected groups’ Maximum 5 lines None.			
Benefits (£m)	Total Transitional (Policy) (constant price) Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Benefit (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best			
Description and scale of key monetised benefits by ‘main affected groups’ Maximum 5 lines It is difficult to measure / quantify the monetary benefits or effects of any proposed changes (as this is reliant on the number of applications for planning permission which would otherwise be required) however it is not unreasonable to conclude that the relaxations would be positive overall. A significant number of retailers would benefit from not having to expend the costs associated with preparing and submitting a planning application for RVM. Home owners would benefit from not having to pay for the planning application for heat pumps.			
Other key non-monetised benefits by ‘main affected groups’ Maximum 5 lines The introduction of additional or extended permitted development rights will allow certain forms of development to proceed without the requirement or administrative burden on business or homeowners to submit an application seeking planning permission and await a council's determination. Less regulatory burden for both the regulator and to the person / business intending to undertake the permitted development derived from further relaxations of permitted development rights.			
Key Assumptions, Sensitivities, Risks Maximum 5 lines It is not unreasonable to assume that any extension / relaxations to the existing permitted development regime would be positive overall. Certain condition and limitations imposed on permitted development rights ensures that sensitivities and risks associated with deregulating some types of development are identified and mitigated.			

BUSINESS ASSESSMENT (Option)

Direct Impact on business (Equivalent Annual) £m				
Costs:	Benefits:	Net:		Cannot be quantified monetarily but is assumed can only be positive if planning requirements are reduced.

Cross Border Issues (Option 2)

How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland) Maximum 3 lines

This option will bring NI closer to the equivalent legislation in other jurisdictions. Any proposals to further relax permitted development locally will take account of changes / advancements elsewhere.

Evidence Base

The planning system provides a mechanism through which the impacts of development to third parties can be taken into consideration when new development is proposed. The planning system plays an important role in promoting the efficient use of land and considering and mitigating the adverse impacts that development can have. However, applying for planning permission places an administrative burden on business / home owners.

Where a development has little or limited adverse impact or the impacts can be controlled in a way that does not require detailed assessment of each proposal, the requirement to obtain planning permission can often place additional burdens and costs on business and other applicants that are disproportionate to the likely potential impacts.

The planning system aims to achieve proportionality by exercising different degrees of control over types of development with different degrees of impact. The requirement for councils' scrutiny of development proposals with little or limited adverse impact is removed using permitted development rights. Permitted development rights are a deregulatory tool to grant automatic planning permission for development that complies with certain specified limitations and conditions that are set out in legislation, which in Northern Ireland is the Schedule to the Planning (General Permitted Development) Order (Northern Ireland) 2015.

Policy issue under consideration and objectives

The policy issue under consideration is whether the thresholds that govern the available permitted development rights for the following types of development remain appropriate to the local context:

- the installation of domestic microgeneration equipment; and
- reverse vending machines.

The policy objective is to deregulate by removing more development from the requirement for planning permission from councils by increasing permitted development thresholds. This is intended to reduce the administrative and financial burden of the planning system on businesses and the public. The specific benefits include:

- homeowners will not have to meet the costs for planning applications up front or as part of an installation cost for installing domestic heat pumps;

- retail outlets will have greater certainty that they could meet the statutory requirements of the Deposit Return Scheme;
- reduced costs associated with preparing and submitting a planning application; and
- reducing the need for councils to assess planning applications for development with limited impacts allowing them to concentrate on larger development of more strategic benefit to their local area.

Options

Two options were considered;

Option 1 - Do nothing: make no changes to permitted development rights,

Option 2 – Extend permitted development rights

Installation of domestic microgeneration equipment

The Executive published an Energy Strategy on 16 December 2021, and its accompanying Action Plan was published on 20 January 2022. This Action Plan contained a commitment for the Department for Infrastructure to review permitted development legislation for low carbon heat installations to ensure it is up to date and fit for purpose.

The review has now been completed and the Department is proposing changes to the nature and scale of permitted development rights for the installation, alteration or replacement of heat pumps to align with modern standards and requirements.

Air Source Heat Pumps

Air source heat pumps (ASHP) are a low carbon technology that extract heat energy from the air in order to warm houses and provide hot water. The ASHP Unit essentially needs to be fitted outside the home on a wall or on the ground with enough space to ensure a good flow of air.

Although the position in the other UK planning jurisdictions varies from one to another it is apparent that the current system of permitted development rights in Northern Ireland is the most restrictive.

The Department proposes to amend the permitted development rights so that:

- the air source heat pump must comply with MCS Planning Standards or equivalent standards;
- any part of the air source heat pump would be at least 1 metre from a dwellinghouse;
- the height restriction is increased from 2 metres to 3 metres.

The other restrictions and conditions including those in relation to World Heritage Sites, conservation areas and listed buildings will remain unchanged

Ground or water source heat pumps

A ground source heat pump (GSHP) needs space for the ground loops for a horizontal collector – the available land needs to be at least two and a half times larger than the entire floor area of the property. There also needs to be space for a plant room to hold the heat pump and cylinder. Because of this, only larger properties or those in a rural location are generally suited to a GSHP. The alternative is to drill a series of vertical boreholes that will carry the ground collector pipe.

A water source heat pump uses submerged pipework to absorb energy from water sources such as lakes, ponds, rivers, aquifers and mine water. It is generally the same unit as a

ground source heat pump, however, the heat source they use and the way they collect the heat is different.

Northern Ireland is currently out of step with the other jurisdictions in relation to ground and water source heat pumps which are currently permitted development in Scotland, England and Wales with no conditions or limitations.

The Department is proposing to align the permitted development rights with Scotland, England and Wales and propose to provide permitted development rights for the provision of a ground or water source heat pump within the curtilage of a dwellinghouse with no conditions or limitations.

Reverse Vending Machines

The Department of Agriculture, Environment and Rural Affairs has plans to introduce a Deposit Return Scheme (DRS) for single-use drinks containers alongside England and Wales in 2024. The scheme aims to change consumer behaviour to encourage higher levels of drinks container recycling where resources are kept in use for as long as possible and waste is minimised.

If retailers are required to apply for planning permission for reverse vending machines outside of their premises it could result in delays to the scheme implementation and represent an additional cost to retailers.

The Department propose adding a new Class D to Part 3 (minor operations) of the Schedule to the GPDO specifically for reverse vending machines subject to certain limitations and condition. The Department is proposing:

- there should be no limit to the number of RVM that can be installed within the curtilage of a shop;
- in the case of a RVM installed in the wall of a shop, any part of the development must not exceed 2 metres beyond the outer surface of that wall or equivalent standards;
- the footprint of the RVM must not exceed 80 square metres;
- it must not face onto and be within 5 metres of a road;
- the RVM must not be situated within 15 metres of the curtilage of a building used for residential purposes; and

the permitted development right would not apply to the proposed installation of a RVM in an area of special scientific interest or a site of archaeological interest or the curtilage of a listed building unless listed building consent has been granted.

Preferred Option

Overall, Option 2 is considered to be the preferred option as it would meet the policy objectives outlined above.

Benefits for councils: reduced number / processing of planning applications

Councils will benefit from a reduced number of planning applications for the types of development which otherwise would previously had fallen beyond the existing permitted development regime, therefore freeing-up resources.

Costs to communities: amenity impacts of additional extensions

Appropriate limitations and conditions to permitted development rights will apply in sensitive areas such as:

- a World Heritage Site;

- a conservation area;
- an area of special scientific interest;
- a site of archaeological interest; or
- within the curtilage of a listed building.

If, in exceptional circumstances, it is clearly demonstrated that the permitted development rights are materially harmful in a particular locality, councils can consult with their communities on using a direction under Article 4 of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (“the 2015 Order”) to withdraw the rights. Removal of the rights in exceptional circumstances allows all the potential planning impacts of the development to be considered locally by requiring submission of a planning application(s).

Impact on small firms

There may be positive impacts for small firms who install domestic heat pumps. In addition small firms involved in the supply chains of these firms could benefit.



Subject:	Retention and Disposal Schedule for new Regional Planning IT System
Date:	15 November 2022
Reporting Officer:	Ed Baker, Planning Manager (Development Management)
Contact Officer:	Helen Richmond, Project Officer

Restricted Reports

Is this report restricted?

Yes ☐ No ☒

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Some time in the future

Never

☐
☐
☐
☐

Call-in

Is the decision eligible for Call-in?

Yes ☒ No ☐

1.0	Purpose of Report or Summary of main Issues
1.1	To update the Committee on amendments to the agreed Retention and Disposal Schedule (the Schedule), which sets out how the council manages physical and digital planning records and information. A copy of the Schedule is provided at Appendix 1 .
2.0	Recommendations
2.1	The Committee is asked to note the amended Schedule at Appendix 1 which has been agreed with all planning authorities.
3.0	Main report
3.1	The new regional Planning IT system is scheduled to “go live” on 05 December 2022. As part of the preparation work, an amended Retention and disposal Schedule has been agreed by all planning authorities (including Mid Ulster Council, which is not part of the regional IT project).

3.2	The retention periods and disposal actions set out in the Schedule at Appendix 1 apply to all official records in whatever format held, paper and electronic. It provides the planning authorities with clear guidance on how to dispose of records promptly when they cease to be of any continuing administrative/legal value. It also identifies any records which should be transferred to the Public Records Office NI (PRONI) because of their long-term historical/research value.
3.3	The document has been updated to reflect changes to the Council's business requirements. The new Planning IT system includes an integrated Electronic Document Management System and going forward electronic records will be the official record rather than paper records. A module has been included in the new Planning IT system to manage the retention and disposal of electronic records.
3.4	The Public Records Office of NI has approved the Schedule.
3.5	<u>Financial & Resource Implications</u> None identified.
3.6	<u>Equality or Good Relations Implications/Rural Needs Assessment</u> There are no equality implications with this report.
4.0	Appendices
4.1	Appendix 1 – Retention and Disposal Schedule

Retention and Disposal Policy for Planning Records (2022)

PLANNING - Paper and Electronic Records				
Sub-work Area – Basic Work Activities	Type of Records	Statutory provisions/Authority	Retention Period	Action at end of administrative life of record (and retention period)
Development Management	<p>All Planning Registers:</p> <ul style="list-style-type: none"> Register for Applications* Register for Simplified Planning Zones and Enterprise Zones Register of Enforcement Notices Register of Orders and Directions <p>*This includes Section 26 (Regionally Significant Applications), Section 29 (Call-In Applications) and EIA Assessments & Statements.</p>	<p>Section 242 (1) of the Planning Act (Northern Ireland) 2011</p> <p>Articles 24, 25, 26 and 27 of the Planning (General Development Procedure) Order (Northern Ireland) 2015</p> <p>The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017</p>	Permanent	Permanent retention by Council
	<p>Planning Application files including related Appeal, Public Inquiry and Judicial Review records.</p> <p>Case Types included: Advertisement; Conservation Area Consent; Discharge of Condition; Request for EIA Determination; Determination - Listed Buildings Consent; Section 26 Determination; Full; Hazardous Substance Consent; Hazardous Substances Deemed Consent; Listed Building Consent; Certificate of Lawfulness (Existing); Certificate of Lawfulness (Proposed); Modify or Discharge a Planning Agreement; Non Material Change; Outline; Proposal of Application Notice; Reserved Matters; Review of Mineral Permissions; Section 54 Application; Transboundary Application.</p>	<p>The Planning Act (Northern Ireland) 2011</p> <p>Period of retention determined by Council/DfI</p>	6 years (from date of last paper / action on the file once case is closed / concluded)	Destroy
	Tree Preservation Order; Urgent Crown Development; Urgent Crown Listed Building Consent; and Works on Protected Trees.	The Planning Act (Northern Ireland) 2011	Permanent	Permanent retention by Council and copied to PRONI at aged 20 years.
	Preliminary Enquiries and Pre-Application Discussions (PADs)	<p>Non-statutory</p> <p>Period of retention determined by Council/DfI</p>	6 years (from date of last paper / action on the file once case is closed / concluded)	Destroy
	Permitted Development Notifications	<p>The Planning Act (Northern Ireland) 2011</p> <p>Parts 14, 16, 18 and 32 of the Schedule to the Planning (General Permitted Development) Order (Northern Ireland) 2015</p> <p>Period of retention determined by Council/DfI</p>	6 years (from date of last paper / action on the file once case is closed / concluded)	Destroy

Retention and Disposal Policy for Planning Records (2022)

	Invalid applications	The Planning Act (Northern Ireland) 2011 Period of retention determined by Council/DfI	6 years (from date of last paper / action on the file once case is closed / returned)	Destroy
	Third party representations on Planning Application files, including related Appeal, Public Inquiry and Judicial Review records	The Planning Act (Northern Ireland) 2011 Period of retention determined by Council/DfI	3 years (from date of last paper / action on the file once case is closed / concluded)	Destroy
	Applications for Certificate of Alternative Development Value (CADVs)	The Certificates of Alternative Development Value Regulations (Northern Ireland) 2015 The Land Compensation (Northern Ireland) Order 1982 Period of retention determined by Council/DfI	6 years (from date of last paper / action on the file once case is closed / concluded)	Destroy
Enforcement	Register of Enforcement Notices	Section 242 (1) of the Planning Act (Northern Ireland) 2011 Article 26 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017	Permanent	Permanent retention by Council
	Enforcement Files	The Planning Act (Northern Ireland) 2011 Period of retention determined by Council/DfI	2 years (from date of last paper / action on the file once case is closed / concluded)	Destroy
Development Plan	Records associated with all aspects of the process, preparation and publication of development plans from plan initiation to plan adoption stages	The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 Period of retention determined by Council/DfI	Retention by Council for 6 years from date plan adopted	Destroy
	Published Plan	The Planning (Local Development Plan) Regulations (Northern Ireland) 2015	Permanent	Permanent retention by Council
	Records associated with the preparation of Publications (Conservation Area Design Booklets, Design Guides etc)	The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 Period of retention determined by Council/DfI	Retention by Council for 6 years from date of publication	Destroy

Retention and Disposal Policy for Planning Records (2022)

	Publications (Conservation Area Design Booklets, Design Guides etc)	The Planning (Local Development Plan) Regulations (Northern Ireland) 2015	Permanent	Permanent retention by Council
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Subject:	Statutory Consultations Annual Performance Report 2021/22
Date:	15 November 2022
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
Contact Officer(s):	Ed Baker, Planning Manager (Development Management)

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of Main Issues
1.1	The Department for Infrastructure (DfI) has published its third annual performance report that highlights the performance of statutory consultees in the planning process.
1.2	The performance report is appended at Appendix 1 and is for notation.
2.0	Recommendation
2.1	That the Committee notes this report.
3.0	Main Report
3.1	<u>Background</u> Statutory consultees play an important part in the planning application process by providing the Council with technical advice in specialist areas such as transport, the environment, ecology, historic buildings, waste water infrastructure etc. Their formal engagement in the process is a legislative requirement for certain types of planning application as prescribed by the Planning (General Development Procedure) Order (Northern Ireland) 2015.

3.2	<p>DfI publishes an annual report on statutory consultee performance. It recently published its performance report for 2021/22, which is reported to the Committee for notation. A copy of the performance report is provided at Appendix 1.</p> <p><u>Key information</u></p>
3.3	<p>The Department's performance report includes a range of statistics and data. Some of the "highlights" from the 2021/22 report are listed below.</p> <ul style="list-style-type: none"> • The total number of consultations issued to statutory consultees across the region rose by 15% between 2020/21 (23,721) and 2021/22 (27,191). Whilst there was a 15% uplift in the number of consultations issued, the number of applications received increased only by 6%, which indicates that the consultation rate per application rose appreciably during this period. • An average of 69% of statutory consultations were responded to within time within the statutory 21-day period. For Local applications, 70% (78% for Belfast) of responses were received within time, whereas for Major applications it was only 56% (63% for Belfast). • 95% of consultations were for Local applications (which make up 99% of applications) with 5% consultations on Major applications (1%). Therefore, there is a much high rate of consultations issued on Major applications than Local applications. This raises the question of whether there is over-consultation on applications for Major development. • The most often consulted statutory consultee was DfI Roads with nearly 12,000 consultations issued across the region; this was followed by DAERA and NI Water with around 4,000 consultations; DfC/HED with 3,500 consultations and DfI Rivers with just under 3,000 consultations • Statutory performance by organisation was as follows: <ul style="list-style-type: none"> - DfI Roads – 69% - DAERA – 63% - NI Water – 97% - DfC/HED – 65% - DfI Rivers – 40% - NIHE – 79%
3.4	<p>Officers advise that the performance report published by the Department is useful but would benefit from a much deeper dive of the information. For example, the report should include information around average consultee performance by organisation by council area to assess whether consultees are performing better in some council areas than others. Also, the statutory measure of whether or not consultation responses are received within the statutory 21-day consultation period is binary whereas it would be valuable to know the average length of time taken by consultees to respond, again broken down by council area. Further metrics would help stakeholders better understand the performance of the statutory consultee process and help to identify areas of weakness and improvement.</p>
3.5	<p>Officers have raised these issues previously with the Department, notably at the regional <i>Planning Forum</i>, which was setup to improve the statutory consultee process. Officers will formally write to DfI to raise these issues again and seek further improvements to the way in which performance is reported. Officers will also continue to seek improvement to the statutory consultee process generally through the regional improvement agenda linked to the recommendations of the NI Audit Office and Public Accounts Committee reports on the NI planning system, published in February and March 2022 respectively.</p>

3.6	Issues around the statutory consultee process were highlighted to the Committee at the February Planning Committee, item 12a . The Committee may find it useful to cross-reference the information provided in that previous report.
4.0	Financial & Resource Implications
4.1	Substandard statutory consultee performance causes delays, inefficiency and increased costs for the Council in processing planning applications. It is essential to an effective and streamlined planning system that the statutory consultee process operates effectively. In this regard, the Department's performance report for 2021/22 is a useful reference, however, it is considered that greater refinement of the reporting framework is required so as to better understand the effectiveness of the system and identify areas for improvement.
5.0	Equality or Good Relations Implications / Rural Needs Assessment
5.1	No adverse impacts identified.
6.0	Appendices – Documents Attached
	Appendix 1 – Statutory Consultations Annual Performance Report 2021/2022 (DfI)

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2022

Statutory Consultations Annual Performance Report 2021/22

This is the third annual performance report highlighting the performance of statutory consultees in the planning process. This report provides details of the volume of statutory consultation that has taken place during 2021/22 with comparative information for earlier years. The figures contained in this report are extracted from the NI Planning Portal, are management information, and should not be treated or considered as official statistics.

