

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



**Belfast  
City Council**

14th December, 2022

## **MEETING OF THE 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 Monday, 19th December, 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. **Committee Site Visit** (Pages 1 - 2)
3. **Extinguishments**
  - (a) Public Right of Way Foyle Court (Pages 3 - 6)
  - (b) Public Right of Way Manor Court (Pages 7 - 10)
  - (c) Public Right of Way Southport Court (Pages 11 - 14)
4. **Request for additional Meeting of the Planning Committee**
5. **Planning Decisions Issued** (Pages 15 - 56)

6. **Appeals** (Pages 57 - 58)

7. **Planning Applications**

- (a) LA04/2020/1858/F: (deferred from August 2021 Planning Committee)  
Residential development of 18 no. social housing units, comprising two terraces. Development includes associated car parking, gardens, landscaping, site access and all other site works. Hillview Retail Park, Crumlin Road, Belfast. (Pages 59 - 78)
- (b) LA04/2019/0081/F (Reconsidered item) 12 affordable housing apartments on former site of Maple Leaf at Park Avenue (Pages 79 - 110)
- (c) LA04/2020/2325/F (Reconsidered item) 21 dwellings (affordable housing) on former site of Maple Leaf at Park Avenue (Pages 111 - 138)
- (d) LA04/2020/0235/F: (deferred from November 2022 Planning Committee)  
Retrospective erection of new tyre depot with associated parking, site works and new entrance onto Duncrue Road, 2 Dargan Crescent, Duncrue Road Belfast. (Pages 139 - 148)
- (e) LA04/2021/2016/F: Demolition of existing multi-storey car park and the erection of 298 no. build for rent apartments (19 storey) including ground floor commercial unit (A1/A2), car/cycle parking provision along with associated development. 21-29 Corporation Street & 18-24 Tomb Street Belfast (Pages 149 - 184)
- (f) LA04/2021/2815/F: Erection of Discount supermarket, drive through cafe, landscaping, car parking, and associated site works. Vacant lands at access road to Olympia Leisure Centre directly opposite and approx. 70m East of nos. 9-15 Boucher Road Belfast (Pages 185 - 220)
- (g) LA04/ 2021/1188/F: Provision for a 24 no. space car park, access road with lay-by and turning head. 2.4m Perimeter Fence. 425 Springfield Road, Belfast (Pages 221 - 236)
- (h) LA04/2022/1856/F: Section 54 application to vary condition no.12 of planning permission LA04/2021/2242/F relating to landscaping and planting works. Lands bounded by Little Victoria Street Bruce Street and Holmes Street Belfast (Pages 237 - 250)
- (i) LA04/2022/1768/LBC: Restoration of Ormeau Park Main Entrance Gates and Screens and connecting Railings and Walls. Ormeau Main Gates, Ormeau Rd (Pages 251 - 258)
- (j) LA04/2022/1784/LBC: Repair of existing stone entrance pier and gate to Woodvale Park. Entrance piers to Woodvale Park 25m west of No.41 Woodvale Road Belfast (Pages 259 - 264)
- (k) LA04/2022/0876/F: Proposed upgrade of existing footways. Footpaths along Donegall Road; Broadway; A12 Westlink and Grosvenor Road. (Pages 265 - 278)

8. **Miscellaneous Items**

- (a) DfI Consultation on Improving the Quality of Planning Applications (Pages 279 - 350)
- (b) Item referred from the People and Communities Committee: Consideration to extending Tree Protection Orders (TPOs) across the City (Verbal Report)

9. **Restricted Items**

- (a) Quarter 2 Finance Report 2022/23 (Pages 351 - 358)
- (b) Update on the replacement Planning Portal (Verbal Update)

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## Planning Committee

Friday, 2nd December, 2022

### PLANNING COMMITTEE SITE VISIT – NOTE OF MEETING

**LA04/2022/1284/F - Lands bounded by Library Street (to south); Stephen Street (to west); Little Donegall Street (to north); and Union Street (to east), Belfast BT1 2JE. Erection of Purpose Built Managed Student Accommodation (PBMSA) development comprising 862 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including cafe and retail, and associated bin stores and plant and public realm improvements to surrounding footpaths**

Members Present:	Councillor Whyte (Chairperson); and Alderman Rodgers; and Councillors Groogan and Maskey.
Officers in Attendance:	Ms. K. Bentley, Director of Planning and Building Control; Mr. E. Baker, Planning Manager (Development Management); and Mr. P. Fitzsimons, Principal Planning Officer.
Apologies:	Councillor Douglas.

The Members and the officers convened at the site at 12.35 p.m. for the purpose of undertaking a site visit in respect of the application to allow the Members to acquaint themselves with the location and the proposals at first hand.

The Members viewed the site with the proposed plans.

The visit concluded at 1.10 p.m.

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

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Date: 15<sup>th</sup> of November 2022

Our Ref: Foyle Court Extinguishment

Dear Sirs,

**Re: Extinguishment of Public Right of Way –Foyle Court**

The Northern Ireland Housing Executive made an Order No 1 on the 7<sup>th</sup> of November 2022 certain Public Rights of Way be extinguished. Approval for the extinguishment is presently being sought from the NIHE Sponsor Team (Housing Division), Department for Communities, Housing Investment Branch, 1-7 Bedford Street, Belfast, BT2 7EG.

The press notice regarding the making of this order is enclosed together with a map showing the area affected.

If you wish to make comments, could you please let me have them by 13th December 2022.

I shall write to you again when the result of the submission is known.

Yours faithfully,



**Aaron Maguire**  
Land and Regeneration Officer  
Belfast Area





**BELFAST, FOYLE COURT**  
**Extinguishment of Public Right-of-Way**  
**Order No. 1, 2022**

Map dated 7th November 2022

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

BCC  
 DEPARTMENT FOR  
 PLACE AND ECONOMY  
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## **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 Foyle Court, Belfast has by a resolution passed on 7<sup>th</sup> of November 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 Foyle Court, Belfast Order No.2 2022 and sealed with the common seal of the Northern Ireland Housing Executive and deposited at the West Belfast Local 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 Foyle Court, Belfast Order No.2 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**

Foyle Court Belfast- Extinguishment of Public Rights of Way Order No2 2022

The portion of the roadway stretching from the footpath at the front of 6 Foyle Court. The portion of roadway along the frontage of 7 Foyle Court to the side of the planter fronting 8 Foyle Court, a portion of the roadway stretching from the front of 9 Foyle Court to the front of 10 Foyle Court and a small strip of land to the front of 11 and 12 Foyle court.



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

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Date: 15<sup>th</sup> of November 2022

Our Ref: Manor Court Extinguishment

Dear Sirs,

**Re: Extinguishment of Public Right of Way – Manor Court**

The Northern Ireland Housing Executive made an Order No 1 on 7<sup>th</sup> of November 2022 certain Public Rights of Way be extinguished. Approval for the extinguishment is presently being sought from the NIHE Sponsor Team (Housing Division), Department for Communities, Housing Investment Branch, 1-7 Bedford Street, Belfast, BT2 7EG.

The press notice regarding the making of this order is enclosed together with a map showing the area affected.

If you wish to make comments, could you please let me have them by 13th December 2022.