*****THE INFORMATION IN THIS REPORT IS NOT CONSIDERED OFFICIAL
STATISTICS AND SHOULD NOT BE QUOTED AS SUCH*****



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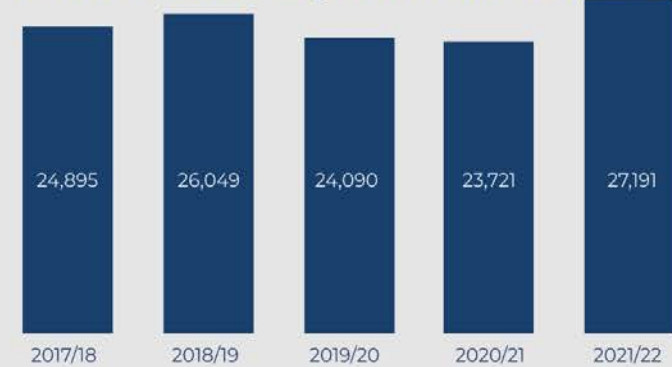
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Planning Statutory Consultations 2021/22

Statutory consultations, for the purposes of this report, are 'Standard' and 'EIA Standard' consultations marked as 'Statutory' for application types 'full', 'outline' and 'reserved matters' on the NI Planning Portal

Statutory consultations raised

Number of statutory consultations raised



27,191

statutory consultations were raised in 2021/22. Of these:



25,825
(95%)

were on local applications



1,364
(5%)

were on major applications



2
(0%)

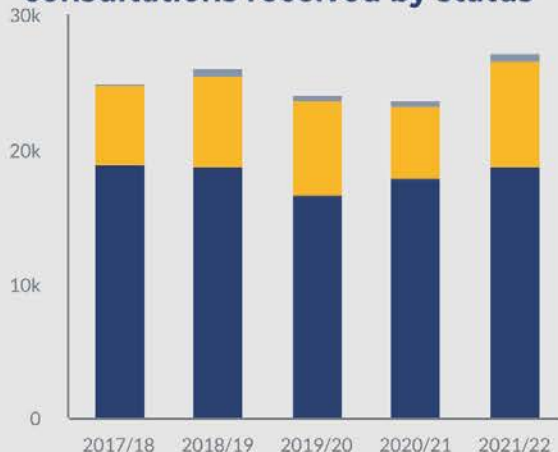
were on regional applications

Statutory consultations response times

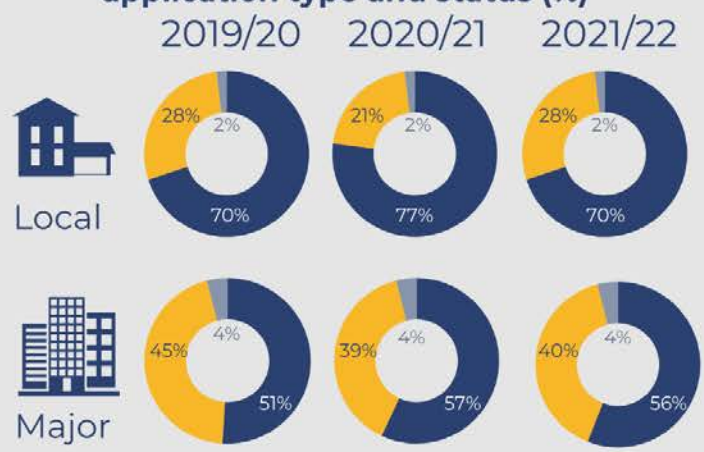


69% of statutory consultations in 2021/22 were responded to on time (i.e. within the 21-day response target or the extended target)

Number of responses to statutory consultations received by status



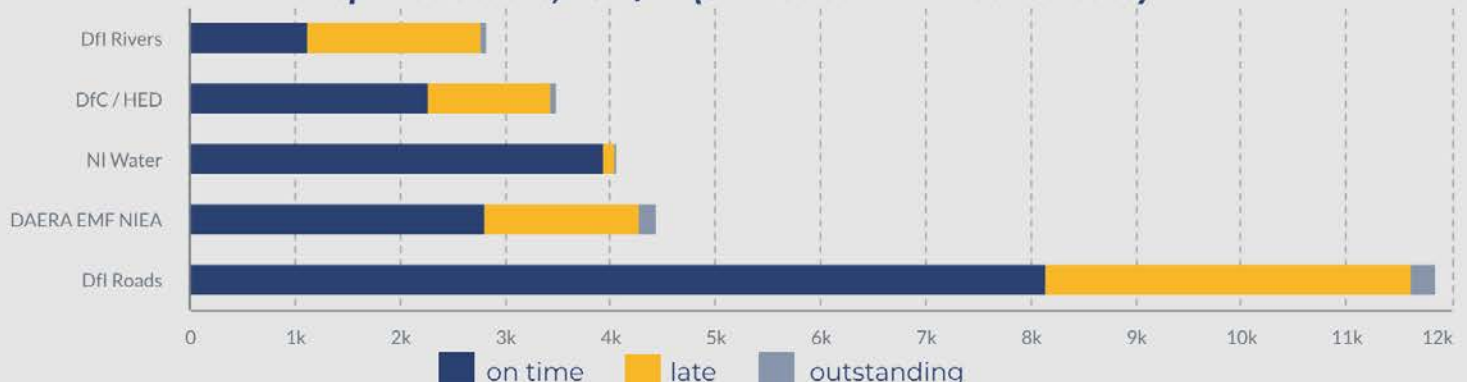
Responses to statutory consultations received by application type and status (%)



■ on time ■ late ■ outstanding

Statutory consultees

Number of responses to statutory consultations received by statutory consultee and response status, 2021/22 (5 most common consultees)



■ on time ■ late ■ outstanding

The information in this report is not considered official statistics and should not be quoted as such

Statutory Consultations Annual Performance Report – 2021/22

Introduction

This is the third annual performance report highlighting the performance of statutory consultees in the planning process. This report provides details of the volume of statutory consultation that has taken place during 2021/22 with comparative data from earlier years. **The figures contained in this report are extracted from the NI Planning Portal, are management information, and should not be treated as official statistics.**

Statutory consultations

During 2021/22 (1 April 2021 to 31 March 2022) there were 44,339 consultations/advice queries raised. Of these, three-quarters (33,276; 75%) were sent to key statutory consultees¹. Of these 33,276 consultations/advice queries raised, four-fifths (27,191; 82%) were deemed to be statutory consultations².

The number of statutory consultations raised during 2021/22 (27,191) was up by 15% over the year from 2020/21 (23,721) and represents the **highest level of statutory consultation in the last five years**.

Table 1 below shows the number of statutory consultations sent to key statutory consultees annually from 2017/18. During the last five years the level of statutory consultation was greatest in the most recent year (2021/22) with 27,191 sent to key statutory consultees. In 2019/20 and 2020/21 the level was lower when compared with 2018/19. It is likely that some of the decrease in late 2019/20 and continuing into early 2020/21 related to the reduction in the number of planning applications received over the same period, as a consequence of the coronavirus (COVID-19) pandemic. See Table 1 and Chart 1 for further information.

Table 1: *Number of statutory consultations raised by planning application type*

Year	Local	Major	Regional	Total
2017/18	23,368	1,506	21	24,895
2018/19	24,570	1,477	2	26,049
2019/20	22,603	1,479	8	24,090
2020/21	22,402	1,308	11	23,721
2021/22	25,825	1,364	2	27,191

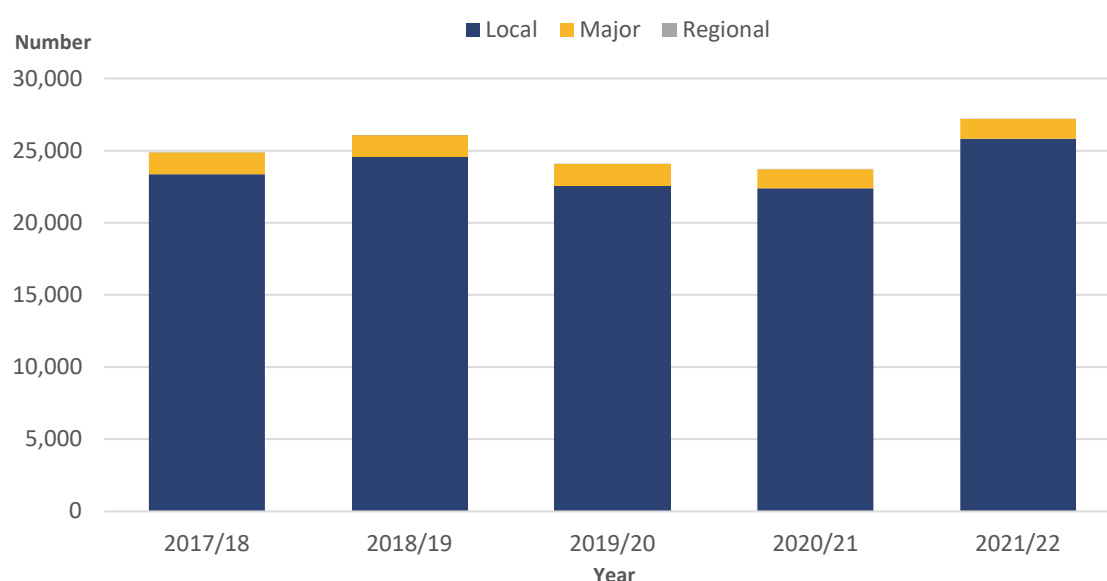
Note: figures reported represent 'Standard' and 'EIA Standard' consultations marked as 'Statutory' for application types 'full', 'outline' and 'reserved matters' for the statutory consultees listed in [User Guidance](#) section.

Ninety-five percent of statutory consultations raised in 2021/22 related to local planning applications. This was up by one percent when compared with the last four years.

¹ See [User Guidance](#) for a list of key statutory consultees.

² A statutory consultation for the purpose of this report is considered as a 'Standard' or 'EIA Standard' consultation marked as 'Statutory' for application types 'full', 'outline' and 'reserved matters' for the statutory consultees listed in the [User Guidance](#) section.

Chart 1: *Number of statutory consultations raised by planning application type*



Planning Applications Received

The number of planning applications received between 2017/18 and 2021/22 by the twelve planning authorities remained relatively stable, with 99% of all planning applications received being local applications. In the most recent year there has been a 6% increase in the number of planning applications received, with 13,600 applications received, the highest annual number since 2011/12 (13,680).

Table 2: *Number of planning applications received by planning application type*

Year	Local	Major	Regional	Total
2017/18	12,770	161	2	12,933
2018/19	12,404	137	0	12,541
2019/20	12,058	149	0	12,207
2020/21	12,709	123	1	12,833
2021/22	13,454	145	1	13,600

Source: DfI Northern Ireland Planning Statistics

The ratio of all planning applications received against all statutory consultations issued is 1 to 2. Focussing on major and regionally significant, the ratio is 1 to 10³. See Table 3 below for more detail.

³ Ratio for based on count of the five years data reported.

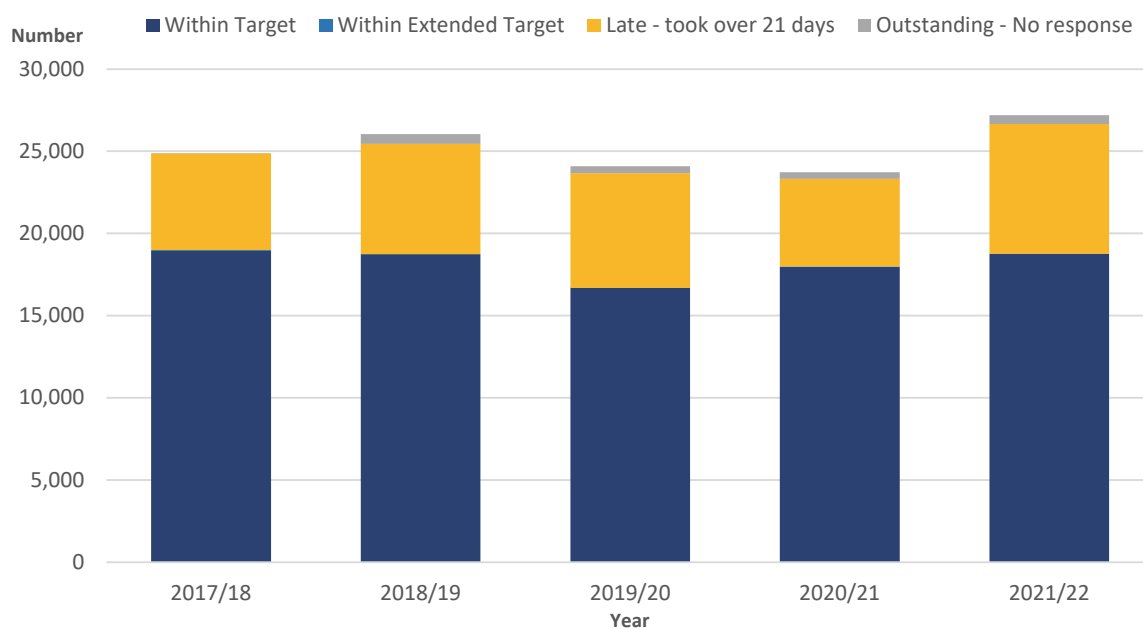
Table 3: *Ratio of planning applications received against statutory consultations raised⁴ within each financial year by planning application type*

Year	Local	Major/Regionally Significant	Combined Overall Ratio
2017/18	2	9	2
2018/19	2	11	2
2019/20	2	10	2
2020/21	2	11	2
2021/22	2	9	2

Statutory consultations response times

During 2021/22 the proportion of statutory consultations responded to on-time⁵ was 69%; a decline from the 76% reported for the previous year. It is important to note that the number of statutory consultations received in 2021/22 is the highest number received in any year since reporting began. See Table 1, Charts 2 & 3.

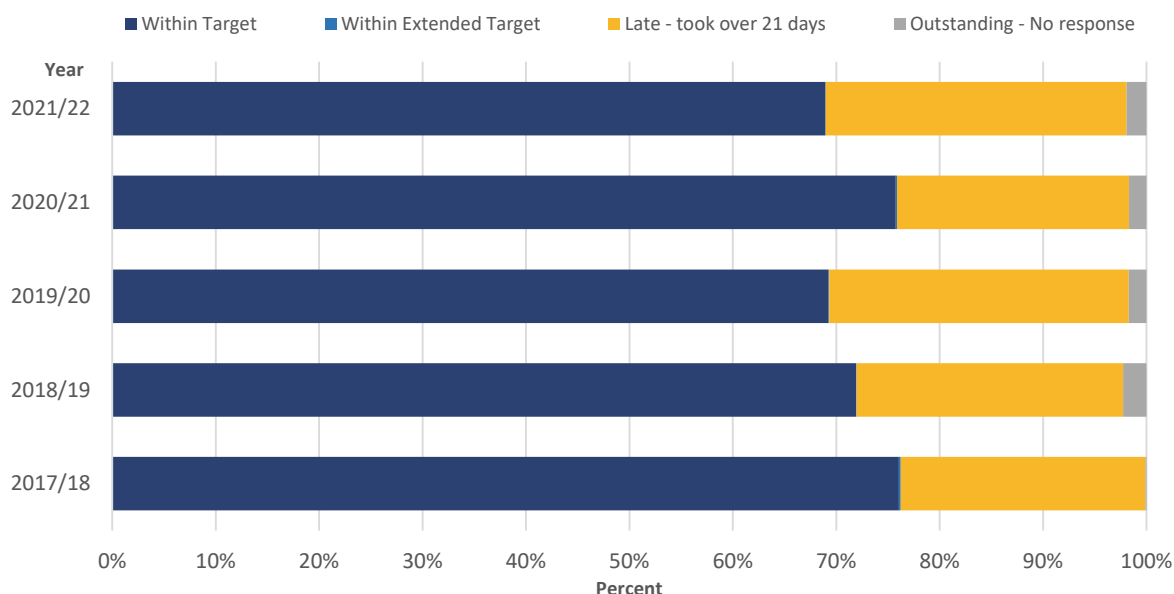
Chart 2: *Number of responses to statutory consultations received by response status*



⁴ Some consultations within each financial year will relate to planning applications that have been received in an earlier financial year. Although the counts of planning applications received and statutory consultations raised within a given period are not directly related it provides an indicative picture of the level of statutory consultation taking place on planning applications.