I shall write to you again when the result of the submission is known.

Yours faithfully,



**Aaron Maguire**  
Land and Regeneration Officer  
Belfast Area







**BELFAST, MANOR COURT**  
**Extinguishment of Public Right-of-Way**  
**Order No. 1, 2022**

Map dated 7th of November 2022

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

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 DEPARTMENT FOR  
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**FORM OF NOTICE OF MAKING OF ORDER**  
**THE HOUSING (NORTHERN IRELAND) ORDER 1981**  
**EXTINGUISHMENT OF PUBLIC RIGHTS OF WAY**

Notice is hereby given that the Northern Ireland Housing Executive having its principal office at 2 Adelaide Street, Belfast, BT2 8PB in pursuance of its powers under Article 88D of the Housing (Northern Ireland) Order 1981 on 7<sup>th</sup> of November 2022 made an Order ("an extinguishment order"), which will be submitted to the Department for Communities for approval, to extinguish the public rights of way over land described in the schedule hereto.

A copy of the extinguishment order and associated map dated 7<sup>th</sup> of November 2022 referred to therein may be inspected at the West Belfast Local Office with offices at the Public Counter, The Housing Centre, 2 Adelaide Street, Belfast BT2 8PB.

The Housing (Northern Ireland) Order 1981 provides that an extinguishment order shall not have effect until approved by the Department and that an extinguishment order to which any objection is made and not withdrawn shall not be approved in circumstances where the Department exercises its discretion to cause a public local inquiry to be held to hear objections to the extinguishment order.

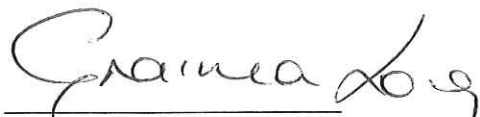
Objections to the extinguishment order must be made in writing stating the grounds for objection and addressed to NIHE Sponsor Team (Housing Division), Department for Communities, Causeway Exchange, 1-7 Bedford Street, Belfast BT2 7EG on or before 13<sup>th</sup> December 2022.

**SCHEDULE**

Manor Court Belfast- Extinguishment of Public Rights of Way Order No2 2022

The length of courtyard/roadway running along the side of the property at 2 Manor Court.

DATED THIS – 15<sup>th</sup> November 2022



**Grainia Long**  
**Chief Executive**  
Northern Ireland Housing Executive  
2 Adelaide Street  
Belfast BT2 8PB



## **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 Manor Court, Belfast has by a resolution passed on 7<sup>th</sup> of November 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 Manor Court, Belfast Order No.2 2022 and sealed with the common seal of the Northern Ireland Housing Executive and deposited at the West Belfast Local 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:

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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**

Manor Court Belfast- Extinguishment of Public Rights of Way Order No2 2022

The length of courtyard/roadway running along the side of the property at 2 Manor Court.



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

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Date: 15<sup>th</sup> of November 2022

Our Ref: Southport Court Extinguishment

Dear Sirs,

**Re: Extinguishment of Public Right of Way – Southport Court**

The Northern Ireland Housing Executive made an Order No 1 on the 7<sup>th</sup> of November 2022 certain Public Rights of Way be extinguished. Approval for the extinguishment is presently being sought from the NIHE Sponsor Team (Housing Division), Department for Communities, Housing Investment Branch, 1-7 Bedford Street, Belfast, BT2 7EG.

The press notice regarding the making of this order is enclosed together with a map showing the area affected.

If you wish to make comments, could you please let me have them by 13th December 2022.

I shall write to you again when the result of the submission is known.

Yours faithfully,

  
**Aaron Maguire**  
Land and Regeneration Officer  
Belfast Area





## **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 Southport Court, Belfast has by a resolution passed on 7<sup>th</sup> of November 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 Southport Court, Belfast Order No.2 2022 and sealed with the common seal of the Northern Ireland Housing Executive and deposited at the West Belfast Local 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:

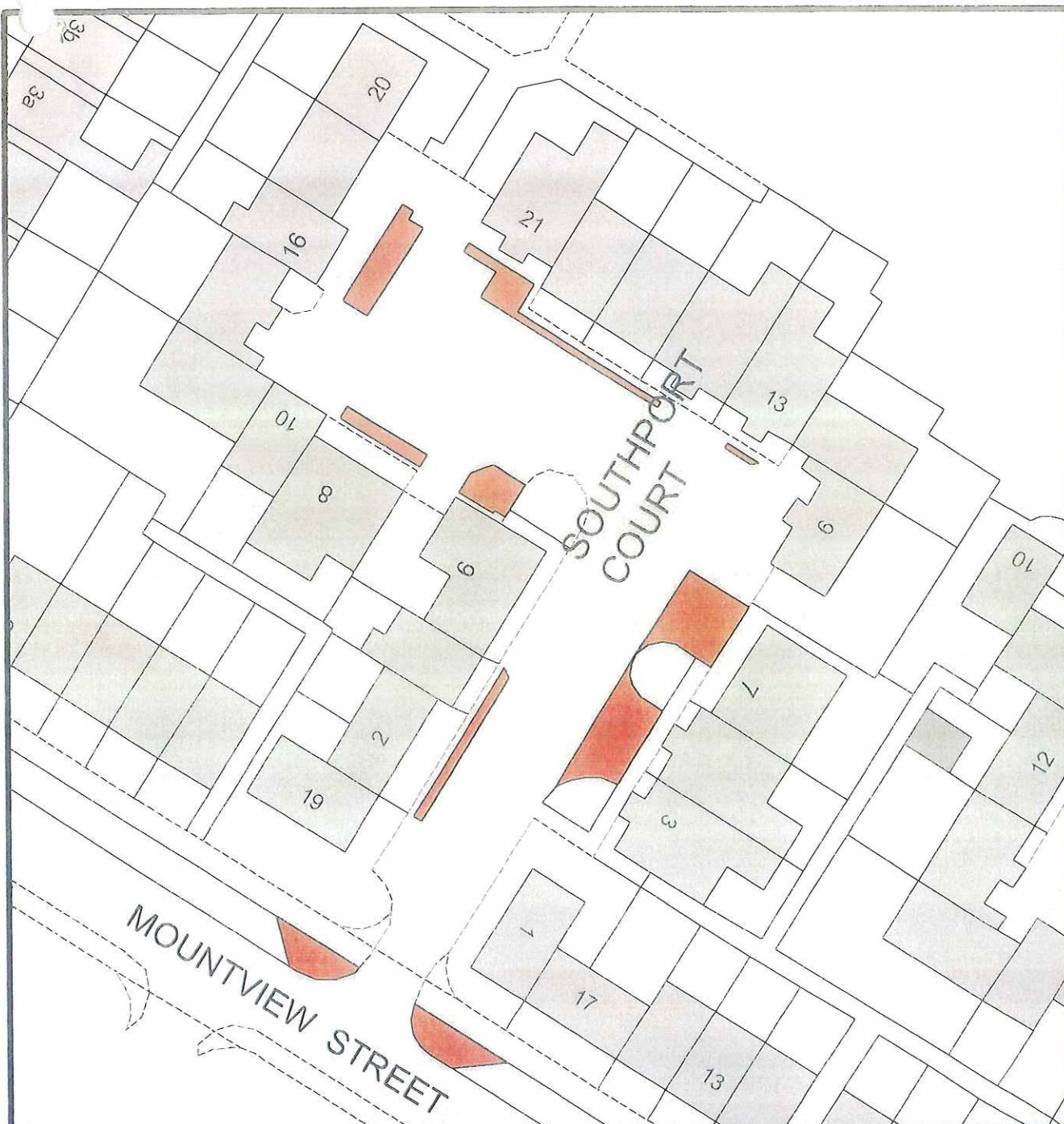
1. This extinguishment order may be cited as the Southport Court, Belfast Order No.2 2022.
2. The public rights of way described in the schedule and shown coloured red and outlined black on the said map shall cease and be extinguished as from the date of operation of the extinguishment order subject 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**