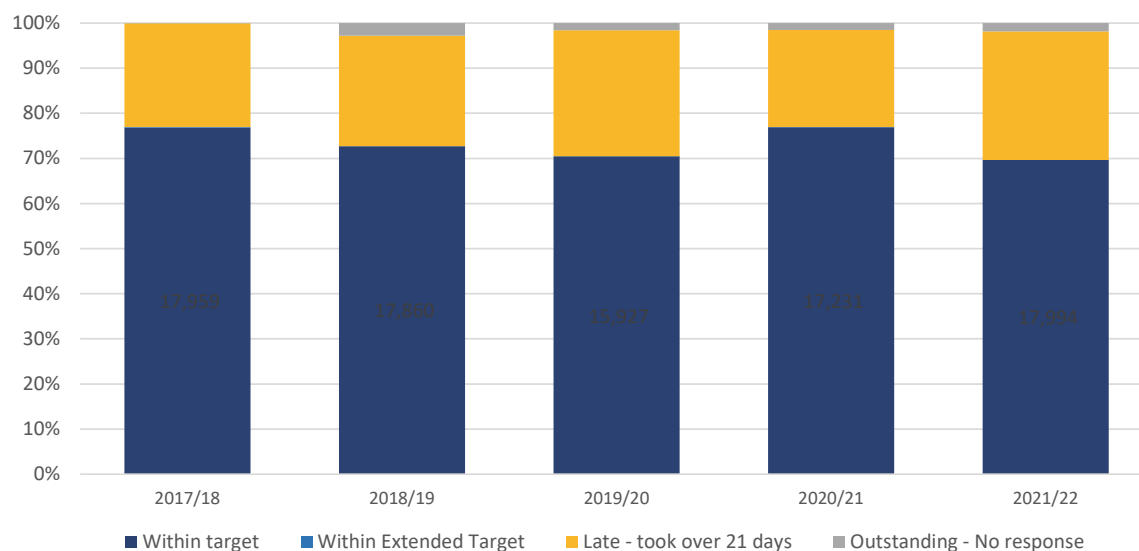
⁵ Includes those responded to within the 21-day target and the extended target, where applicable.

Chart 3: Responses to statutory consultations received by response status (proportions)



For consultations related to local planning applications the on-time response rate in 2021/22 was 70%, a decrease over the year from the 77% reported for 2020/21.

Chart 4a: Responses to statutory consultations received for local planning applications by response status (proportions)



For the consultations related to major planning applications (including regionally significant) nearly three-fifths (56%) were responded to on-time over the same period, this was down slightly over the year from the 57% reported in 2020/21. See charts 4a, 4b and 4c.

Chart 4b: Responses to statutory consultations received for major planning applications by response status (proportions)

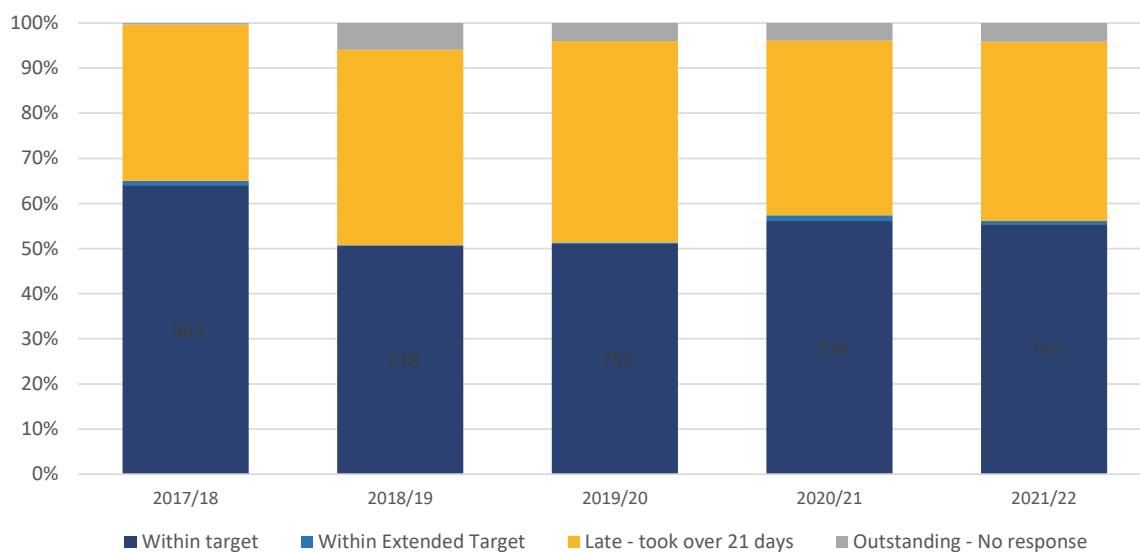
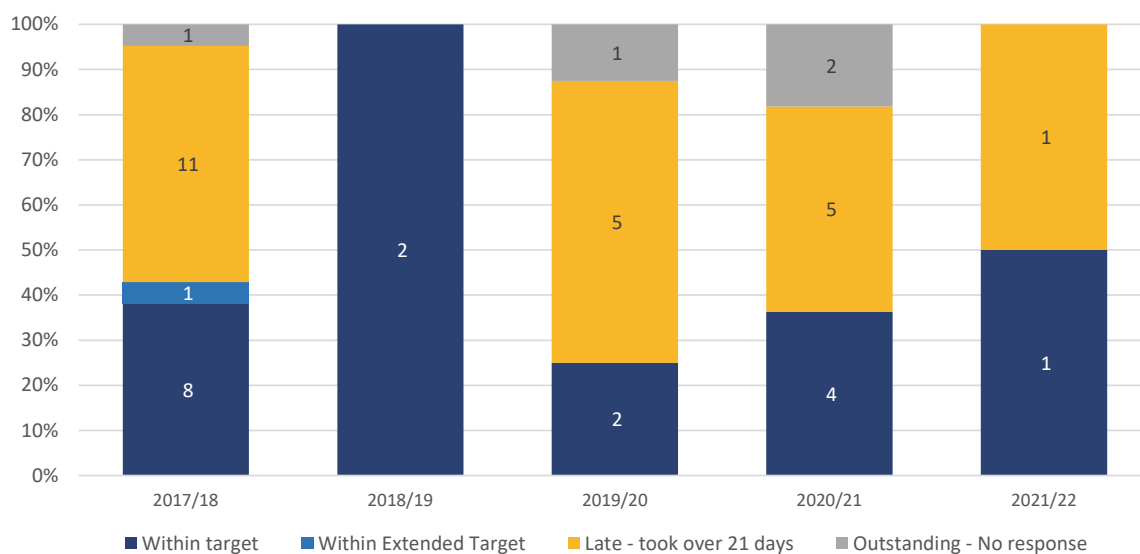


Chart 4c: Responses to statutory consultations received for regionally significant planning applications by response status (proportions)



Note: due to the small numbers of responses to statutory consultations on regionally significant ('regional') applications, associated proportions reported in the above chart should be treated with caution; the numbers of such responses have been included as data labels, where relevant.

Tables 4 (a-c) below provides an annual breakdown for 2021/22 by statutory consultee and planning application type. For each statutory consultee the tables 4(a-c) report the number of statutory consultations received for regionally significant, major and local planning applications respectively and the percentage responded to on-time alongside response status counts.

Table 4a: Statutory consultation on regionally significant planning applications 2021/22

Statutory Consultee	Within Target	Within Extended Target	Late - took over 21 days	Outstanding No response	Total	% on-time
DfI Roads	0	0	1	0	1	0%
DfE/GSNI	1	0	0	0	1	100%
Total	1	0	1	0	2	50%

Table 4b: Statutory consultation on major planning applications 2021/22

Statutory Consultee	Within Target	Within Extended Target	Late - took over 21 days	Outstanding No response	Total	% on-time
DfI Roads	248	7	163	21	439	58%
DAERA EMF NIEA	113	0	173	15	301	38%
DfI Rivers	96	1	131	12	240	40%
NI Water	146	0	19	4	169	86%
DfC/HED	107	1	49	3	160	68%
NIHE	12	0	5	0	17	71%
HSENI	12	0	1	0	13	92%
Belfast City Airport	12	0	0	0	12	100%
DfE/GSNI	7	0	2	1	10	70%
Belfast International Airport	3	0	0	0	3	100%
Total	756	9	543	56	1,364	56%

Table 4c: Statutory consultation on local planning applications 2021/22

Statutory Consultee	Within Target	Within Extended Target	Late - took over 21 days	Outstanding No response	Total	% on-time
DfI Roads	7888	1	3319	214	11422	69%
DAERA EMF NIEA	2697	0	1302	140	4139	65%
NI Water	3794	0	94	5	3893	97%
DfC/HED	2166	0	1107	67	3340	65%
DfI Rivers	1040	0	1514	44	2598	40%
Belfast International Airport	135	0	2	0	137	99%
HSENI	96	0	13	3	112	86%
DfE/GSNI	77	0	1	1	79	97%
Belfast City Airport	70	0	0	0	70	100%
NIHE	21	0	4	0	25	84%
City of Derry Airport	10	0	0	0	10	100%
Total	17,994	1	7,356	474	25,825	70%

Tables 4 (d-f) below provides an annual breakdown for 2021/22 on consultations issued (by application type) from each planning authority to the statutory consultee and reports both the consultation percentage returned on-time back to the planning authority and response status counts.

Table 4d: Planning Authority statutory consultations issued on regionally significant planning applications 2021/22

Planning Authority	Within Target	Within Extended Target	Late - took over 21 days	Outstanding No response	Total	% on-time
LA12 – DFI Strategic Planning Division	1	0	1	0	2	50%
Total	1	0	1	0	2	50%

Table 4e: Planning Authority statutory consultations issued on major planning applications 2021/22

Planning Authority	Within Target	Within Extended Target	Late - took over 21 days	Outstanding No response	Total	% on-time
LA01 - Causeway Coast and Glens	81	-	28	4	113	72%
LA02 - Mid and East Antrim	66	1	48	4	119	56%
LA03 - Antrim and Newtownabbey	65	-	36	-	101	64%
LA04 - Belfast	176	-	87	15	278	63%
LA05 - Lisburn and Castlereagh	35	-	32	2	69	51%
LA06 - Ards and North Down	39	-	57	10	106	37%
LA07 - Newry, Mourne and Down	53	1	57	8	119	45%
LA08 - Armagh, Banbridge and Craigavon	63	-	80	2	145	43%
LA09 - Mid Ulster	36	-	38	4	78	46%
LA10 - Fermanagh and Omagh	20	-	19	2	41	49%
LA11 - Derry and Strabane	108	7	54	5	174	66%
LA12 - DFI Strategic Planning Division	14	-	7	-	21	67%
Total	756	9	543	56	1,364	56%

Table 4f: Planning Authority statutory consultations issued on local planning applications 2021/22

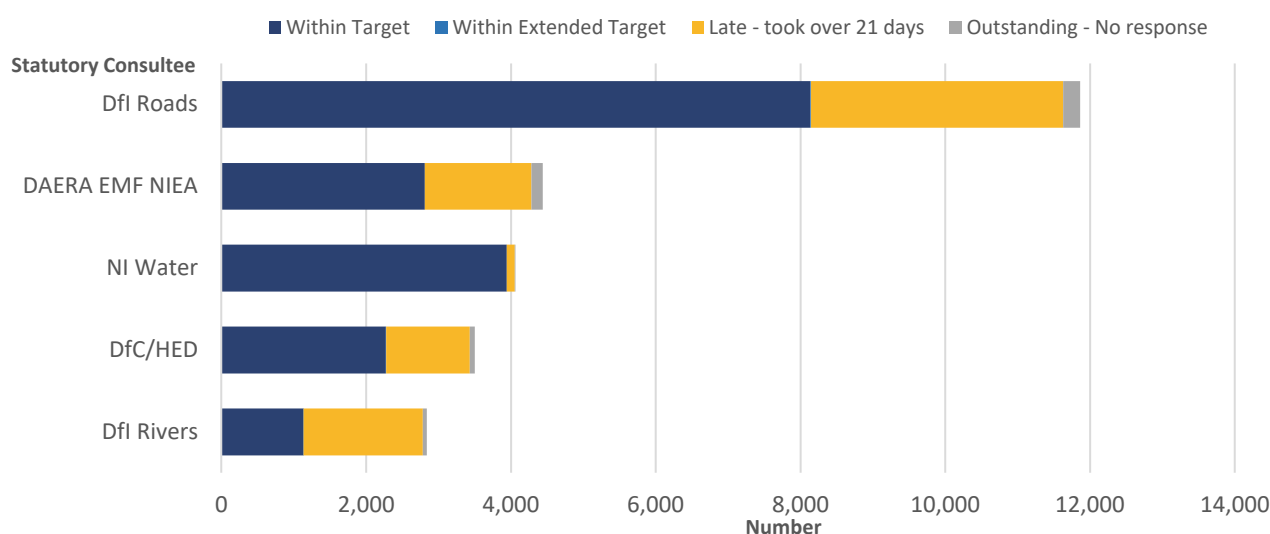
Planning Authority	Within Target	Within Extended Target	Late - took over 21 days	Outstanding No response	Total	% on-time
LA01 - Causeway Coast and Glens	3,093	-	562	36	3,691	84%
LA02 - Mid and East Antrim	916	-	278	19	1,213	76%
LA03 - Antrim and Newtownabbey	1,343	-	332	9	1,684	80%
LA04 - Belfast	1,083	-	282	31	1,396	78%
LA05 - Lisburn and Castlereagh	1,591	-	1,001	129	2,721	58%
LA06 - Ards and North Down	1,180	-	623	39	1,842	64%
LA07 - Newry, Mourne and Down	2,548	-	1,577	42	4,167	61%
LA08 - Armagh, Banbridge and Craigavon	2,358	-	1,193	40	3,591	66%
LA09 - Mid Ulster	1,284	-	549	50	1,883	68%
LA10 - Fermanagh and Omagh	1,148	-	550	49	1,747	66%
LA11 - Derry and Strabane	1,442	1	401	30	1,874	77%
LA12 - DFI Strategic Planning Division	8	-	8	-	16	50%
Total	17,994	1	7,356	474	25,825	70%

2021/22 in more detail – statutory consultee analysis

Statutory consultations received by statutory consultees for the last five years are presented in Table 1 above⁶. During 2021/22 there were 27,191 statutory consultations received by statutory consultees, up by nearly 15% on the year before (23,721).

Of the 27,191 statutory consultations received in 2021/22, DfI Roads received 44%, DAERA EMF NIEA 16%, NI Water 15%, DfC / HED 13% and DfI Rivers 10%; together these five consultees accounted for over 98% of the statutory consultations received during the year (Chart 6).⁷ This is similar to the position recorded in previous years.

Chart 6: *Number of responses to statutory consultations received by statutory consultee and response status, 2021/22 (5 most common consultees)*



During 2021/22 across all statutory consultees the proportion of responses received on-time⁸ ranged from 40 - 100% (compared to a range of 64 - 100% the previous year). In all, 69% of statutory consultation were responded on-time during 2021/22; down from the 76% reported for 2020/21.

Table 5 below reports the percentage of statutory consultations received that were responded to on-time by statutory consultees over the last four years.

⁶ Note: the number of statutory consultations raised by planning authorities in a given period will equal the number of statutory consultations received by statutory consultees in the same period. In effect, these terms are interchangeable.

⁷ See [User guidance](#) for a full list of key statutory consultees.

⁸ Includes those responded to within the 21-day target and the extended target, where applicable.

Table 5: Proportion of responses on-time⁹ 2017/18 to 2021/22

Statutory Consultee	2017/18 % on-time	2018/19 % on-time	2019/20 % on-time	2020/21 % on-time	2021/22 % on-time
DfI Roads	70%	76%	72%	77%	69%
DAERA EMF NIEA	87%	72%	70%	68%	63%
NI Water	87%	79%	85%	88%	97%
DfC /HED	78%	74%	72%	76%	65%
DfI Rivers	65%	30%	30%	64%	40%
HSENI	68%	69%	60%	70%	86%
DfE / GSNI	73%	79%	81%	88%	94%
NIHE	93%	63%	59%	84%	79%
Belfast International Airport	83%	60%	77%	79%	99%
Belfast City Airport	96%	100%	99%	100%	100%
City of Derry Airport	86%	73%	93%	94%	100%
Overall Total	76%	71%	69%	76%	69%

Over the last year statutory consultees have recorded mixed performance over the year with some improving over the year. A fuller breakdown of individual statutory consultee responses and proportion returned on-time over the past five years (2017/18 – 2021/22) has been presented in Table 6 below.

⁹ Includes those responded to within the 21-day target and the extended target, where applicable.