Southport Court Belfast- Extinguishment of Public Rights of Way  
Order No2 2022

A strip of roadway extending from the fronting of 2 and 6 Southport court. The portion of roadway between the planters and 3 to 7 Southport court, the small portion of roadway to the front of 9 Southport Court and 13 Southport court, the strip of roadway to the front of 15 to 21 Southport Court and the portion to the side of 6 Southport Court.





**BELFAST, SOUTHPORT COURT**  
**Extinguishment of Public Right-of-Way**  
**Order No. 1, 2022**

Map dated 7th of November 2022

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

OSNI Reference: I.G. 130-9SW2

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**FORM OF NOTICE OF MAKING OF ORDER  
THE HOUSING (NORTHERN IRELAND) ORDER 1981  
EXTINGUISHMENT OF PUBLIC RIGHTS OF WAY**

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A copy of the extinguishment order and associated map dated 7<sup>th</sup> of November 2022 referred to therein may be inspected at the West Belfast Local Office with offices at the Public Counter, The Housing Centre, 2 Adelaide Street, Belfast BT2 8PB.

The Housing (Northern Ireland) Order 1981 provides that an extinguishment order shall not have effect until approved by the Department and that an extinguishment order to which any objection is made and not withdrawn shall not be approved in circumstances where the Department exercises its discretion to cause a public local inquiry to be held to hear objections to the extinguishment order.

Objections to the extinguishment order must be made in writing stating the grounds for objection and addressed to NIHE Sponsor Team (Housing Division), Department for Communities, Causeway Exchange, 1-7 Bedford Street, Belfast BT2 7EG on or before 13<sup>th</sup> December 2022.

**SCHEDULE**

Southport Court Belfast- Extinguishment of Public Rights of Way Order No2 2022

A strip of roadway extending from the fronting of 2 and 6 Southport court. The portion of roadway between the planters and 3 to 7 Southport court, the small portion of roadway to the front of 9 Southport Court and 13 Southport court, the strip of roadway to the front of 15 to 21 Southport Court and the portion to the side of 6 Southport Court.

DATED THIS – 15<sup>th</sup> November 2022



**Grainia Long**  
**Chief Executive**  
Northern Ireland Housing Executive  
2 Adelaide Street  
Belfast BT2 8PB



## Decisions issued between 7 November and 11 November 2022 - No.29

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2018/2180/DC	LOCDEV	Land South of Franklin Street East of Brunswick Street and West of McClintock Street Belfast	Discharge of conditions 9 & 10 of LA04/2015/0420/F	CONDITION NOT DISCHARGED
LA04/2019/0775/F	LOCDEV	Lands approximately 50m to the north of 35 Hampton Park and approximately 30m to the west of 60 Hampton Park Galwally	Erection of 18 dwellings to include revision of site layout of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings) and additional 11 No. dwellings, including landscaping, access via Hampton Park and other associated site works (Amended P1 form and drawings)	PERMISSION GRANTED
LA04/2020/1262/DC	LOCDEV	Land East of Queen's Road North of Public Records Office of Northern Ireland and South of Belfast Metropolitan College Queen's Island Belfast.	Discharge of condition 2 Z/2013/0931/F.	CONDITION DISCHARGED
LA04/2022/0437/DC	LOCDEV	Queens University Students Union 77-79 University Road Belfast BT7 1NN.	Discharge of condition 12 LA04/2019/1019/F.	CONDITION DISCHARGED

LA04/2022/0949/F	LOCDEV	12 Cleaver Avenue Belfast BT9 5JA	Single storey extension to front and rear and two storey side/front extension. Roof terrace to side with 1.8m opaque glass screening. Ground floor terrace area to rear. Elevational changes. (amended description and plans)	PERMISSION GRANTED
LA04/2022/0950/DCA	LOCDEV	12 Cleaver Avenue Belfast BT9 5JA	Demolition of existing single storey porch, attached garage / out building, chimney and sections of walls.	PERMISSION GRANTED
LA04/2022/1091/F	LOCDEV	122 Knockbreda Park Belfast BT6.	Single storey rear extension.	PERMISSION GRANTED
LA04/2022/1123/F	LOCDEV	62 Mount Merrion Park Belfast BT6 0GB	Single 2 storey rear and side extension	PERMISSION GRANTED
LA04/2022/1198/F	LOCDEV	26 Pommern Parade Belfast BT6 9FX	Erection of two storey extension over existing ground floor & extended ground floor extension	PERMISSION GRANTED
LA04/2022/1232/F	LOCDEV	Ballygomartin Industrial Estate Advantage Way Belfast BT13 3LZ	Removal and replacement of existing 20.6 monopole with 25.20 swan tower, inclusive of new headframe supporting 18 antennas	PERMISSION GRANTED
LA04/2022/1241/F	LOCDEV	126 Colinmill Belfast BT17 0AS	Single storey rear extension (amended description)	PERMISSION GRANTED



LA04/2022/1258/F	LOCDEV	5 Sandown Park Belfast BT5 6HD.	Single storey rear and side extensions with external changes and raised patio. Alterations to access with new boundary walls and gate.	PERMISSION GRANTED
LA04/2022/1262/DCA	LOCDEV	5 Sandown Park Belfast BT5 6HD.	Demolition of existing single storey garage, kitchen rear return, 1m yard wall and outbuildings and partial demolition of rear and side walls to facilitate extension/ alterations.	PERMISSION GRANTED
LA04/2022/1276/DC	LOCDEV	Lands immediately west and north west of No. 35 Hampton Park and immediately west of No. 40 Hampton Park Belfast BT7 3JP.	Discharge of condition 6 LA04/2021/1371/F (GQRA)	CONDITION DISCHARGED
LA04/2022/1350/F	LOCDEV	Site immediately west and adjacent to 194 Upper Malone Road Belfast BT17 9JZ	New single storey dwelling and attached garaging including new access onto existing shared lane (renewal of LA04/2018/1198/F)	PERMISSION GRANTED
LA04/2022/1582/F	LOCDEV	Telecoms Site 20892/ANT128 Davidson And Hardy 453-455 Antrim Road Fortwilliam Belfast Country Antrim BT15 3BL.	Removal and replacement of 1no trisector antenna on existing flagpole support, installation of 1no new equipment cabinet and other associated ancillary works thereto.	PERMISSION GRANTED
LA04/2022/1587/F	LOCDEV	Queen's Square Apartments 17 Queen's Square Belfast BT1 3FF	Removal of combustible cladding materials and replacement with non-combustible replacement materials to facades on Victoria Street, Queen's Square, and Prince's Street.	PERMISSION GRANTED
LA04/2022/1590/F	LOCDEV	697 Oldpark Road Belfast BT14 6QY.	Removal of front ground floor window and insertion of new self-service touch-screen medicine dispensary machine (no change to the building footprint, area or plan arrangement)	PERMISSION GRANTED