Table 6: Number of responses to statutory consultations received by statutory consultee, 2017/18 – 2021/22

Statutory Consultee	Year	On-time ¹⁰	Total	% on-time
DfI Roads	2017/18	8,248	11,724	70%
	2018/19	9,067	11,880	76%
	2019/20	7,952	11,063	72%
	2020/21	8,442	10,907	77%
	2021/22	8,144	11,862	69%
DAERA EMF NIEA	2017/18	3,935	4,504	87%
	2018/19	3,541	4,911	72%
	2019/20	2,984	4,279	70%
	2020/21	2,563	3,795	68%
	2021/22	2,810	4,440	63%
NI Water	2017/18	3,021	3,487	87%
	2018/19	2,648	3,340	79%
	2019/20	2,651	3,118	85%
	2020/21	2,967	3,388	88%
	2021/22	3,940	4,062	97%
DfC /HED	2017/18	2,226	2,866	78%
	2018/19	2,426	3,269	74%
	2019/20	2,089	2,912	72%
	2020/21	2,223	2,925	76%
	2021/22	2,274	3,500	65%
DfI Rivers	2017/18	1,295	1,981	65%
	2018/19	681	2,291	30%
	2019/20	696	2,300	30%
	2020/21	1,460	2,293	64%
	2021/22	1,137	2,838	40%
HSENI	2017/18	72	106	68%
	2018/19	61	89	69%
	2019/20	55	92	60%
	2020/21	78	111	70%
	2021/22	108	125	86%
DfE / GSNI	2017/18	68	93	73%
	2018/19	81	103	79%
	2019/20	87	107	81%
	2020/21	71	81	88%
	2021/22	85	90	94%
NIHE	2017/18	13	14	93%
	2018/19	20	32	63%
	2019/20	16	27	59%
	2020/21	26	31	84%
	2021/22	33	42	79%
Belfast International Airport	2017/18	74	89	83%
	2018/19	55	92	60%
	2019/20	82	107	77%
	2020/21	81	102	79%
	2021/22	138	140	99%
Belfast City Airport	2017/18	23	24	96%
	2018/19	31	31	100%
	2019/20	69	70	99%
	2020/21	72	72	100%
	2021/22	82	82	100%
City of Derry Airport	2017/18	6	7	86%
	2018/19	8	11	73%
	2019/20	14	15	93%
	2020/21	15	16	94%
	2021/22	10	10	100%
Overall Totals	2017/18	18,981	24,895	76%
	2018/19	18,619	26,049	71%
	2019/20	16,695	24,090	69%
	2020/21	17,998	23,721	76%
	2021/22	18,761	27,191	69%

¹⁰ Includes those responded to within the 21-day target and the extended target, where applicable.

Table 7 below gives a quarterly breakdown by statutory consultee for 2021/22.

Table 7: Number of responses to statutory consultations received by statutory consultee, 2021/22 Q1-Q4

Statutory Consultee	Year	On-time ¹¹	Total	% on-time
DfI Roads	Apr-Jun	2,282	3,265	70%
	Jul-Sep	1,931	3,086	63%
	Oct-Dec	1,846	2,803	66%
	Jan-Mar	2,085	2,708	77%
	2021/22	8,144	11,862	69%
DAERA EMF NIEA	Apr-Jun	910	1,203	76%
	Jul-Sep	743	1,115	67%
	Oct-Dec	631	1,065	59%
	Jan-Mar	526	1,057	50%
	2021/22	2,810	4,440	63%
NI Water	Apr-Jun	1,045	1,065	98%
	Jul-Sep	1,099	1,134	97%
	Oct-Dec	939	965	97%
	Jan-Mar	857	898	95%
	2021/22	3,940	4,062	97%
DfC /HED	Apr-Jun	708	979	72%
	Jul-Sep	480	959	50%
	Oct-Dec	536	794	68%
	Jan-Mar	550	768	72%
	2021/22	2,274	3,500	65%
DfI Rivers	Apr-Jun	224	775	29%
	Jul-Sep	217	753	29%
	Oct-Dec	237	650	36%
	Jan-Mar	459	660	70%
	2021/22	1,137	2,838	40%
HSENI	Apr-Jun	40	46	87%
	Jul-Sep	24	29	83%
	Oct-Dec	24	27	89%
	Jan-Mar	20	23	87%
	2021/22	108	125	86%
DfE / GSNI	Apr-Jun	27	29	93%
	Jul-Sep	27	27	100%
	Oct-Dec	17	19	89%
	Jan-Mar	14	15	93%
	2021/22	85	90	94%
NIHE	Apr-Jun	6	6	100%
	Jul-Sep	5	9	56%
	Oct-Dec	14	16	88%
	Jan-Mar	8	11	73%
	2021/22	33	42	79%
Belfast International Airport	Apr-Jun	48	48	100%
	Jul-Sep	40	42	95%
	Oct-Dec	28	28	100%
	Jan-Mar	22	22	100%
	2021/22	138	140	99%
Belfast City Airport	Apr-Jun	22	22	100%
	Jul-Sep	29	29	100%
	Oct-Dec	14	14	100%
	Jan-Mar	17	17	100%
	2021/22	82	82	100%
City of Derry Airport	Apr-Jun	2	2	100%
	Jul-Sep	0	0	-
	Oct-Dec	2	2	100%
	Jan-Mar	6	6	100%
	2021/22	10	10	100%
Overall Totals	Apr-Jun	5,314	7,440	71%
	Jul-Sep	4,595	7,183	64%
	Oct-Dec	4,288	6,383	67%
	Jan-Mar	4,564	6,185	74%
	2021/22	18,761	27,191	69%

¹¹ Includes those responded to within the 21-day target and the extended target, where applicable.

Table 8 below gives a quarterly breakdown by statutory consultee for 2020/21.

Table 8: Number of responses to statutory consultations received by statutory consultee, 2020-21 Q1-Q4

Statutory Consultee	Year	On-time ¹²	Total	% on-time
DfI Roads	Apr-Jun	1,680	1,954	86%
	Jul-Sep	2,485	2,966	84%
	Oct-Dec	2,056	2,946	70%
	Jan-Mar	2,221	3,041	73%
	2020/21	8,442	10,907	77%
DAERA EMF NIEA	Apr-Jun	414	740	56%
	Jul-Sep	580	1,004	58%
	Oct-Dec	728	992	73%
	Jan-Mar	841	1,059	79%
	2020/21	2,563	3,795	68%
NI Water	Apr-Jun	550	630	87%
	Jul-Sep	630	883	71%
	Oct-Dec	858	926	93%
	Jan-Mar	929	949	98%
	2020/21	2,967	3,388	88%
DfC /HED	Apr-Jun	407	521	78%
	Jul-Sep	606	807	75%
	Oct-Dec	550	763	72%
	Jan-Mar	660	834	79%
	2020/21	2,223	2,925	76%
DfI Rivers	Apr-Jun	327	425	77%
	Jul-Sep	402	592	68%
	Oct-Dec	365	578	63%
	Jan-Mar	366	698	52%
	2020/21	1,460	2,293	64%
HSENI	Apr-Jun	5	9	56%
	Jul-Sep	13	22	59%
	Oct-Dec	31	46	67%
	Jan-Mar	29	34	85%
	2020/21	78	111	70%
DfE / GSNI	Apr-Jun	13	14	93%
	Jul-Sep	21	22	95%
	Oct-Dec	15	18	83%
	Jan-Mar	22	27	81%
	2020/21	71	81	88%
NIHE	Apr-Jun	4	5	80%
	Jul-Sep	2	4	50%
	Oct-Dec	5	5	100%
	Jan-Mar	15	17	88%
	2020/21	26	31	84%
Belfast International Airport	Apr-Jun	4	12	33%
	Jul-Sep	19	22	86%
	Oct-Dec	25	25	100%
	Jan-Mar	33	43	77%
	2020/21	81	102	79%
Belfast City Airport	Apr-Jun	14	14	100%
	Jul-Sep	18	18	100%
	Oct-Dec	20	20	100%
	Jan-Mar	20	20	100%
	2020/21	72	72	100%
City of Derry Airport	Apr-Jun	0	1	0%
	Jul-Sep	2	2	100%
	Oct-Dec	6	6	100%
	Jan-Mar	7	7	100%
	2020/21	15	16	94%
Overall Totals	Apr-Jun	3,418	4,325	79%
	Jul-Sep	4,778	6,342	75%
	Oct-Dec	4,659	6,325	74%
	Jan-Mar	5,143	6,729	76%
	2020/21	17,998	23,721	76%

¹² Includes those responded to within the 21-day target and the extended target, where applicable.

User guidance

Notes on data source

An extract of all consultations/advice queries raised from 1 April 2021 to 31 March 2022 was transferred on 3 May 2022 from the Northern Ireland Planning Portal. The data were then validated. The relevant data is lifted at least one month after the end of the reference period to allow for the 21 day target response date, which applies to most statutory consultations, to have elapsed.

List of key statutory consultees

- Belfast City Airport
- Belfast International Airport
- City of Derry Airport
- Department of Agriculture, Environment and Rural Affairs (DAERA) Environment, Marine and Fisheries (EMF) and Northern Ireland Environment Agency (NIEA)
- Department for Communities (DfC) / Historic Environment Division (HED)
- Department for the Economy (DfE) / Geological Survey of Northern Ireland (GSNI)
- DfI Rivers
- DfI Roads
- Health and Safety Executive Northern Ireland (HSENI)
- Northern Ireland Housing Executive (NIHE)
- Northern Ireland Water

Future developments

As work progresses in this area it is intended to widen the list of key statutory consultees to include local planning authorities. Work is currently ongoing to quality review and ensure that all statutory planning consultations issued are fully captured. Future reports will include an update of any quality improvements introduced. As a result figures may be revised, however, the scale of any such change is envisaged to be small.



Subject:	Housing Land Availability Monitor Report
Date:	15 November 2022
Reporting Officer:	Kate Bentley, Director of Planning and Building Control
Contact Officer:	Keith Sutherland, Planning Manager (Plans & Policy)

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of Main Issues
1.1	<p>To provide an overview of the Council's Housing Land Availability Summary Report for the 2021/22 monitoring period.</p> <p>The report presents the outcomes of annual housing land monitoring and provides a snapshot of the amount of land available for new residential development as of 01 April 2021. It will be supported by an online map portal showing the status of all existing housing monitor sites. The map portal will also spatially reflect key information contained within the tables of the report.</p>

2.0	Recommendation
2.1	The Committee is asked to note the outcomes of the annual Housing Monitor report for 2021/22 contained at Appendix 1 and the intention to publish this summary document and accompanying online map portal on the Council's website.
3.0	Main Report
3.1	<p>Background</p> <p>Members are reminded that the Planning Act (NI) 2011 requires the Council to make an annual report to the Department for Infrastructure (DfI) outlining the extent to which the objectives set out in the Local Development Plan (LDP) are being achieved. As the Council are currently preparing the first new LDP for Belfast under this new legislation, the production</p>

	<p>of Annual Monitoring Reports has not yet commenced. Instead, annual Housing Land Availability Monitor reports (referred to as the 'Housing Monitor' reports) are being prepared by the Council until the new LDP is adopted.</p>
3.2	<p>Housing Land Availability Reports</p> <p>The primary purpose of the Housing Monitor is to inform the formulation of the Council's new LDP. However, it will also help the Council identify where a shortfall in potential land supply might exist and can inform house-builders on the availability of land that may be suitable for housing.</p>
3.3	<p>The Housing Land Availability Summary Report contained at Appendix 1 presents the headline figures from a register of potential housing land maintained by the Council, based on current planning policy designations and planning permissions. This provides a snapshot of the amount of land available for new homes and capacity for future housing units as of 01 April 2021, as well as providing the net gains in housing units for the 2021/22 period. This differs from the new dwelling completion statistics published routinely by central Government which only provide a total for new build homes, without accounting for units lost as a result of redevelopment.</p>
3.4	<p>This information is summarised within the report in relation to:</p> <ul style="list-style-type: none"> • Each settlement within the District, including settlement areas in the case of Belfast City; • Whether land falls within the existing urban footprint¹ or is classified as greenfield land; and • The type of land use zoning (i.e. land zoned for housing or land zoned for mixed use development) or all other land.
3.5	<p>The report will be supported by the online map portal showing the status of all existing housing monitor sites, on the Development Plan and Policy part of the Council website. During the 2021/22 monitoring year 754 units were completed on 20.2 ha of land across the District. 353.4 ha of land remains, with potential capacity for 21,288 residential units. This is based on deliverable planning approvals and land allocated within the development plan, but doesn't include other potential sites that may be suitable for residential development.</p>
3.6	<p>The total number of dwellings completed in the district has increased by 25.0% from 603 in 2020/21 to 754 in the current monitor year. The proportion of dwellings completed within the Urban Footprint is recorded at 84.5% and, as at 01 April 2022, 35.4% of the remaining potential available for future dwellings is on land zoned for housing or mixed use development.</p>
3.7	<p>It is emphasised that the monitor represents a register of housing land based on policy designations and planning permissions, rather than an accurate picture of all potentially viable housing land.</p>

¹ The continuous built-up area of the settlement.

3.8	<p><u>Finance and Resource Implications</u></p> <p>There are no resource implications associated with this report.</p> <p><u>Asset and Other Implications</u></p> <p>None noted.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p>
3.9	<p>The Housing Monitor report presents factual information and makes no recommendations relating to the future allocation of land for housing. There are therefore no relevant equality or good relations implications attached to this report.</p>
4.0	<p>Appendices</p>
	<p>Appendix 1 – Belfast Housing Land Availability Summary Report 2021/22</p>

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Belfast Housing Land Availability Summary Report

2021/2022

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1. Introduction

The Strategic Planning Policy Statement (SPPS) for NI (September 2015) outlines a 'plan, monitor and manage' approach to ensure that, as a minimum, a 5 year supply of land for housing is maintained. It states that monitoring should be an ongoing process with annual reporting and review. As a minimum, it states that monitoring must include:

- The housing land supply at the beginning and end of the annual reporting period;
- The number of net additional units built during the annual reporting period; and
- The number of net additional housing units built in the period since adoption of the local plan.

The primary purpose of the Housing Land Availability Monitor (referred to as the 'Housing Monitor') is to inform the formulation of the Council's new Local Development Plan (LDP). However, it will also help the Council identify where a shortfall in potential land supply might exist and can inform house-builders on the availability of land that may be suitable for housing.

The information collated will allow a clear view of the overall progress in meeting the housing objectives of the existing development plan and in identifying issues likely to require intervention. For example, a need to release phased housing sites in order to maintain a 5 year supply of available housing land, or the release of a site providing for a particular housing need.

The Planning Act (NI) 2011 requires Belfast City Council to make an annual report to the Department for Infrastructure outlining the extent to which the objectives set out in the LDP are being achieved. As the Council are currently preparing the first new LDP for Belfast under this new legislation, the production of Annual Monitoring Reports has not yet commenced. Instead, annual Housing Monitor reports are being published by the Council until the new LDP is adopted.

2. Methodology

The Housing Land Availability Monitor (the “Monitor”) measures net gains in housing within the Belfast City Council boundary. It provides a snapshot of the amount of land available for new homes as of 1st April each year. The process followed to produce the Annual Housing Monitor is summarised at Appendix A.

The Monitor presents a register of potential housing land, based on current planning policy designations¹ and planning permissions, rather than an accurate picture of viable housing land. It is the role of an Urban Capacity Study (UCS), which will be undertaken from time to time, to assess the suitability, availability and achievability of monitored sites to contribute to a viable supply of land. The most recent UCS² was completed in March 2018 and, although new sites identified are not included in the Monitor, the outcomes are summarised within the 2017/2018 Belfast Housing Land Availability Summary Report.

¹ *For the purposes of the Housing Land Availability Monitor, the draft Belfast Metropolitan Area Plan (BMAP) 2015 is utilised rather than the former Belfast Urban Area Plan (BUAP) 2001. The adopted BMAP was quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017 and, although this means the BUAP is now the statutory development plan for the area, the draft BMAP, in its most recent, pre-examination, form remains a significant material consideration in future planning decisions. Draft BMAP therefore refers to that which was purported to be adopted and not the pre-examination draft published in 2004.*

² [Belfast City Council Urban Capacity Study – Final, 20 March 2018](https://bit.ly/324Ny8i) or <https://bit.ly/324Ny8i>

3. Summary Tables and Graphs

The following summary tables detail the supply of housing for the Belfast district from 1 April 2021 to 31 March 2022 and provide a snapshot of the land remaining for housing and its associated potential capacity to accommodate new homes. Cumulative totals are also provided since the Council's housing monitor was established – i.e. 1 April 2015, the date at which the Council gained statutory responsibility for planning.

It should be noted that these cumulative totals will reflect the total since the Council gained statutory responsibility for planning until such time as an up-to-date Local Development Plan for the new district is adopted, establishing appropriate targets to monitor delivery against.

3.1 Settlement Summary

Table 1 provides a breakdown of the housing supply, land availability and capacity for future housing units for each Settlement within the District, including Belfast City and the Small Settlements of Edenderry, Hannahstown and Loughview.

Belfast City is then further sub-divided into a number of settlement areas or sectors based on key designations within the prevailing development plan. These areas include Belfast City Centre, the Belfast Harbour Estate and Outer Belfast, which is defined as the area covered by the Settlement Limit of Belfast City outside of the City Centre and Harbour Area.

The data within the table is divided into the following columns:

- **Area Developed 1 April 2021 to 31 March 2022** – the area of land in hectares (ha) developed during the current monitor year;
- **Area Developed 1 April 2015 to 31 March 2022** – the cumulative area of land in hectares (ha) developed to date from 1 April 2015 (the date at which the Council gained statutory responsibility for planning);
- **Units Complete 1 April 2021 to 31 March 2022** – the number of dwellings completed during the current monitor year;

- **Units Complete 1 April 2015 to 31 March 2022** – the cumulative total number of dwellings completed to date from 1 April 2015 (the date at which the Council gained statutory responsibility for planning);
- **Available Potential (Hectares)** – the area of land estimated as available for additional dwelling completions within monitored sites as at 31 March 2022; and
- **Available Potential (Dwelling Units)** – the estimated number of dwellings that could be accommodated on the available potential land as at 31 March 2022.

During the 2021/22 monitoring year 754 units were completed on 20.2 ha of land across the District. 353.4 ha of land remains, with potential capacity for 21,288 units. Within Belfast City, 731 units completed were within Outer Belfast, with a further 23 units completed within the City Centre. 11,974 of the available potential units are within Outer Belfast, whilst 6,152 and 3,138 potential dwelling units remain in the City Centre and Harbour Area respectively. There were no completions in Edenderry, Hannahstown or Loughview with a total of 24 potential dwelling units available across these three Small Settlements.

Figure 1 shows the total dwellings completed for the district from 2015/16 to present, to allow for an analysis of trends over a longer timeframe. The total number of dwellings completed in the district has increased by 25.0% from 603 in 2020/21 to 754 in the current monitor year.