LA04/2022/1593/A	LOCDEV	University Fitness Suite located in Birley Building (Block BA) Ulster University 25 - 51 York Street Belfast BT15 1ED	Vinyl signage applied to external glazing units facing Academy Street & Curtis Street.	PERMISSION GRANTED
LA04/2022/1594/A	LOCDEV	'University Gallery located in Block BC Ulster University 25 - 51 York Street Belfast BT15 1ED	Vinyl signage and events advertising displayed behind glazing facing York Lane (AMENDED DESCRIPTION)	PERMISSION GRANTED
LA04/2022/1634/DC	LOCDEV	Lands situated to the south of Nos 45-57 Glencollyer Street West of Nos 25 Crosscollyer Street and adjacent and north of Crosscollyer Street Evangelical Presbyterian Church Crosscollyer Street Belfast.	Discharge of condition no. 4 LA04/2019/1121/F (verification report)	CONDITION NOT DISCHARGED
LA04/2022/1672/DC	LOCDEV	52-58 Shankill Road and adjacent vacant site to West of 52-58 Shankill Road Belfast BT13 2BB.	Discharge of condition 10 LA04/2020/2198/F.(odour abatement)	CONDITION DISCHARGED
LA04/2022/1697/DC	LOCDEV	18 Marina Park Belfast BT5 6BA.	Discharge of condition 4 LA04/2022/1261/F.	CONDITION DISCHARGED
LA04/2022/1700/F	LOCDEV	Springhill Primary School 247 Ballygomartin Road Belfast BT13 3NH	Proposed removal of existing defective concrete panels and replacement with new insulated composite panels. Replacement of defective windows.	PERMISSION GRANTED

LA04/2022/1758/F	LOCDEV	Kirk House 110 Kings Road Belfast BT5 7BX.	Two storey extension to the south west stairwell of Kirk House for a new lift.	PERMISSION GRANTED
LA04/2022/1836/F	LOCDEV	23 Kings Drive Belfast BT5 6PS.	Two storey extension to rear of dwelling. Alterations to dwelling and creation of new access.	PERMISSION GRANTED
LA04/2022/1842/F	LOCDEV	9 Old Holywood Road Belfast BT4 2 HJ.	Single and two storey extension to side and rear of dwelling.	PERMISSION GRANTED
LA04/2022/1932/CONTPO	LOCDEV	24 Malone Park Belfast BT9 6NJ.	Works to 1 tree.	WORKS TO TREES IN CA - AGREED
LA04/2022/2030/CONTPO	LOCDEV	39 Adelaide Park Belfast BT9 6FY.	The Cherry tree is infected with a large fungus and is at risk of falling due to trunk disease (this has been previously discussed on site with council representative Declan O'Kane)	WORKS TO TREES IN CA - AGREED













## Decisions issued between 14 November and 18 November 2022 No 104

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/1073/F	LOCDEV	Annadale Embankment SW Annadale Embankment Approx. 40m SW of jet. with Agra Street Belfast County Antrim BT7 3AH.	The installation of a 20 metre Apollo streetpole with 6no. antennas (3no enclosed within a shroud) 2no. equipment cabinets, 1no. meter cabinet and ancillary apparatus/works.	PERMISSION REFUSED
LA04/2020/1176/F	LOCDEV	Land immediately to the West of 402 Newtownards Road Belfast BT4 1HH. On the corner of Connswater Street.	Construction of a new 21 Bedroom hotel, including ground level cafe/bar facilities, and integration with and extension to the existing "Freight" restaurant.	PERMISSION GRANTED
LA04/2021/0743/F	LOCDEV	Lands between Floral Park and Antrim Road Newtownabbey and North West and adjacent to 83 Antrim Road and 36 Floral Park BT36	Proposed 10no. semi detached dwellings and associated parking and landscaping.	PERMISSION GRANTED
LA04/2021/1124/F	LOCDEV	Lands north and adjacent to No.83 Old Hollywood Road Belfast.	Retrospective change of house type and minor re-siting to previously granted 'Single 2 Storey Dwelling House' under LA04/2017/0481/F, including retention of retaining walls and all associated site works; proposed provision of private in- curtilage parallel parking lay-by to Old Hollywood Road and erection of wall and railings, on lands north and adjacent to No.83 Old Hollywood Road, Belfast.	PERMISSION GRANTED

LA04/2021/1456/F	LOCDEV	On footpath outside Door Store Retail Unit 49-53 Boucher Road Belfast BT12 6HH	Proposed Installation of an 20m High telecoms street pole c/w wraparound cabinet, with Integrated Antenna, and 3no. additional equipment cabinets and ancillary equipment.	PERMISSION REFUSED
LA04/2021/1588/F	LOCDEV	Ballynafeigh Methodist Church 469 Ormeau Road Belfast BT7 3GR.	Part change of use from Church minor halls to 1 no. 4 bedroom apartment and 1 no. 1 bedroom apartment, internal reconfiguration of existing church hall along with elevational alterations (Amended drawings / additional information)	PERMISSION GRANTED
LA04/2021/1589/LBC	LOCDEV	Ballynafeigh Methodist Church 469 Ormeau Road Belfast BT7 3GR.	Alterations to elevations and internal layout including demolition works to facilitate part change of use to 2 no. apartments and reconfiguration of church hall layout.	PERMISSION GRANTED
LA04/2021/1842/F	LOCDEV	Unit 2 Warehouse Lane Waring Street Belfast BT1 2DX	Change of use of existing property to licensed restaurant with erection of new full height kitchen extract flue to rear; installation of new shop front to front.	PERMISSION GRANTED
LA04/2021/1945/F	LOCDEV	170 Upper Malone Road Belfast BT17 9EH	Demolition of existing vacant equestrian centre, 170 Upper Malone Road and associated stables. Erection of 1no detached dwelling detached garage and ancillary outbuilding. (AMENDED RED LINE FOR ACCESS PURPOSES)	PERMISSION GRANTED
LA04/2021/2030/F	LOCDEV	Parklands lands west of numbers 70 to 76 Knocknagoney Road Knocknagoney Belfast.	Proposed construction of 8no. apartments with associated car parking and landscaping.	PERMISSION REFUSED