3.2 Urban Footprint Summary

Table 2 provides a breakdown of the housing supply, land availability and capacity for future housing units within Belfast City, further categorised into land within the identified 'Urban Footprint'³ or Greenfield land. This only refers to Belfast City, given that the Urban Footprint is only defined in relation to settlements with a population greater than 5,000 people. This excludes Belfast's three Small Settlements.

In addition to the columns as described in Table 1 above, the **Units within the Urban Footprint (%)** row calculates the proportion of dwellings completed within the Urban

³ The Urban Footprint is defined within the Regional Development Strategy 2035 as "the continuous built-up area of the settlement". The Urban Footprint boundary was updated as part of the UCS (March, 2018) as explained in the 2017/2018 Belfast Housing Land Availability Summary Report. The 2018 Urban Footprint forms a revised baseline position for the 2017/2018 monitor period onwards.

Footprint during the current monitor year and the cumulative total number of dwellings completed to date from 1 April 2015 (the date at which the Council gained statutory responsibility for planning), expressed as a percentage of the total number of dwellings completed over the respective time periods.

84.5% of the 754 units completed within Belfast City were built on land within the Urban Footprint. Of the remaining potential dwelling units, 95.4% are within the Urban Footprint.

Figure 2 shows the proportion of dwellings within the Urban Footprint for the district from 2015/16 to present, to allow for an analysis of trends over a longer timeframe. The proportion of dwellings completed within the Urban Footprint has increased from 81.6% in 2020/21 to 84.5% in the current monitor year.

3.3 Land Use Zoning Summary

Table 3 provides a breakdown of the dwelling units completed by type of land use zoning within the prevailing development plan within each settlement or settlement area. The data within this table is divided into the following columns:

- **Land Zoned for Housing** – the number of units completed and the remaining potential units on land allocated for residential use within the prevailing development plan;
- **Land Zoned for Mixed Use** – the number of units completed and the remaining potential units on land zoned for mixed use development, which includes an element of residential development within key site requirements;
- **All other land** – the number of units completed and the remaining potential units on any other land not falling within the first two, which include non-zoned land and land zoned for non-residential uses; and
- **Proportion of Zoned Land (%)** – the proportion of units completed on either housing or mixed use zoned land expressed as a percentage of the total number of dwellings completed.

36.3% of the dwelling units completed during 2021/22 have been delivered on zoned land within Belfast City. The number of units completed on all other land was 480 dwellings.

Figure 3 shows the proportion of units completed for the district on both housing or mixed use zoned land expressed as a percentage of the total number of dwellings completed from 2015/16 to present. This proportion has increased from 29.0% in 2020/21 to 36.3% in the current monitor year. Figure 4 shows the total number of units completed on all other land. This 'windfall' provision has increased by 12.1% from 428 units in 2020/21 to 480 in the current monitor year.

Table 4 provides details of the capacity for future dwelling units on the same basis as Table 3. Of the remaining potential available for future dwellings, 35.4% is currently zoned for housing or mixed use. 3,854 of the available 21,288 potential dwelling units can be delivered on land zoned for housing and 3,678 units on land zoned for mixed use. In comparison, 13,756 of the remaining potential units can be provided on all other land.

Table 1: Settlement Summary 2021/22

Settlement	Area Developed (Hectares)		Units Complete		Available Potential (Hectares)	Available Potential (Dwelling Units)
	01-04-21 to 31-03-22	01-04-15 to 31-03-22	01-04-21 to 31-03-22	01-04-15 to 31-03-22		
Belfast City						
Outer Belfast	20.0	124.9	731	4,427	229.6	11,974
City Centre	0.2	2.5	23	363	36.5	6,152
Harbour Area	0.0	0.0	0	0	85.9	3,138
Belfast City Total	20.2	127.4	754	4,790	352.0	21,264
Small Settlements						
Edenderry	0.0	0.0	0	0	0.9	21
Hannahstown	0.0	1.0	0	23	0.3	2
Loughview	0.0	0.0	0	0	0.1	1
Small Settlement Total	0.0	1.0	0	23	1.3	24
DISTRICT TOTAL	20.2	128.4	754	4,813	353.4	21,288

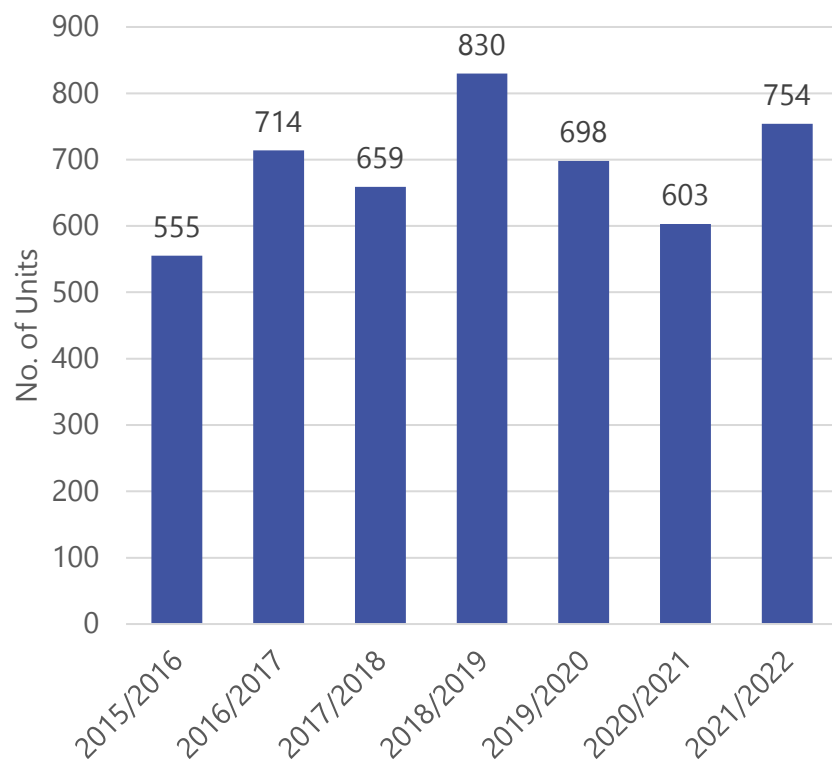
Note – Hectare values may not tally due to rounding

Table 2: Urban Footprint Summary 2021/22

Settlement / Area	Area Developed (Hectares)		Units Complete		Available Potential (Hectares)	Available Potential (Dwelling Units)
	01-04-21 to 31-03-22	01-04-15 to 31-03-22	01-04-21 to 31-03-22	01-04-15 to 31-03-22		
Urban Footprint	14.5	91.2	637	4,045	312.5	20,278
<i>Units within the Urban Footprint (%)</i>	-	-	84.5%	84.4%	-	95.4%
Greenfield	5.7	36.3	117	745	39.6	986
Belfast City Total	20.2	127.4	754	4,790	352.0	21,264

Note – Hectare values may not tally due to rounding

**Figure 1: Total Dwellings Completed
2015-2022**



**Figure 2: Proportion of Dwellings Within the Urban Footprint
2015-2022**

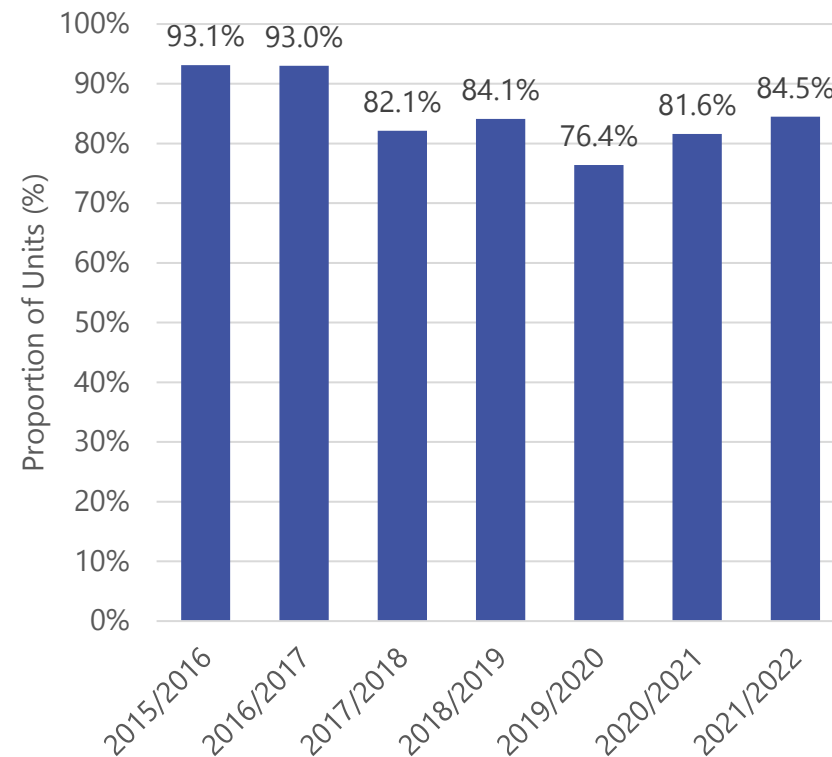
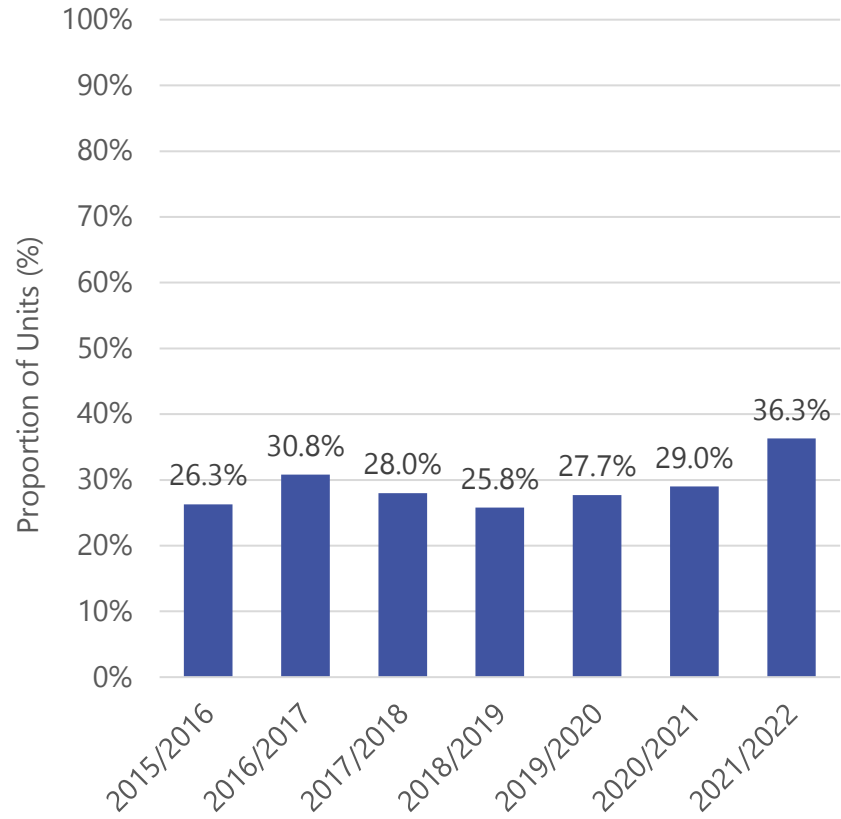


Table 3: Land Use Zoning Completed Units 2021/22

Settlement / Area	Units Complete									
	Land Zoned for Housing		Land Zoned for Mixed Use		All other land		Total		Proportion on Zoned Land (%)	
	01-04-21 to 31-03-22	01-04-15 to 31-03-22	01-04-21 to 31-03-22	01-04-15 to 31-03-22	01-04-21 to 31-03-22	01-04-15 to 31-03-22	01-04-21 to 31-03-22	01-04-15 to 31-03-22	01-04-21 to 31-03-22	01-04-15 to 31-03-22
Belfast										
Outer Belfast	267	1,334	0	60	464	3,033	731	4,427	36.5%	31.5%
City Centre	7	37	n/a	n/a	16	326	23	363	30.4%	10.2%
Harbour Area	n/a	n/a	0	0	0	0	0	0	0.0%	0.0%
Belfast Total	274	1,371	0	60	480	3,359	754	4,790	36.3%	29.9%
Small Settlements										
Edenderry	n/a	n/a	n/a	n/a	0	0	0	0	n/a	n/a
Hannahstown	n/a	n/a	n/a	n/a	0	23	0	23	n/a	n/a
Loughview	n/a	n/a	n/a	n/a	0	0	0	0	n/a	n/a
Small Settlement Total	n/a	n/a	n/a	n/a	0	23	0	23	n/a	n/a
DISTRICT TOTAL	274	1,371	0	60	480	3,382	754	4,813	36.3%	29.7%

**Figure 3: Proportion of Units Complete on Zoned land
2015-2022**



**Figure 4: No. of Units Complete on All Other Land
2015-2022**

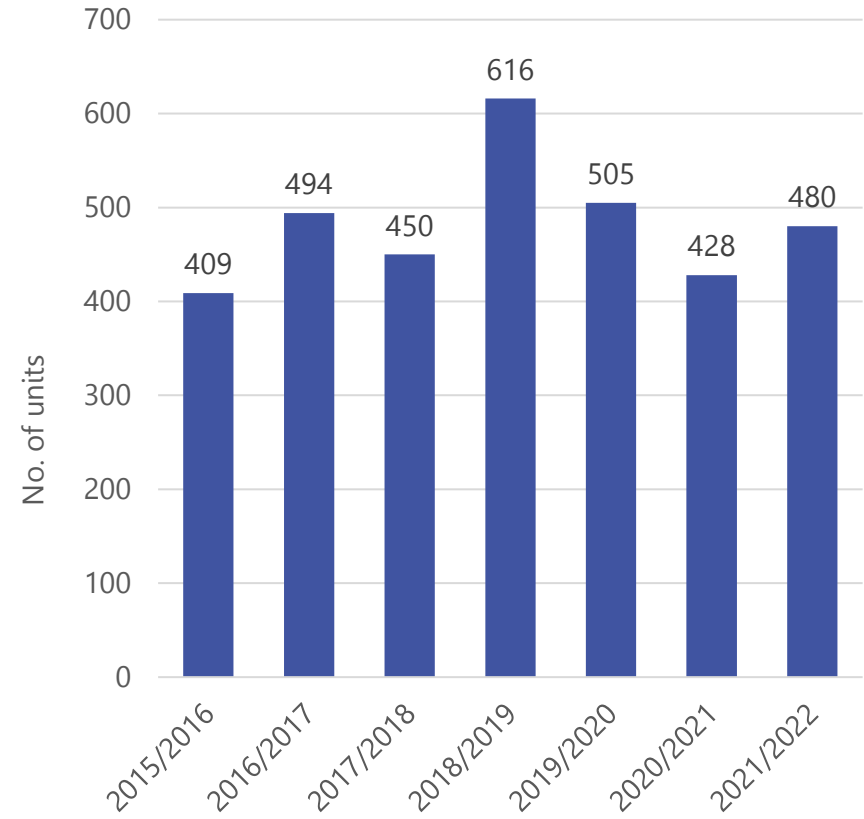


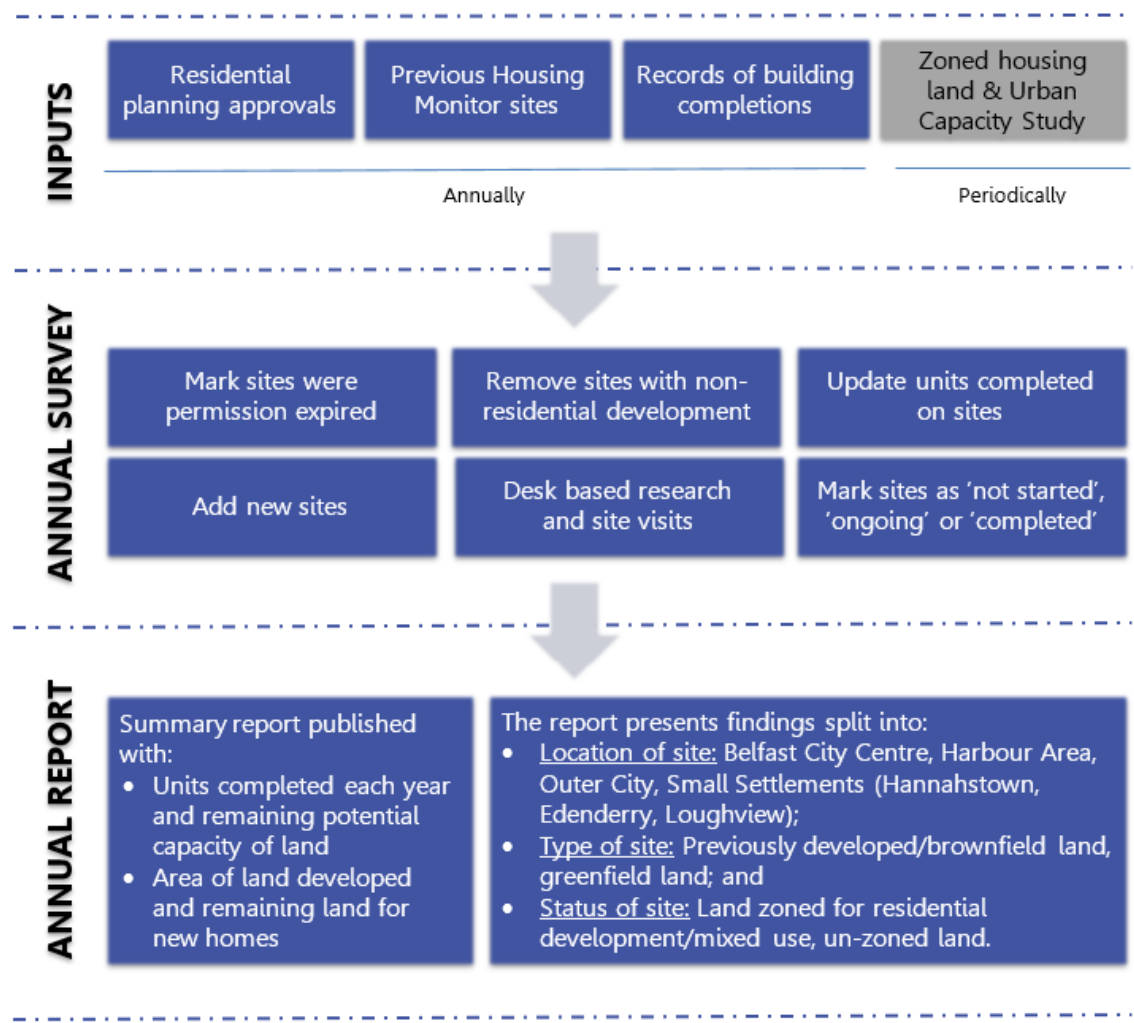
Table 4: Land Use Zoning Remaining Potential Units 2021/22

Settlement / Area	Remaining Potential Units				
	Land Zoned for Housing	Land Zoned for Mixed Use	All other land	Total	Proportion on Zoned Land (%)
Belfast City					
Outer Belfast	3,135	653	8,186	11,974	31.6%
City Centre	719	n/a	5,433	6,152	11.7%
Harbour Area	n/a	3,025	113	3,138	96.4%
Belfast City Total	3,854	3,678	13,732	21,264	35.4%
Small Settlements					
Edenderry	n/a	n/a	21	21	n/a
Hannahstown	n/a	n/a	2	2	n/a
Loughview	n/a	n/a	1	1	n/a
Small Settlement Total	n/a	n/a	24	24	n/a
DISTRICT TOTAL	3,854	3,678	13,756	21,288	35.4%

Appendix A: Summary Methodology

The Housing Land Availability Monitor measures net gains in housing within the Belfast City Council area. It provides a snapshot of the amount of land available for new homes as of 1st April each year. The Monitor demonstrates the presence of an adequate and continuous supply of housing land in the city and provides evidence to inform the preparation of the Local Development Plan and to make planning decisions.