LA04/2021/2142/F	LOCDEV	271 Antrim Road Belfast BT15 2GZ	Retrospective change of use from Taxi Depot to Hot Food Outlet with new extract duct to rear elevation taken to roof level. (Amended description)	PERMISSION GRANTED
LA04/2021/2226/LBC	LOCDEV	217 Hollywood Road Belfast BT4 2DR	Change of Use from Vacant (Previous Church Offices) to Rector's Dwelling. Erection of a Detached Garage and Associated Repairs and Alterations. (Amended Description).	PERMISSION GRANTED
LA04/2021/2227/F	LOCDEV	217 Hollywood Road Belfast BT4 2DR	Change of Use from Vacant (Previous Church Offices) to Rector's Dwelling. Erection of a Detached Garage and Associated Repairs and Alterations. (Amended Description).	PERMISSION GRANTED
LA04/2021/2252/F	LOCDEV	15 Knockdene Park North Belfast BT5 7AA	New ground floor ensuite window and new rooflight on rear elevation of existing dwelling and raised area to rear. First floor extension to existing garage to create a study, garden room and storage. (Additional Information)	PERMISSION GRANTED
LA04/2021/2395/A	LOCDEV	107a Shore Road Belfast BT15 5PL	Illuminated hoarding advertisement to replace existing signage of existing elevated steel hoarding (Amended Description)	PERMISSION REFUSED

LA04/2021/2764/DCA	LOCDEV	15 Knockdene Park North Belfast BT5 7AA	Demolition works associated with the first floor garage extension include removal of the garage roof and alterations to openings. Demolition works to main house include new window and rooflight openings in rear elevation, replacement of doors and minor alterations to existing external steps.	PERMISSION GRANTED
LA04/2021/2884/LBC	LOCDEV	22-24 Windsor Park Malone Lower Belfast Co. Antrim BT9 6FR	Proposed change of use from residential care home to ten no. apartments including proposed first floor rear extension, elevational changes, internal reconfiguration and ancillary site works	PERMISSION GRANTED
LA04/2022/0041/DC	LOCDEV	Kennedy Shopping Centre 564-568 Falls Road Belfast BT11 9AE	Discharge of condition no. 6 - LA04/2021/1356/F	CONDITION DISCHARGED
LA04/2022/0047/F	LOCDEV	22-24 Windsor Park Malone Lower Belfast BT9 6FR	Proposed change of use from residential care home to ten no. apartments including proposed first floor rear extension, elevational changes, internal reconfiguration, car parking, amenity space, bicycle stands and ancillary site works (Amended Drawings and Information)	PERMISSION GRANTED
LA04/2022/0209/F	LOCDEV	Lands at Nos. 176-184 and No. 202 Woodstock Road and Nos. 2-20 Beersbridge Road Belfast.	proposed development of 31No. social housing units comprising of 16No. apartments and 15No. townhouses, car parking, landscaping and all associated site and access works.	PERMISSION GRANTED

LA04/2022/0234/LDE	LOCDEV	67 Maryville Street Belfast BT7 1AE	Short term holiday accommodation.	PERMITTED DEVELOPMENT
LA04/2022/0238/F	LOCDEV	24 Malone Hill Park Malone Upper Belfast BT9 6RE.	Single storey side and rear extension with raised part covered terrace to rear.	PERMISSION GRANTED
LA04/2022/0442/DC	LOCDEV	Former Park Avenue Hotel 158 Holywood Road Belfast BT4 1PB.	Discharge of condition 9 LA04/2021/0493/F relating to tree protection measures	CONDITION DISCHARGED
LA04/2022/0465/F	LOCDEV	29 Cranmore Park Belfast BT9 6JF.	Two storey side extension to dwelling with dormer window to rear (amended description and plans)	PERMISSION GRANTED
LA04/2022/0466/DCA	LOCDEV	29 Cranmore Park Belfast BT9 6JF.	Demolition of detached wooden garage & shed to allow 2 storey extension to side of dwelling with partial demolitions to side wall to allow openings through.	PERMISSION GRANTED
LA04/2022/0608/LBC	LOCDEV	St. Malachy's College 36 Antrim Road Belfast BT15 2AE.	Refurbishment of existing timber windows to main block, A block, B Block and Library Area of School.	PERMISSION GRANTED
LA04/2022/0656/F	LOCDEV	133 Ballylessan Road Belfast BT8 8JU	Erection of proposed barn building and open fronted storage building for the storage of materials and tools.	PERMISSION GRANTED
LA04/2022/0657/LBC	LOCDEV	133 Ballylessan Road Belfast BT8 8JU	Erection of proposed barn building and open fronted storage building for the storage of materials and tools.	PERMISSION GRANTED

LA04/2022/0693/F	LOCDEV	Existing Communications Installation Belfast City Airport Harbour East NIR Oil Bearth 2 Airport Road West Belfast BT3 9AE.	The proposed upgrade works consist of the removal and replacement the existing 12.5m tower for proposed a 20m swan tower, with a new headframe supporting 18 no antennas, an internal cabin refresh and ancillary development thereto.	PERMISSION GRANTED
LA04/2022/0738/F	LOCDEV	4 metres South West of No. 2a Trenchard Belfast. BT11 9NS	Proposed Relocation and Upgrade of Existing Bus Shelter to Insignia Non Ad Bus Shelter.	PERMISSION GRANTED
LA04/2022/0754/F	LOCDEV	24 Metres South West of 20 Erris Grove Belfast BT11 9LE.	Proposed Upgrade to Existing Bus Shelter to Insignia Ad Bus Shelter.	PERMISSION GRANTED
LA04/2022/0778/F	LOCDEV	737a Antrim Road Belfast BT15 4EL.	Demolition of existing dwelling and garage; and erection of new detached replacement dwelling with basement, integral garage and associated siteworks.	PERMISSION GRANTED
LA04/2022/0801/F	LOCDEV	2 & 4 Willesden Park Belfast BT9 5GX.	Demolition of existing semi-detached dwellings and construction of two replacement semi-detached dwellings. Construction of new boundary wall and railings to Willesden Park frontage.	PERMISSION GRANTED
LA04/2022/0842/F	LOCDEV	314 Shankill Road Belfast BT13 3AB	Demolition of existing building, new ground floor retail unit with 2 flats above	PERMISSION GRANTED
LA04/2022/0878/LDP	LOCDEV	33 South Parade Belfast BT7 2GL	Alterations to ground floor rear window arrangement	PERMITTED DEVELOPMENT
LA04/2022/0891/A	LOCDEV	22 Castle Lane Belfast BT1 5DB	Illuminated signage	PERMISSION GRANTED

LA04/2022/0899/F	LOCDEV	139 Circular Road Belfast BT4 2GF	Proposed single storey rear extension. Restoration/ conversion of existing 3 bay garage to habitable space with balcony above. (Amended Plans)	PERMISSION GRANTED
LA04/2022/0908/DC	LOCDEV	Land at former Kings Hall and RUAS Complex located to the east of the King's Hall and to the rear of Nos 7-23 Harberton Park Belfast BT9 6GW	Discharge of condition 2 - LA04/2019/1254/F	CONDITION DISCHARGED
LA04/2022/0919/F	LOCDEV	88 Circular Road Belfast	Section 54 Application to vary condition 4 of implemented planning approval LA04/2017/2623/F (for erection of dwelling with detached garage and associated site works), to facilitate revisions to the approved landscaping plan (partly retrospective).	PERMISSION GRANTED
LA04/2022/0931/F	LOCDEV	115 Blacks Road Belfast BT10 0NF	Proposed modular toilet and office building.	PERMISSION GRANTED
LA04/2022/1005/DC	LOCDEV	10-16 Castle Place Belfast BT1 1GB	Discharge of condition 3 - LA04/2019/0405/F	CONDITION NOT DISCHARGED
LA04/2022/1040/LBC	LOCDEV	32 Townsend Street Belfast BT13 2ES	Internal refurbishment / redecoration works and provision of external extract, louvers and pipework (Amended Description)	PERMISSION GRANTED
LA04/2022/1052/LDE	LOCDEV	3 Harrow Street Belfast BT7 1QG.	House in Multiple Occupancy (HMO).	PERMITTED DEVELOPMENT