The Monitor presents a register of potential housing land, based on current planning policy designations and planning permissions, rather than an accurate picture of viable housing land. An Urban Capacity Study will be undertaken from time to time to assess the suitability, availability and achievability of monitored sites to contribute to a viable 5 year supply of land. An Urban Capacity Study for Belfast was published in March 2018.



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 Belfast City Council



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Subject:	Employment Land Monitor (Local Development Plan)
Date:	15 November 2022
Reporting Officer:	Dermot O'Kane, Principal Planning Officer
Contact Officer:	Conor Campfield, Senior Planning Officer

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of Main Issues
1.1	To make members aware of the development of the 2021/22 draft Employment Land Monitor (ELM) for Belfast.
1.2	As you will be aware a report was presented to planning committee on 15 March outlining the council's proposed approach to employment monitoring which included a draft ELM for the 2020/21 period.
1.3	The council is required to develop and maintain the ELM to support the delivery of the Local Development Plan (LDP) and to inform future decision making. It will support the monitoring of policy and the uptake of employment land as projected within Policy EC2 (employment land supply) of the draft Plan Strategy.
1.4	The proposed approach for the ELM reflects that established for the Housing Land Availability Report and will be supported by a similar online map portal.

2.0	Recommendation
2.1	The Committee is asked to note the proposed form and content of the draft Employment Land Monitor report for 2021/22 as set out below and in Appendix 1 .
3.0	Main Report
	Background
3.1	The Planning Act (NI) 2011 requires the council to make an annual monitoring report to the Department for Infrastructure (DfI) in respect of the LDP implementation. The work on the

	evidence base for the draft Plan Strategy has provided the foundation for the employment land monitoring that will be formalised alongside the work to deliver Local Policies Plan.
3.2	<p>Employment Monitor Report</p> <p>The primary purpose of the draft ELM is to inform decision making and the ongoing performance of policy in respect of land supply across the city. As an evolving information source, it will provide a mechanism to identify where imbalances in land supply may develop and can inform prospective investors or developers on the availability of land that may be suitable for employment uses across the city.</p>
3.3	The draft ELM (Appendix 1) sets out the headline data from the register of potential employment land, based on current planning policy designations, surveys of existing employment areas and planning permissions. This provides an assessment at a point in time (31 st March 2022) for the amount of land available for employment purposes and capacity for future employment across the city.
3.4	<p>This information is summarised within the report in relation to:</p> <ul style="list-style-type: none"> • completed net employment gains over the period 2021/22; • remaining net supply (comprising extant consents and sites where development is on-going) as of 31st March 2022; and • the potential additional supply in terms of vacant land suitable for employment use as of 31st March 2022;
3.5	This ELM report will be supported by a public online map portal showing the status of all existing employment monitor sites alongside the other spatial mapping for the LDP on the council's website. For the 2021/22 monitoring year there was 27,347m ² of employment floorspace completed with the majority of this being office floorspace. At the 31 March 2022 there was approximately 70,500m ² of employment floorspace under construction and 433,000m ² remaining by way of extant planning permissions. An additional yield of 324,000m ² is available from vacant sites within existing employment areas, applying the best practice standard of 40% building to plot ratio.
3.7	<p><u>Finance and Resource Implications</u></p> <p>There are no resource implications associated with this report.</p>
3.8	<p><u>Asset and Other Implications</u></p> <p>None noted.</p>
3.9	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>The draft Employment Monitor Report presents factual information and makes no recommendations relating to the future allocation of land for employment. There are therefore no relevant equality or good relations implications attached to this report.</p>
4.0	Appendices
	Appendix 1 – draft Employment Land Monitor Report 2021/22



Belfast Local Development Plan

Employment Land

Monitor Report 2021/22

www.belfastcity.gov.uk/LDP

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Belfast
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1 Introduction

As part of the preparation of a new Local Development Plan (LDP) for Belfast, the Strategic Planning Policy Statement (SPPS) for NI (September 2015) states that “a system to monitor the take up and loss of land allocated for economic development purposes should be implemented.

The primary purpose of the employment monitor is to inform the formulation of the council’s new LDP. However, it will also help the council identify where a shortfall in potential land supply might exist.

The information collated will allow a clear view of the overall progress in meeting the employment objectives of the emerging development plan and in identifying issues likely to require intervention.

The Planning Act (NI) 2011 requires the council to make an annual report to the Department for Infrastructure outlining the extent to which the objectives set out in the LDP are being achieved. Although the new plan is not yet adopted it is still important to report on the availability and take-up of employment land in advance of its adoption.

2 Methodology

This section will explain the data collection methods used to analyse employment land availability within the district. It provides information relating to employment land data between 01 April 2021 and 31 March 2022. An analysis has been undertaken of all new sites with planning approvals within the periods stated above. The survey identifies and records sites that have been completed, sites that are currently under construction and sites with outstanding planning permission, yet to be implemented. Any existing employment land which was lost to non-employment uses during the monitoring year has also been recorded. Sites identified for the purposes of this report are those that fall within Class B of the Use Classes Order. These are defined as:

Class B1a	General offices
Class B1b	Call centres
Class B1c	Research and development
B2	Light industry
B3	General industry
B4	Storage and Distribution

The methodology has been revised since the publication of the last report. Proposals that come forward with a mixed of employment uses have been disaggregated into their respective use classes. The monitor also now captures instances where there is a loss and a gain of employment floorspace as part of the same proposal. These revisions ensure a greater degree of accuracy moving forward.

The process followed to produce the employment land monitor is summarised at Appendix A.

The Monitor presents a register of potential employment land, based on current planning policy designations and planning permissions¹. It is the role of an Urban Capacity Study (UCS) and the Employment Land Review which will be undertaken from time to time, to assess the suitability, availability and achievability of monitored sites to contribute to a viable supply of land.

3 Limitations

The figures included in this document do not include all development. It should therefore be assumed that some refurbishments and other permitted development have been developed and are not included in this document as there is no requirement for such works to be subject to the planning process. Where there has been an application permitted which includes intensification of an existing employment site, i.e. an extension or additional floor to existing employment building, only net additional floorspace is recorded as the site area already exists and would be misrepresentative.

It must also be recognised that the site area for planning applications expressed in hectares has been reduced in some instances to reflect only the site and not the access arrangements as this would have the potential to give misleading results. In a small number of schemes, the floorspace figures were not readily available and estimates of the floorspace gained or lost has been provided based on the existing building footprint and the number of storeys. Due to rounding, numbers presented throughout this report may not add up precisely to the totals provided.

¹ For the purposes of the employment monitor, the draft Belfast Metropolitan Area Plan (BMAP) 2015 is utilised rather than the former Belfast Urban Area Plan (BUAP) 2001. The adopted BMAP was quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017 and, although this means the BUAP is now the statutory development plan for the area, the draft BMAP, in its most recent, pre-examination, form remains a significant material consideration in future planning decisions. Draft BMAP therefore refers to that which was purported to be adopted and not the pre-examination draft published in 2004.

4 Overview

The following summary tables detail the uptake and loss of employment space for the monitoring period (01 April 2021-31 March 2022). The position at the 31 March 2022 in terms of the remaining supply of vacant employment land and as well as committed floorspace gains through extant planning permission for B use classes balanced against committed losses (extant planning permission for alternative uses) for Belfast district is also included.

4.1 Belfast LGD overview 01 April 2020- 31 March 2021

Table 1 provides a breakdown for the completed gains and losses in employment land over the monitoring year period of 01 April 2021 to 31 March 2022. The total amount of floorspace completed was 27,347 square metres (sqm). The majority of this was in use class B1(a) general offices. The total amount of completed employment floorspace lost to non- employment uses over the monitoring period was 4,898 sqm. The net change between completed losses and gains was 22,449 sqm.

4.2 Belfast LGD extant and under construction overview

Table 2 provides overall totals for schemes where development is on-going and where planning permission remains extant on 31 March 2022. Under construction schemes at the 31 March have the potential to deliver approximately 70,501 sqm of new floorspace. The completion of all schemes yet to start has the potential to deliver approximately 432,952 sqm of new employment floorspace. Further analysis of the extant permissions demonstrates that approximately 82% (354,712 sqm) consist of B1(a) general offices.

4.3 Belfast LGD completions (gains) and remaining capacity by location

Table 3 sets out the completions (gains) by location over the period 01 April 2021 to 31 March 2022. It also sets out the remaining capacity by way of extant planning permissions for employment use by location and areas of developable land within existing employment locations (that is, land where there is no development under construction or that does not have an extant planning consent). In line with best practice a 40% building to plot ratio was applied to these areas to reflect the servicing, parking and landscaping requirements. As of the 31 March 2022 there is approximately 324,000 sqm of vacant land suitable for employment purposes.

4.4 Belfast LGD completions (losses) and remaining potential losses by location

Table 4 outlines the completed (losses) by location over the period 01 April 2021 to 31 March 2022. It also sets out the remaining potential losses of employment uses to non-employment uses if all extant planning permissions are realised. These extant planning permissions are located mostly within the city centre and the rest of the city.

4.5 Mixed use sites remaining capacity

There are four sites zoned for mixed use in draft BMAP. The yields for Titanic Quarter (BHA01) and Lands at Monagh By-Pass / Upper Springfield Road (BT 002) are captured in table 2 as they consist of extant planning permissions or development under construction. The yields on the remaining two mixed use zonings have been captured from their respective masterplans.

5 Summary tables

Table 1: Completions for Monitor period 01 April 2021 to 31 March 2022

	Office (B1A)		Call centres (B1B)		R & D (B1C)		Light industry (B2)		General Industry (B3)		Storage & Distribution (B4)		Total	
	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2
Completed (gains) 01/04/2021-31/03/2022	7.4	27,055	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.4	292	7.8	27,347
Completed (losses) 01/04/2021-31/03/2022	0.3	4898	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.3	4898
Net Change	7.1	22,157	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.4	292	8	22,449

Table 2: Development under construction, extant permission for gains and losses

	Office (B1A)		Call centres (B1B)		R & D (B1C)		Light industry (B2)		General Industry (B3)		Storage & Distribution (B4)		Vacant employment land		Total	
	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2	Area (Ha)	m2
Development on-going at 31-03-22	3.53	52,463	0	0	1.58	11714	0.03	2886	0	0	0.94	3438	*	*	6	70,501
Not started gains- Full & Outline at 31-03-22	63.71	354,712	0	0	0.15	7798	10.86	21999	41.63	32028	12.19	16415	*	*	128.5	432,952
Sub-total	67.24	407175	0	0	0.16	19512	10.89	24885	41.63	32028	13.12	19853	*	*	134.6	503453
Losses not started at 31.03.22	4.72	25155	0.13	2064	0.12	318	3.29	12200	2.4	6800	9.13	20309	0.41	2812	20.2	69658
Net Total	62.52	382020	-0.13	-2064	1.62	19194	7.6	12685	39.23	25228	3.99	-456	-0.41	-2812	114.4	433795

*For vacant employment land not covered by an existing planning consent please refer to table 3.

Table 3: Completions (gains) and remaining potential gains by location

Ref No	Location	Completions (sqm)	Remaining Capacity (sqm)	
		01-04-2021 to 31-03-2022	Remaining potential from extant permissions and under construction	Remaining potential from vacant developable land
CC	CITY CENTRE	26987	220738	0
ML 08	KILWEE INDUSTRIAL ESTATE, DUNMURRY	0	0	811
BT 005/05	HILLVIEW ROAD	0	3543	1416
BT 005/19	BALLYGOMARTIN INDUSTRIAL ESTATE, BALLYGOMARTIN ROAD	0	0	1488
BT 005/10	GLENBANK BUSINESS PARK, CRUMLIN ROAD	0	0	11988
BT 005/25	NORTH HOWARD LINK	0	0	0
BT 005/15	KENNEDY WAY	68	3698	0
BT 005/04	CASTLEREAGH ROAD	0	0	2423
MCH 09	PRINCE REGENT ROAD	0	0	0
ML 07	SPRINGBANK INDUSTRIAL ESTATE	0	1019	36343
BT 005/13	RAVENHILL BUSINESS PARK	0	0	0
BT 005/09	SHORE ROAD/SKEGIONEILL STREET	0	0	629
BT 004	LAND AT SPRINGFIELD ROAD (FORMER MACKIE'S SITE)	0	0	65122
BT 005/11	DONEGALL ROAD	0	0	0
BT 005/08	DUNCAIRN GARDENS	0	1618	0
BHA 06	BELFAST HARBOUR	0	47739	183727
BT 005/17	WESTLINK ENTERPRISE CENTRE, DISTILLERY STREET	0	0	1281
MCH 10	MONTGOMERY ROAD	0	3092	0
BT 005/20	LANARK WAY	0	740	641

BT 005/07	YORK ROAD INCLUDING JENNYMOUNT BUSINESS PARK	292	563	0
BT 005/12	STOCKMANS WAY	0	0	0
MCH 11	BALLYGOWAN ROAD	0	0	0
BT 005/02	ISLAND STREET/BALLYMACARRETT ROAD	0	0	331
BT 005/21	ARGYLE BUSINESS PARK, SHANKILL ROAD	0	749	0
BT 005/01	NEWTOWNARDS ROAD/TAMAR STEET	0	0	0
BT 005/18	SPRINGFIELD ROAD	0	0	7675
BT 005/22	AGNES STREET INDUSTRIAL ESTATE	0	0	0
BT 005/03	EAST BELFAST ENTERPRISE PARK	0	0	0
BT 005/23	LOUDEN STREET/TOWNSEND STREET	0	0	0
BT 005/16	WHITEROCK INDUSTRIAL ESTATE, SPRINGFIELD ROAD	0	12635	6652
BT 005/26	CONWAY STREET	0	0	0
BT 005/06	CAMBRAI STREET	0	310	0
BT 005/24	ANDREWS MILL, DIVIS STREET	0	0	0
BT 005/14	GLEN ROAD	0	20	0
BHA 01	TITANIC QUARTER	0	77079	0
BT 002	LANDS AT MONAGH BY-PASS	0	4030	0
BT003	LAND AT CRUMLIN ROAD INCLUDING GIRDWOOD BARRACKS	0	0	0
BHA 05	NORTH FORESHORE	0	0	0
ML 05	SEYMOUR INDUSTRIAL ESTATE	0	0	3598
ROC	REST OF CITY	0	125580	0
QOA	Queens Office Area	0	300	0
		27347	506200	324125
			830325	

Table 4: Completions (losses) and remaining potential losses by location

Ref No	Location	Completed losses (sqm)	Remaining potential losses (sqm)
		01-04-2020 to 31-03-2022	Remaining commitments at 31-03-2021
CC	CITY CENTRE	4898	25032
ML 08	KILWEE INDUSTRIAL ESTATE, DUNMURRY	0	0
BT 005/05	HILLVIEW ROAD	0	5028
BT 005/19	BALLYGOMARTIN INDUSTRIAL ESTATE, BALLYGOMARTIN ROAD	0	0
BT 005/10	GLENBANK BUSINESS PARK, CRUMLIN ROAD	0	0
BT 005/25	NORTH HOWARD LINK	0	0
BT 005/15	KENNEDY WAY	0	260
BT 005/04	CASTLEREAGH ROAD	0	0
MCH 09	PRINCE REGENT ROAD	0	0
ML 07	SPRINGBANK INDUSTRIAL ESTATE	0	0
BT 005/13	RAVENHILL BUSINESS PARK	0	0
BT 005/09	SHORE ROAD/SKEGIONEILL STREET	0	0
BT 004	LAND AT SPRINGFIELD ROAD (FORMER MACKIE'S SITE)	0	0
BT 005/11	DONEGALL ROAD	0	0
BT 005/08	DUNCAIRN GARDENS	0	381
BHA 06	BELFAST HARBOUR	0	7300
BT 005/17	WESTLINK ENTERPRISE CENTRE, DISTILLERY STREET	0	0
MCH 10	MONTGOMERY ROAD	0	2531
BT 005/20	LANARK WAY	0	2683
BT 005/07	YORK ROAD INCLUDING JENNYMOUNT BUSINESS PARK	0	0
BT 005/12	STOCKMANS WAY	0	561
MCH 11	BALLYGOWAN ROAD	0	0
BT 005/02	ISLAND STREET/BALLYMACARRETT ROAD	0	0
BT 005/21	ARGYLE BUSINESS PARK, SHANKILL ROAD	0	0
BT 005/01	NEWTOWNARDS ROAD/TAMAR STEET	0	0

BT 005/18	SPRINGFIELD ROAD	0	0
BT 005/22	AGNES STREET INDUSTRIAL ESTATE	0	0
BT 005/03	EAST BELFAST ENTERPRISE PARK	0	0
BT 005/23	LOUDEN STREET/TOWNSEND STREET	0	0
BT 005/16	WHITEROCK INDUSTRIAL ESTATE, SPRINGFIELD ROAD	0	0
BT 005/26	CONWAY STREET	0	0
BT 005/06	CAMBRAI STREET	0	1672
BT 005/24	ANDREWS MILL, DIVIS STREET	0	0
BT 005/14	GLEN ROAD	0	0
BHA 01	Titanic Quarter	0	3520
BT 002	LAND AT MONAGH BYPASS /. UPPER SPRINGFIELD ROAD	0	0
ML 05	SEYMOUR INDUSTRIAL ESTATE	0	0
ROC	Rest of City	0	25764
Total		4898	74732

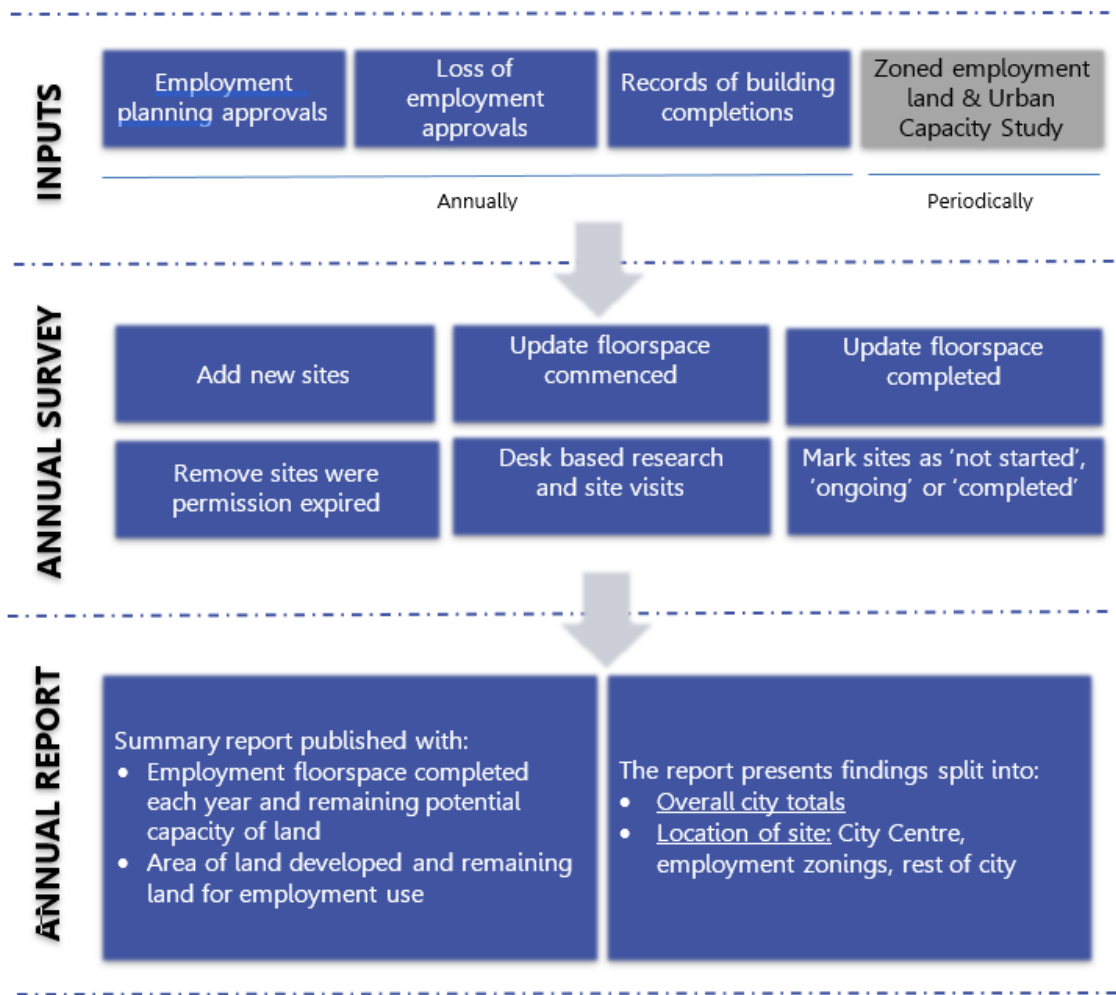
Table 5: Mixed use sites remaining yield/capacity

ZONING REFERENCE	LOCATION	EMPLOYMENT YIELD
BHA 05	NORTH FORESHORE	38140
BT 003	LAND AT CRUMLIN ROAD INCLUDING GIRDWOOD BARRACKS	20000
BT 002	LAND AT MONAGH BYPASS / UPPER SPRINGFIELD ROAD	4030
BHA 01	TITANIC QUARTER	77079
	TOTAL	139,249

Appendix A: Summary Methodology

The employment land monitor measures net gains and losses in employment floorspace within the Belfast City Council area. It provides a snapshot of the amount of land available for employment as of 1st April each year. The Monitor demonstrates the presence of an adequate and continuous supply of employment land in the city and provides evidence to inform the preparation of the Local Development Plan and to make planning decisions. The Monitor presents a register of potential housing land, based on current planning policy designations and planning permissions, rather than an accurate picture of viable housing land.

An Urban Capacity Study will be undertaken from time to time to assess the suitability, availability and achievability of monitored sites to ensure the land required to facilitate the required jobs growth over the plan period is met. An Urban Capacity Study for Belfast was published in March 2018. (https://www.belfastcity.gov.uk/getmedia/3794156e-b2b5-4437-ab36-2f13f2f4f742/DPS028_Evi-05.pdf)



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Subject:	Draft Development Plan Practice Note 11
Date:	15 th November 2022
Reporting Officer:	Keith Sutherland, Planning Manager (Plans & Policy)
Contact Officer:	Dermot O'Kane, Principal Planning Officer (Plans & Policy)

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report and Summary of Main Issues
1.1	The purpose of this report is to advise the Committee of the Department for Infrastructure's (DfI) recent draft guidance (DPPN11) on the adoption of Local Development Plan (LDP) documents and to seek agreement for the proposed response. DfI has requested comments on the draft DPPN by end of November 2022. A copy of draft DPPN11 is attached at Appendix 1 to this report. The proposed response is at Appendix 2.
2.0	Recommendation
2.1	<p>The Committee is asked to:</p> <ul style="list-style-type: none"> note the draft DPPN11 guidance document (see Appendix 1); and approve the proposed response to DfI (see Appendix 2).
3.0	Main Report
3.1	DfI has recently issued draft 'Development Practice Note 11- Receipt of Independent Examination Report and Adoption of a Development Plan Document (DPPN11)' and has facilitated the submissions of comments on the draft document before it is finalised. The draft

	<p>guidance relates to the final stages of the local development plan preparation process, namely the DfI's consideration of the Planning Appeals Commission's (PAC) report and recommendations and the issuing of a direction to councils on adopting, modifying or withdrawing the LDP document. It also covers future LDP monitoring requirements. The informal consultation follows an earlier iteration from August 2021. A copy of the Council's response to that is attached at Appendix 3.</p>
3.2	<p>In overall terms, draft DPPN11 provides limited practical guidance and is, effectively, a restatement of legislative requirements. However the latest version does appear to have taken on board some of the issues previously raised by the Council as it provides more information on timescales regarding the Department's consideration of the PAC's IE report. It suggests that the consideration although not prescribed should take approximately 12 weeks. There is also the introduction of a two-week period for fact checking on minor errors prior to the DfI issuing the direction for a council to adopt, modify or withdraw the draft Plan. This represents a welcome shift in the DfI position on the issue of access to the PAC report but unexplained proposal for this to be late within the 12 weeks undermines the potential value in respect of early identification of potential errors which could be translated into any Direction.</p>
3.3	<p>The draft guidance also confirms that a council must comply with the DfI's direction, although there is no suggested timeframe for this step or recognition of the potential complexity. In the case of adoption (with or without modifications), the LDP documents must be adopted by resolution of the full council in order for it to take effect. The DPPN11 suggest that a flexible approach to the timeframe for adoption will allow for any associated consultation required in advance of adoption such as the preparation of Supplementary Planning Guidance (SPG). Whilst this flexible approach is welcomed it is important to highlight that the example used is confusing as the Department are conflating two separate processes given that SPG is non statutory and would not normally be a precursor to adopting the plan.</p>
3.4	<p>The DPPN also cites that it is a matter for the planning authority to determine the weight to be given to the draft DPD or individual policies once the Department issues a direction to the Council. This appears to contradict paragraph 1.11 of the Strategic Planning Policy Statement (SPPS) which states that existing (DfI) policy will cease to have effect only after the Plan Strategy is adopted. Although this might be a temporary issue it could have significant consequences for an interim period, particularly given the Council's current experience with delay in achieving agreement in respect of the Direction issued in February 2022.</p>
3.5	<p>As highlighted in the previous correspondence it says little about the other assessments that form part of the LDP process, such as the Sustainability Appraisal/ Strategic Environmental Assessment, Habitats Regulations Assessment or Equality Impact Assessment, which may require to be reviewed in the light of any DfI direction.</p> <p><u>Finance and Resource Implications</u> None.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u> None.</p>
4.0	Appendices
	<ol style="list-style-type: none"> 1. Draft DPPN 11 (October 2022 DfI). 2. Proposed response to DfI. 3. Council's response to Draft DPPN 11 (August 2021 DfI)

**Appendix 1 – Draft Development Planning Practice Note 11:
“Receipt of Independent Examination Report and Adoption
of a Development Plan Document” (DfI, October 20212)**

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Development Plan

Practice Note 11

PRACTICE NOTE

11

Receipt of Independent Examination Report and Adoption of a Development Plan Document

October 2022

1. Preamble

- 1.1. This Development Plan Practice Note is designed to guide planning officers and relevant users through the key requirements for the adoption of Development Plan Documents and deals primarily with procedures as well as good practice. It forms part of a series of practice notes stemming from the **Planning Act (Northern Ireland) 2011** (the 2011 Act) and any related subordinate legislation. The emphasis is very much on advice but where explicit legislative requirements must be followed these will be made clear.
- 1.2. Where appropriate this practice note will therefore highlight:
- Relevant legislation;
 - Procedural guidance;
 - Definitions;
 - Best practice examples / relevant case law.
- 1.3. This guidance is not intended to replace the need for judgement by planning officers in the local development plan making process. Nor is it intended to be a source of definitive legal advice. Reference should be made to the actual legislation referred to in this document and if any discrepancy or conflict exists between the Practice Note¹ and legislation the provisions of the legislation will prevail.

¹ Please ensure you are considering the most up to date version of this practice note available on the Planning Portal at www.planningni.gov.uk and the most up to date legislation on the legislation website at www.legislation.gov.uk, which is also accessible via the Planning Portal.

2. Introduction

- 2.1. Once a draft Development Plan Document (DPD) has been submitted to the Department and an Independent Examination (IE) has been caused, the Planning Appeals Commission (PAC) or person appointed by the Department, will move forward with facilitating the IE. A report on the Examiner's findings and recommendations will be provided to the Department. This practice note focuses on the key legislative requirements in relation to the consideration of the IE report and adoption of a DPD by a council. It recognises the fact that the new LDP process is still developing and therefore provides for a degree of flexibility. When the system has had an opportunity to mature the Department will then be in a position to provide more detailed guidance on this stage of the process.

3. Legislative context

- 3.1. **Part 2 of the 2011 Act** sets out the legislative provisions for local development plans^[1]. In relation to the IE recommendations and the Department's consideration of the recommendations and subsequent direction to a council, the provisions are set out in **Section 10(8)** and **Section 12 of the 2011 Act**.
- 3.2. **Regulation 24 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 Regulations** sets out the requirements for the adoption of a development plan document by the council. Further details of each legislative requirement will be highlighted and set out below.

4. IE Recommendations to the Department under Section 10(8) of the Act

- 4.1. Once an IE has concluded, **Section 10(8) of the 2011 Act** states that the person appointed to carry out the examination must-

- a) Make recommendations;

^[1] Table 1 of Development Plan Practice Note 01 outlines the 'Key Legislative Requirements for a Local Development Plan' and Figure 3 outlines the 'Key Stages in the Local Development Plan Process', where the IE of the PS comprises part of Stage 2 and the IE of the LPP comprises part of Stage 3 of the four stage Local Development Plan process, respectively.

- b) Give reasons for the recommendations.

4.2. This will form part of a report and will be sent to the Department after the conclusion of an IE in line with regulation 24(1) of the LDP Regulations. The report will be expected to:

- Reach clear, reasoned conclusions on the DPD's compliance with the statutory requirements and whether it is sound; and
- Present recommendations on any necessary modifications to the DPD's which are required to overcome any correctable shortcomings in regard to statutory requirements or soundness

4.3. When assessing the soundness of a draft DPD, the Examiner will exercise their professional judgement based on the evidence presented. As set out in s 10(6) of the Act, the purpose of the independent examination is to determine in respect of the DPD, whether it satisfies the requirements of s.7 & 8 or as the case may be, s. 7 & 9, and any regulations under section 22 relating to the preparation of DPD, and whether it is sound.

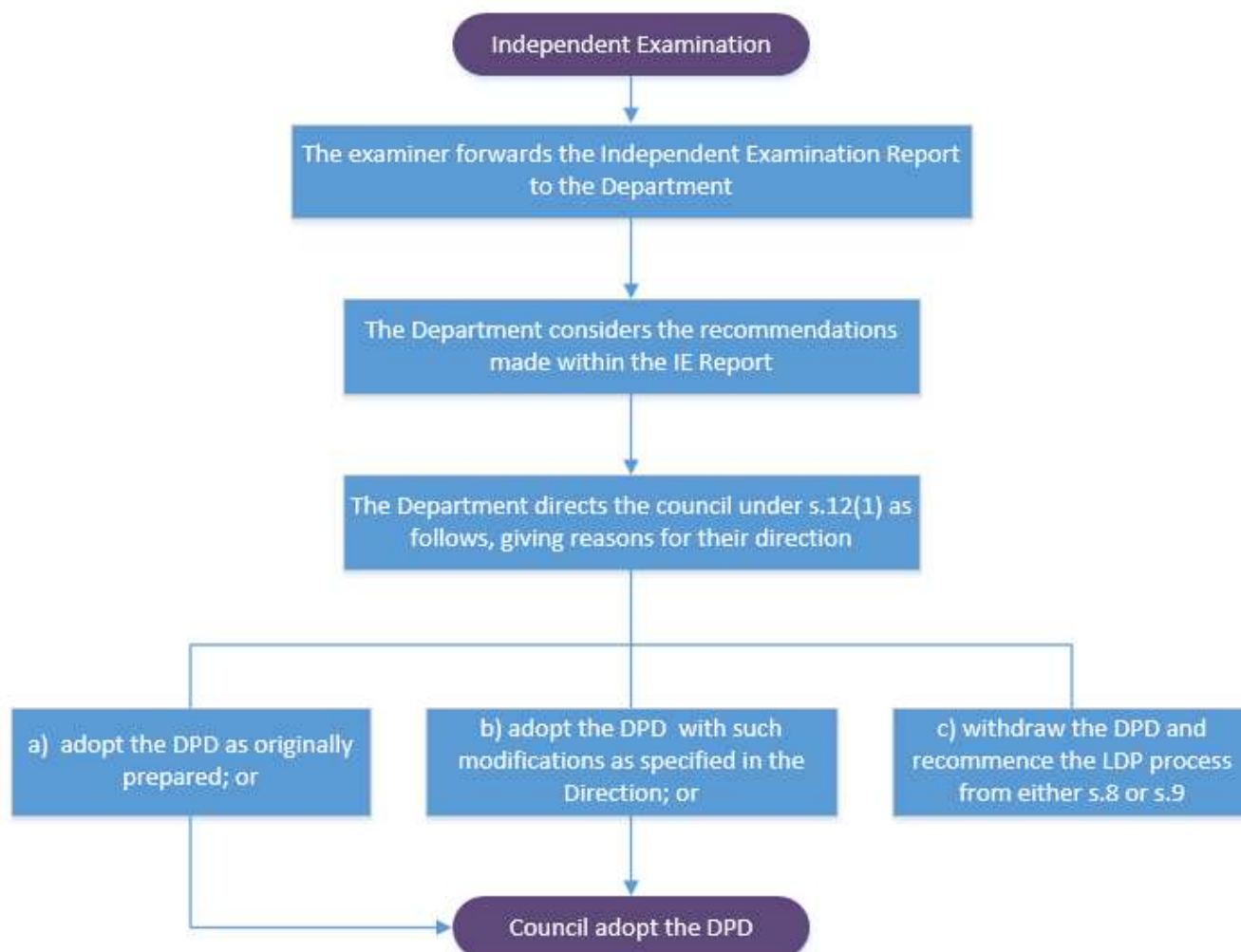
4.4. It should be noted that a degree of flexibility may be required around the timescale for this part of the process given the potential scope and nature of recommendations on any necessary modifications set out in the IE report.