LA04/2022/1071/F	LOCDEV	Site adjacent to Old Cavehill Road Cavehill Drive. 20 North Circular Road Belfast BT15 5HB	Floodlights mounted on 3 existing columns and 5 new floodlighting columns to illuminate 3 tennis courts adjacent to Old Cavehill Road and Cavehill Drive.	PERMISSION GRANTED
LA04/2022/1102/A	LOCDEV	Unit 2 Masonic Hall Arthur Square Belfast BT1 4FF	2 internally illuminated signs	PERMISSION GRANTED
LA04/2022/1103/LBC	LOCDEV	Unit M2 Masonic Hall Arthur Square Belfast BT1 4FF	2 internally illuminated signs	PERMISSION GRANTED
LA04/2022/1124/F	LOCDEV	16 Strathearn Park Belfast BT4 2GN	Single storey extension with raised terrace (Amended Description)	PERMISSION GRANTED
LA04/2022/1130/F	LOCDEV	14 Cleaver Park Belfast BT7 5HX.	Two storey rear and single storey side extension. Conversion of garage to gym and shower room.	PERMISSION GRANTED
LA04/2022/1173/F	LOCDEV	Tyrone House 83 Malone Road Belfast BT9 6SJ.	Internal alterations to existing offices to create new office/reception area, locker room and rest room, erection of new disabled access ramp and steps and creation of disabled parking bays, and conversion of existing window to new accessible entrance door.	PERMISSION GRANTED



LA04/2022/1185/F	LOCDEV	Existing telecommunications base installation at west of 103 Gilnahirk Road Belfast BT5 7QL.	Proposed upgrade works at existing base station installation including: the removal of existing 15.00m high CU Phosco phase 3 monopole, 1No. existing meter cabinet, existing fence and trees and all other ancillary apparatus and the installation of proposed demise extension with 25.00m high multi-use column monopole and headframe on new concrete base, 12No. antennas, 2No. cabinets and all other ancillary developments	PERMISSION GRANTED
LA04/2022/1223/DCA	LOCDEV	14 Cleaver Park Belfast BT7 5HX	Demolition of first floor window to rear, utility and boiler room walls, living room bay window and garage opening.	PERMISSION GRANTED
LA04/2022/1231/DC	LOCDEV	Land bounded by Library Street Stephen Street and Kent Street Belfast BT1	Discharge of condition 8 - LA04/2015/0676/F	CONDITION DISCHARGED
LA04/2022/1235/F	LOCDEV	The Old School House Building Townsend Street Presbyterian Church 32 Townsend Street Belfast BT13 2ES	Change of use from Church Hall to Administrative Centre including ancillary accommodation and green room (Amended Description)	PERMISSION GRANTED
LA04/2022/1253/F	LOCDEV	37 Gortland Park Belfast BT5 7NU	Proposed Single Storey Side Extension with Minor Alterations to Elevations. Bike Store to Side of Proposed Extension.	PERMISSION GRANTED
LA04/2022/1289/F	LOCDEV	Lands to South West of 40-64 Brucevale Park Belfast.	Childcare facility and 8 no workshop units and associates siteworks and carparking (Amended Description)	PERMISSION GRANTED

LA04/2022/1308/F	LOCDEV	63 Brandon Parade Belfast BT4 1JH.	Single Storey Extension to the Side / Rear of Dwelling.	PERMISSION GRANTED
LA04/2022/1325/F	LOCDEV	19 Donegall Square East Belfast	Change of use from vacant storage area/former barbers on basement floor to public house (to facilitate extension to existing licenced premises known as Margot.	PERMISSION GRANTED
LA04/2022/1326/LBC	LOCDEV	19 Donegall Square East Belfast	Proposed refurbishment works to vacant basement floor.	PERMISSION GRANTED
LA04/2022/1424/NMC	LOCDEV	157 Sandown Road Belfast BT5 6GX.	Non Material change LA04/2020/2497/F.	NON MATERIAL CHANGE REFUSED
LA04/2022/1435/F	LOCDEV	Stormont Hotel Upper Newtownards Road Stormont Belfast BT4 3LP	Removal and replacement of 1no trisector antenna on existing flagpole support and 1no equipment cabinet with other associated ancillary works.	PERMISSION GRANTED
LA04/2022/1442/F	LOCDEV	1 Rosetta Park Belfast BT6 0DJ	Proposed Single Storey Extension to Rear of Dwelling.	PERMISSION GRANTED
LA04/2022/1506/F	LOCDEV	Ballyowen Health Centre 179 Andersonstown Road Belfast BT11 9EA.	Proposed external pedestrian access ramp, perimeter pedestrian access gate, and alterations to layout of existing staff car park.	PERMISSION GRANTED
LA04/2022/1509/F	LOCDEV	23 Iverna Street Belfast BT12 5QH.	Single storey side extension.	PERMISSION GRANTED

LA04/2022/1528/F	LOCDEV	20 Norfolk Parade Ballymurphy Belfast BT11 8DB.	2 storey extension to rear and side of property (amended plans)	PERMISSION GRANTED
LA04/2022/1529/F	LOCDEV	Shandon Park Golf Club BT5 6NY. (Close to the boundary with 150 Knock Road).	Erection of a 16m ballcatcher net and posts including 3 steel stanchion/posts to support cabling and 25x25 netting inside the existing golf course and tree line	PERMISSION GRANTED
LA04/2022/1541/F	LOCDEV	167 Ballygomartin Road Belfast BT13 3NA.	Change of use from residential to House in Multiple Occupation (HMO).	PERMISSION GRANTED
LA04/2022/1553/DC	LOCDEV	150 Knock Road Belfast BT5 6QD.	Discharge of condition 23 LA04/2021/2144/F relating to Construction and Environmental Management Plan	CONDITION NOT DISCHARGED
LA04/2022/1560/DC	LOCDEV	150 Knock Road Belfast BT5 6QD.	Discharge of condition 24 LA04/2021/2144/F relating to temporary protective fencing	CONDITION NOT DISCHARGED
LA04/2022/1561/F	LOCDEV	37 St Judes Crescent Belfast BT7 2GW	Roofspace conversion including construction of rear dormer window	PERMISSION GRANTED
LA04/2022/1603/DC	LOCDEV	Lands adjacent to 14 College Square North and south of 62- 76 Hamill Street Belfast	Discharge of Condition no.17 - LA04/2018/1719/F relating to Air Quality/boiler specification	CONDITION NOT DISCHARGED
LA04/2022/1607/DC	LOCDEV	Templemore Baths Templemore Avenue Belfast BT5 4FW	Discharge of Condition no.4 - LA04/2018/2603/F relating to materials	CONDITION NOT DISCHARGED
LA04/2022/1608/DC	LOCDEV	Templemore Baths Templemore Avenue Belfast BT5 4TW	Discharge of Condition no.4 - LA04/2018/2611/LBC relating to materials	CONDITION NOT DISCHARGED