5. Direction issued by the Department under section 12 of the 2011 Act

5.1. **Section 12(1)** states that the Department must consider the recommendations made under section 10(8) and direct the council to-

- a) Adopt the development plan document as originally prepared;
- b) Adopt the development plan document with such modifications as may be specified in the direction; or
- c) Withdraw the development plan document.

Fig 1 – DPD Adoption Flow chart



- 5.2. **Section 12(2)** states that the Department must give reasons for any direction given. The Department will consider the recommendations made within the report and direct the council accordingly.
- 5.3. In carrying out this consideration, the Department will be guided by the rigor of the IE process and its key powers and functions in the important role of the adoption of the local development plans, to ensure orderly and consistent development of land and the planning of that development. The Department must consider the recommendations made in the context of the report, and also consider the need to exercise ministerial powers of intervention.

- 5.4. The Department will also be guided by its legal requirements, and the reasons and recommendations of the IE report which has fully examined the evidence at IE, guided by the objective of furthering sustainable development and promotion or improvement of well-being.
- 5.5. It is important to note that the Department is not bound by the Examiners recommendations, although the ability to rewrite the plan at this point is limited. In the event of a departure from the recommendations within the report, the Department will provide clear reasoning and justification for this. For example, a departure from the recommendations may be warranted where new regional or strategic policy has come into effect during the IE process. As the LDP process evolves, there may be other instances that arise where departures are necessary, and this guidance will be kept under review.
- 5.6. The timeframe for the Department's consideration is not prescribed although the intention is that this consideration should take approximately 12 weeks. The exact timeframe will depend on the nature of the recommendations made. Councils should factor this into timetables to ensure flexibility and the Department will liaise with individual Councils to provide an indication of when its consideration will be concluded.
- 5.7. As set out above at paras 5.5 & 5.6, there will be a range of complex matters within the report and its recommendations for consideration. Therefore, where necessary, the Department **may**, in confidence, grant the council a two week period for fact checking aspects of the report immediately prior to issuing its Direction to the Council.
- 5.8. The primary purpose of the fact-checking exercise is to enable the council to highlight any factual errors or inconsistencies in the report. The council may not question the conclusions and recommendations in the report, as this is not an opportunity to revisit any of the discussions held during the IE process. The council should not share or publish the report at this stage for the reasons set out in para 5.5, as it does not constitute the Department's Direction, which is the final decision.

- 5.9. The initial publicity of the IE report however will be the responsibility of the individual council once the council receive the Department's Direction, as set out below at paragraph 6.4.

6. Requirements to be met by the council after the receipt of the Department's direction

- 6.1. Section 12(3) states that the council must comply with a direction given by the Department. Where this direction issued is to adopt the DPD, either as originally prepared or with modifications, under Section 12(4) this must be by resolution of the Council (which is full Council) and must be done as soon as reasonably practicable after the receipt of the Department's direction under section 12(1)(a) or (b) in accordance with regulation 24(2).
- 6.2. There is currently no prescribed timeframe for the adoption of a DPD, however time required will be dependent on any work associated with the adoption process. For example, any additional consultation that may be required as a result of the IE processor the preparation of Supplementary Planning Guidance (SPG) to sit alongside the PS. The Council may wish to publish a copy of the IE report and Direction prior to adoption for information and decision making purposes.
- 6.3. As prescribed in Section 8(7) and 9(8), a plan strategy, or a local policies plan, is only a plan strategy or a local policies plan, when adopted by resolution of the council (full council) or approved by the Department under Section 16(6) under the Department's default powers. It will be a matter for the planning authority to determine the weight to be given to the draft DPD or individual policies once the Department issues a direction to a Council to adopt as originally prepared or adopted with modifications. At this stage a council will have the IE report and the Department's Direction and both of these together provide a clear indication of the policies of that will be adopted. Therefore a decision maker may give weight to draft policies informed by the IE report and Direction prior to adoption.

6.4. Regulation 24(3) sets out the requirements that must be met by the council on the date on which they adopt the DPD, including requirements for publicity and advertising of the DPD and other reports as prescribed. It states that the following documents must be made available for inspection at the council's principal offices and in such other places within the district of the council as the council considers appropriate;

- The DPD,
- A statement prepared by the council specifying the date on which the DPD was adopted,
- the report under section 8(6)(b) or 9(7)(b),
- the recommendations made and the reasons for those recommendations under section 10(8), and
- the Department's direction under section 12(1)(a) or (b).

6.5. In accordance with regulation 24(3)(c) the council must publish the above information on its website. It must also give notice in the Belfast Gazette and by local advertisement of the statement prepared by the council specifying the date on which the DPD was adopted and details of where and when it can be inspected in line with regulation 24(3)(d).

6.6. In accordance with regulation 24(3)(e), the council must send to the Department a copy of each of the documents referred to above and in regulation 24(3)(a). They must also, in accordance with regulation 24(f), notify any person who has asked to be notified of the adoption of the DPD.

7. Adoption of Plan Strategy

- 7.1. As set out in the Schedule to the LDP Regulations (Regulation 32 Transitional Arrangements), when the plan strategy is adopted by a council or approved by the Department, a reference to the LDP is a reference to the departmental development plan and the newly adopted plan strategy read together (3(a)).
- 7.2. Furthermore any conflict between a policy contained in a departmental development plan, and those of the plan strategy must be resolved in favour of the plan strategy, (3(b)).
- 7.3. When a council adopts its Plan Strategy, policy retained under the transitional arrangements shall cease to have effect in the district of that council and shall not be material from that date, whether the planning application has been received before or after that date.
- 7.4. Upon adoption of the Plan Strategy a variety of documents, including the RDS and SPSS will be material considerations which must be weighted by decision makers in considering planning proposals.

8. Adoption of Local Policies Plan

- 8.1. When a Council adopts the local policies plan for its district the relevant departmental development plan/s shall cease to have effect in its/their entirety.
- 8.2. When both a Plan Strategy (PS) and Local Policies Plan (LPP) are adopted together they comprise the local development plan (LDP) for a given council area.

9. Monitoring

- 9.1. The final stage in the local development plan preparation process is monitoring and review which are essential in establishing whether the objectives in the local development plan are being achieved and if any changes are required.

- 9.2. Monitoring is a continuous process and does not end once a DPD is adopted. Monitoring and review should be an ongoing function of the plan led system and is a vital aspect of evidence based policy making.
- 9.3. It represents an essential feedback loop within the cyclical process of achieving sustainable development and achievement of the plan objectives.

10. Monitoring of PS

- 10.1. **Section 3 of the 2011 Act** sets out the survey and information which a council must keep under review. Therefore in considering what has been tested at IE, a council must undertake comprehensive and reliable monitoring of the PS in order to establish how the objectives are being achieved and determine whether any changes are required to ensure the continued delivery of the PS.
- 10.2. All councils will have identified a range of different requirements within their monitoring frameworks, this will assist in the plan, monitor manage approach advocated by the SPPS and in ongoing review of evidence base which inform emerging draft policies to be contained within the LPP.

11. Monitoring of LPP

- 11.1. The successful monitoring and review of the PS framework will then assist the fuller details which should be provided in the LPP monitoring framework.
- 11.2. A further Development Plan Practice Note (DPPN) in relation to monitoring will set out more detail regarding guidance and legislative requirements.



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Date: xx November 2022

Our Ref: 20221115DraftDPPN11

(Please quote at all times)

Mr Alistair Beggs
Deputy Director, Strategic Planning Directorate
Department for Infrastructure
Clarence Court
10-18 Adelaide Street
BELFAST BT2 8GB
By email:

Dear Susan,

Draft DPPN 11 – Adoption of Development Plan Document – Comments of Belfast City Council

I refer to your recent circulation (by your email dated 5th October 2022) of the draft Development Plan Practice Note (DPPN)11, which relates to the receipt of the independent examination report and the adoption of local development plan documents. The City Council welcomes the opportunity to provide comments on the revised draft guidance. The draft DPPN11 has been considered by the Council's Planning Committee and the following are the comments of the Council.

The Council acknowledges that the Department has taken into account several of the comments made in our correspondence of September 2021, particularly in relation to timescales for the Department's consideration of the PAC report and the provision to allow for fact checking in advance of the issuing of the direction. However, for the review and fact checking to be effective it appears counter intuitive for this to be carried towards the end of the 12-week period in which the Department has access to the PAC report, as this leaves little time for any issues to be highlighted and increases the risk that errors could be translated into any Direction.

The flexible approach to the timeframe for adoption post direction is also helpful. However, we would have some concerns that the example given in the document to allow for such things as the publication of Supplementary Planning Guidance (SPG) is confusing in this context, given that it is non statutory and would not normally be a precursor to adopting the plan.

The DPPN also cites that it is a matter for the planning authority to determine the weight to be given to the draft DPD or individual policies once the department issues a direction to the Council. This appears to contradict paragraph 1.11 of the Strategic Planning Policy Statement (SPPS) which states that existing (DfI) policy will cease to have effect only after the Plan Strategy is adopted. Although this might be a transitory issue it could have significant consequences for any interim period, particularly given the Council's current experience with delay in the adoption of its plan.

As highlighted in the previous correspondence the DPPN is limited in recognition or consideration of the other assessments that form part of the LDP process, such as the Sustainability Appraisal/ Strategic Environmental Assessment, Habitats Regulations Assessment or Equality Impact Assessment, which may require to be reviewed in the light of any DfI direction.

I trust you find this helpful.

Yours sincerely

Kate Bentley
Director of Planning and Building Control



**Belfast
City Council**

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Date: 15 September 2021

Our Ref: 20210914DraftDPPN11

(Please quote at all times)

Mr Alistair Beggs
Deputy Director, Strategic Planning Directorate
Department for Infrastructure
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10-18 Adelaide Street
BELFAST BT2 8GB
By email: Alistair.Beggs@infrastructure-ni.gov.uk

Dear Alistair,

Draft DPPN 11 – Adoption of Development Plan Document – Comments of Belfast City Council

I refer to your recent circulation (by your email dated 24th August 2021) of the draft Development Plan Practice Note (DPPN)11, which relates to the receipt of the independent examination (IE) report and the adoption of local development plan documents. The City Council welcomes the opportunity to provide comments on the draft guidance in advance of its finalisation. The draft DPPN11 has been considered by the Council's Planning Committee and the comments below represent the position of the Council.

Firstly, the Council acknowledges the value of regional guidance to assist councils, and other key players, in the delivery of local development plans through the new legislative process. As indeed noted in draft DPPN11, the focus on the key legislative requirements in the draft document may be further developed in more detailed future guidance as the LDP system matures. This might be helpful for future development plan documents.

As you are, of course, aware, the Planning Appeals Commission (PAC) concluded its independent examination hearings on the Belfast LDP draft Plan Strategy in March 2021 and its report and

recommendations on the soundness of the draft Plan is expected later this month. The draft guidance is therefore particularly relevant to the current status of the Belfast LDP.

The draft guidance states that, following the independent examination, the PAC's report and recommendations on the soundness of the draft LDP document must be sent to DfI for its consideration before issuing a direction to the Council to adopt, modify or withdraw the draft Plan. Whilst this is in accordance with the legislation there is no prescribed timeframe for this stage, nor does the draft guidance provide any indicative timescales. The draft DPPN states that DfI will provide an indication to councils on the likely timeframe for its consideration and direction, this potentially leaves a significant period when the Council cannot plan or indeed undertake the necessary further work to expedite the potential adoption of the Plan.

Significantly, the draft guidance states that the *"Department will not release the IE report / recommendations prior to the issuing of the Direction to the Council"* which appears to suggest that it is not proposed to afford the opportunity for Council to have advance consideration of the independent examination outcomes prior to the issue of the Direction. This is contrary to the established position in England and Wales where an Inspector's report is shared with the Local Authority for fact-checking (see Procedure Guide for Local Plan Examinations, 18 March 2021, paragraphs 8.2-8.4) and a similar process is also followed in Scotland.

This element of the guidance causes significant concern to the Council as it will adversely impact on our timeframe for completion of the required process and ability to prepare for any additional assessment reviews or work on modifications, ultimately delaying potential adoption of the Plan document. There will also be delays to any proposed programme for the production of Supplementary Planning Guidance (SPG) that would support the implementation of new policies. The Planning Committee were also concerned by the proposed approach and could not see how this was considered either necessary or reasonable.

At the recent Metropolitan Area Spatial Working Group DfI indicated that they may be willing to review this position, and whilst this in itself does not provide certainty, it is hoped that it indicates a more pragmatic approach could be adopted to address this particular part of the process. Without such an approach there will ultimately be further unnecessary delay and risk to the final adoption of the Plan documents. In making this request I would clarify that it is accepted that any report would be shared entirely without prejudice to the Department's consideration of it and that the Council recognises that the Department is the ultimate decision maker. However, it is a matter of fact that the Department was not the author of the draft Plan Strategy and that the Council as the plan making body that fully participated in the IE process is in the unique position to be able to assist with the identification of any factual errors or matters which require clarification in the PAC report. If any errors do exist, it is clearly important that they are identified at an early stage before the Department proceeds to make its direction as faults could infect the Direction made by the Department and make it unlawful.

The draft guidance confirms that a council must comply with the DfI's direction, although again there is no prescribed timeframe for this. In the case of adoption (with or without modifications), the Plan document must be adopted by resolution of the full council in order for it to take effect. The draft guidance says very little about the role of Elected Members in resolving to adopt the final LDP, particularly where the DfI direction may suggest significant modifications. Again, as mentioned above, there is no recognition given to potential changes that may be required to the statutory assessments required to meet environmental and equality obligations. The clarification of what is proposed to be covered under the three potential Direction scenarios (Adopt, Adopt with Modifications, Withdraw) set out in 5.1 of the draft DPPN should also be included.

Whilst the modifications option would clearly have to set out detail as to the rationale and basis for what is proposed within the Direction, taking account of the PAC report, any Direction for withdrawal should also still suggest modifications or potential corrective action. This would be critical in seeking to ensure that the Department meets its duty to achieve value for money in public expenditure as councils will have

expended considerable public funds by the time this point is reached in the plan process. In recognition of the considerable resources expended by councils and the PAC – not least in the conduct of the IE with the resulting in recommendations from the Commissioners - it would be contrary to the principles of such efficiency / effective governance , and indeed disproportionate, to simply issue a withdrawal direction unaccompanied by suggested modifications.

In overall terms, the draft guidance currently provides little in the way of the practical guidance or clarity on the LDP process post delivery of the PAC report to the Department. The current draft should be supplemented as suggested above along with a commitment to share the PAC report with councils at an early stage to avoid inevitably further delay / risk the roll out of up to date local development plans across Northern Ireland.

I would be happy to meet with you to discuss these matters further.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Kate Bentley'.

Kate Bentley
Director of Planning and Building Control

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Subject:	Schedule of Meetings 2023
Date:	15th November, 2022
Reporting Officer:	Carolyn Donnelly, Democratic Services Officer
Contact Officer:	Carolyn Donnelly, Democratic Services Officer

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
	To advise the Committee of the dates and times of the meetings of the Planning Committee between January and December, 2023.
2.0	Recommendations
	The Committee is requested to approve the schedule of meetings as outlined.
3.0	Main report
3.1	<u>Key Issues</u> The monthly meeting of the Planning Committee is normally held at 5.00 p.m. on the 3rd Tuesday of each month.
3.2	However, due to holiday periods and the timing of the monthly Council meetings and, in order to assist with the decision-making process, it has been necessary on occasions to move some of the meetings.

<p>3.3</p>	<p>Accordingly, the following dates have been identified for meetings of the Planning Committee for the period from January to December, 2023:</p> <ul style="list-style-type: none"> • Tuesday, 17th January; • Thursday, 19th January (for Workshop); • Tuesday, 14th February; • Thursday, 16th February (for Workshop); • Tuesday, 14th March; • Tuesday, 16th March (for Workshop) • <i>Tuesday, 13th April;</i> • <i>No meetings in May (election)</i> • <i>Tuesday, 13th June;</i> • <i>Thursday, 15th June (for Workshop);</i> • <i>No meetings in July (recess)</i> • Tuesday, 15th August; • Thursday, 17th August (for Workshop); • Tuesday, 19th September; • Thursday, 21st September (for Workshop); • Tuesday, 17th October; • Thursday, 19th October (for Workshop); • Tuesday, 14th November; • Thursday, 16th November (for Workshop); • Tuesday, 12th December; and • Thursday, 14th December (if required). <p>All meetings to commence at 5.00 p.m.</p> <p><u>Financial & Resource Implications</u></p> <p>None associated with this report.</p>
<p>3.4</p>	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>None associated with this report.</p>
<p>3.5</p>	
<p>4.0</p>	<p>Appendices – Documents Attached</p> <p>None associated with this report.</p>