LA04/2022/1632/DC	LOCDEV	Former Belvoir Park Hospital site Hospital Road Belfast BT8 8JP	Discharge of Condition no.9 - LA04/2019/1515/F	CONDITION DISCHARGED
LA04/2022/1633/DC	LOCDEV	Former Belvoir Park Hospital site Hospital Road Belfast BT8 8JP	Discharge of Condition no.23 - LA04/2018/1219/F	CONDITION DISCHARGED
LA04/2022/1636/A	LOCDEV	Site bound by Little York Street Great George Street and Nelson Street Belfast BT15 1BH	2no. double sided projecting blade signs; 1no. set of letters and 5no. birdboxes; 1no. cut vinyl letters and 5no. birdboxes; 1no. double sided projecting signs and 2no. panel signs. All signs to be non-illuminated.	PERMISSION GRANTED
LA04/2022/1652/F	LOCDEV	7 Hillside Crescent Belfast BT9 5EN	Single storey rear extension with internal alterations.	PERMISSION GRANTED
LA04/2022/1665/DC	LOCDEV	Avoniel Leisure Centre Avoniel Road Belfast BT5 4SF.	Discharge of condition 12 LA04/2019/2971/F relating to Flood Risk & Drainage Assessment	CONDITION NOT DISCHARGED
LA04/2022/1668/DC	LOCDEV	Former Park Avenue Hotel 158 Holywood Road Belfast BT4 1PB.	Discharge of condition 6 LA04/2021/0493/F relating to retaining structures	CONDITION NOT DISCHARGED
LA04/2022/1673/F	LOCDEV	12 Hampton Park Belfast BT7 3JL.	Demolition of non-original rear return, and part single storey and part 2 storey rear extension to dwelling, with internal alterations, new dormer to existing roof to rear and garage conversion to garden room/gym including new glazed doors to rear.	PERMISSION GRANTED

LA04/2022/1684/F	LOCDEV	14 Lower Crescent Belfast BT7 1NR.	Retention of existing office use to ground and first floors, creation of 1no. 2bedroom apartment at 2nd floor. 3 storey extension to rear to facilitate additional storage space, lift and stairs and other minor works.	PERMISSION GRANTED
LA04/2022/1685/DCA	LOCDEV	14 Lower Crescent Belfast BT7 1NR.	Part demolition of walls and roof to facilitate proposed part change of use and extension development.	PERMISSION GRANTED
LA04/2022/1687/DC	LOCDEV	Land adjacent to Queens University Belfast Playing Fields Dub Lane Upper Malone Road Belfast.	Discharge of condition 8 LA04/2019/2817/F.	CONDITION DISCHARGED
LA04/2022/1729/F	LOCDEV	38 Ravenhill Park Belfast BT6 0DG.	Proposed Garden Room	PERMISSION GRANTED
LA04/2022/1740/F	LOCDEV	48 Ormonde Park Belfast BT10 0LS	Proposed single storey extension to rear of dwelling.	PERMISSION GRANTED
LA04/2022/1756/F	LOCDEV	16 Watermouth Crescent Springfield Road Belfast BT12 7FH.	Single storey rear extension.	PERMISSION GRANTED
LA04/2022/1769/LBC	LOCDEV	Crombie Building 5-17 Cliftonville Road Belfast BT14 6JL.	Alterations to existing basement store and office to form matron office and treatment rooms.	PERMISSION GRANTED
LA04/2022/1776/F	LOCDEV	29 La Salle Park Belfast BT12 6DL	Proposed single storey rear extension with garage conversion to existing semi detached dwelling.	PERMISSION GRANTED

LA04/2022/1785/LDP	LOCDEV	151-167 Antrim Road & 12 Halliday Road Belfast BT15 2GW.	Demolition of existing public house, betting house and snooker hall, completion of construction of betting office, public house, ATM and 26No. apartments as per planning approval Z/2013/1402/F.	PERMITTED DEVELOPMENT
LA04/2022/1788/DC	LOCDEV	95 Crumlin Road Belfast BT14 6AD Site of 1-7 (Formerly) Cliftonpark Avenue Belfast.	Discharge of condition 8 of LA04/2016/2532/f (verification report)	CONDITION NOT DISCHARGED
LA04/2022/1833/NMC	LOCDEV	Lands bounded by Little Victoria Street Bruce Street and Holmes Street Belfast.	NMC to LA04/2021/2242/F.	NON MATERIAL CHANGE GRANTED
LA04/2022/1844/A	LOCDEV	Fortwilliam Train Cleaning facility Shore Road Belfast BT15 8AA	Illuminated Corporate Branding signage with graphic logo.	PERMISSION GRANTED
LA04/2022/1877/F	LOCDEV	21 Knocklofty Park Belfast BT4 3NA.	Single storey extension to rear.	PERMISSION GRANTED
LA04/2022/1882/LBC	LOCDEV	John Bell House College Square East Belfast BT1 6DJ.	Renewal of copper cladding to north cupola and repairs to supporting steel structure.	PERMISSION GRANTED
LA04/2022/1884/DC	LOCDEV	Former Belvoir Park Hospital Site Hospital Road Belfast BT8 8JP.	Discharge of conditions 24 & 25 of LA04/2018/1219/F & no.s 2 and 4 of LA04/2018/1056/LBC.	CONDITION DISCHARGED
LA04/2022/1886/F	LOCDEV	177 Albertbridge Road Belfast BT5 4PS.	Rear extension to existing established hot food take away to enclose existing rear yard & form store room.	PERMISSION GRANTED

LA04/2022/1902/F	LOCDEV	38 Springfield Parade Belfast BT13 3QR.	Single storey extension to the side and rear of dwelling.	PERMISSION GRANTED
LA04/2022/1930/F	LOCDEV	12 Kingsberry Park Belfast BT6 0HT.	Single storey side and rear extension.	PERMISSION GRANTED
LA04/2022/1939/DC	LOCDEV	62 Beersbridge Road Belfast BT5 4RU.	Discharge of conditions 5 & 7 LA04/2018/1187/F.	CONDITION DISCHARGED
LA04/2022/1955/LDE	LOCDEV	31 Chadwick Street Belfast BT9 7FD	House in multiple occupation (HMO)	PERMITTED DEVELOPMENT
LA04/2022/2014/LDE	LOCDEV	63 Dunluce Avenue Belfast BT9 7AW.	House of multiple occupation (HMO).	PERMITTED DEVELOPMENT
LA04/2022/2028/CONTPO	LOCDEV	21 Adelaide Park Belfast BT9 6FX.	Tree surgery to 5 trees at rear of house to reduce height.	WORKS TO TREES IN CA - AGREED
LA04/2022/2066/CONTPO	LOCDEV	Giffen Place 127 Barnetts Road Belfast BT5 7HF.	Felling, tree surgery.	WORKS TO TREES IN CA - AGREED
LA04/2022/2067/CONTPO	LOCDEV	30 Adelaide Park Belfast BT9 6FY.	Works to trees.	WORKS TO TREES IN CA - AGREED
LA04/2022/2092/CONTPO	LOCDEV	84 Malone Road Belfast BT9 5HP.	Reduce tree height by approximately 3 metres.	WORKS TO TREES IN CA - AGREED











































## PLANNING COMMITTEE – 19 DECEMBER 2022

## APPEALS NOTIFIED (CONTINUED)

ITEM NO 3 PAC REF: 2022/A0094

PLANNING REF: LA04/2021/0777/F

APPLICANT: Hutchinson 3G UK Ltd

LOCATION: Pavement on Ann Street adjacent to Musgrave Police Station,  
Belfast, BT1 4JE

PROPOSAL: Proposed installation of a 15m phase 8 monopole C/W wraparound cabinet at base and associated ancillary works (amended description)

PROCEDURE:

ITEM NO 4 PAC REF: 2022/A0093

PLANNING REF: LA04/2021/2320/F

APPLICANT: Patrick McManus

LOCATION: Lands between 7-11 Manse Road, Castlereagh, Belfast, BT6

PROPOSAL: Retention of existing hardstanding to facilitate agricultural activity

PROCEDURE:

### APPEAL DECISIONS NOTIFIED – NONE RECEIVED

ADDENDUM REPORT	
<b>Committee Meeting Date:</b> Tuesday 19 <sup>th</sup> December 2022	
<b>Application ID:</b> LA04/2020/1858/F	
<b>Proposal:</b> Residential development of 18 no. social housing units, comprising two terraces. Development includes associated car parking, gardens, landscaping, site access and all other site works.	<b>Location:</b> Hillview Retail Park, Crumlin Road, Belfast.
<b>Referral Route:</b> Paragraph 3.8.2 (a) i. of the Scheme of Delegation (scheme of more than 12 units with recommendation to refuse and representations in support having been received).	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Hillview Centre Belfast Ltd 155-157 Donegall Pass Belfast BT7 1DT	<b>Agent Name and Address:</b> RPP Architects 155-157 Donegall Pass Belfast BT7 1DT
<p><b>Background</b></p> <p>This application was considered by the Planning Committee on 17 August 2021. Whilst the officer recommendation was to refuse permission, the Committee recommended that the '<i>Chief Executive uses her delegated authority to grant approval to the application, on the basis that the principle of housing is acceptable at that location, subject to the outstanding assessments on roads, drainage, contamination, air quality and noise being submitted to, and considered acceptable by, the Committee at a future meeting.</i>' The Chief Executive's decision corresponded with the Committee's recommendation.</p> <p>The applicant has since submitted a series of reports. DfI Rivers and BCC Environmental Health have responded offering no objections to the proposal.</p> <p>DfI Roads continue to object to the application. NI Water now objects to the scheme.</p> <p>DAERA NIEA and Shared Environmental Services (SES) were consulted on possible environmental impacts following NI Water's response. DAERA and SES have advised there is no clear evidence that the proposal would have a harmful environmental impact. However, taking a precautionary approach, SES advises a condition preventing commencement of works until agreement reached with NI Water for wastewater disposal. DAERA NIEA NED has requested additional information.</p> <p>The applicant has indicated that Newington Housing Association is identified as the preferred Housing Association partner and discussions with them are ongoing.</p> <p>This Addendum Report should be read in conjunction with the report to August 2021 Planning Committee including Late Items report, appended.</p> <p><b>Updated Assessment</b></p> <p>An updated planning assessment is provided below and has regard to the Development Plan, prevailing planning policies and relevant material considerations.</p> <p><u>Drainage and Flood Risk</u></p> <p>DfI Rivers has commented on the additional drainage information. It advises that Policy FLD 3 'Development and Surface Water' of PPS 15 apply. A Drainage Assessment has been submitted, which DfI Rivers finds acceptable and it no longer offers an objection to the proposal. The proposal is therefore considered compliant with PPS 15.</p>	

### Infrastructure Capacity

NI Water now objects to the proposal. It advises that there is insufficient wastewater treatment capacity to support the proposed development. The public system cannot presently serve the proposal without significant risk of environmental harm. NI Water states that it has no plans within its current investment cycle to upgrade the wastewater system in this drainage area and is recommending connections to the system are curtailed.

NI Water has advised the applicant to engage directly with it to ascertain whether an alternative drainage/treatment solution can be agreed.

NI Water goes on to advise that there is a public foul sewer within 20m of the site boundary which cannot adequately service the proposal. The receiving foul sewerage network has reached capacity. The public system cannot presently serve the proposal without significant risk of environmental harm and public dis-amenity including pollution, flooding and detrimental impact on existing properties. NI Water has no plans within its current investment cycle to upgrade the sewerage system in this Drainage Area and is recommending connections to the system are curtailed.

However, no supporting data or information to evidence NI Water's concerns have been provided. 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. Given NI Water's duty to connect to those developments and that it has not provided detailed evidence to support its precise objection to this particular application, it would be unreasonable for the Council to refuse planning permission on these grounds.

### Ecological impacts

Belfast City Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for carrying out 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.

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.

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 that following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, the proposal would not likely have a significant environmental effect on the integrity of any European site either alone or in combination with other plans or projects. This is subject to mitigation by way of a planning condition to prevent commencement of development until the method of sewage disposal has been agreed with NI Water. This condition is considered necessary in the event that planning permission is granted.

DAERA Water Management Unit has advised that it has no objection to the proposal in principle, however, it 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.

DAERA NIEA NED requested further information to fully assess the impacts on natural heritage interests. NED have commented that there are trees outside of the site which have the potential to support nesting birds. As there is potential for priority and/or protected species to be using the site and impacted by the proposed development, NED recommends that a Preliminary Ecological Appraisal (PEA) is carried out by a suitably experienced ecologist to facilitate an assessment.

The applicant has provided a photographic survey of the site. This demonstrated the level of hard standing on the site. The vegetation on the site is of poor quality and there is no evidence to suggest that there are protected species on the site or adjacent. The vegetation consists of mainly shrub and scrub planting. The agent highlighted that this invasive growth on the site is a result of the lack of maintenance on the site following its closure in 2008.

NED also recommends that a Lighting Plan is submitted as bats are known to roost in the vicinity and are likely to be commuting and/or foraging on or adjacent to the site. NED notes that artificial lighting coming from streetlights and the proposal can have significant detrimental impacts on bats. The agent advises that external lighting be directed away from trees, boundary vegetation and adjacent buildings. They are of the view that the proposal will actually reduce light spill from the retail park as opposed to increasing it. Officers are content that matters relating to light spill could be dealt with by planning condition were planning permission to be granted.

Having regard to the above assessment, it is considered that the proposal is acceptable having regard to PPS 2 Natural Heritage.

#### Impact on Human Health

Following additional information, Environmental Health has withdrawn its previous objection to the proposal, subject to conditions relating to noise, contamination, and air quality. These conditions would be necessary were planning permission to be granted. It is considered that the proposal would not adversely impact on neighbouring amenity.

#### Access, Parking, and Transport

A series of additional information has been provided by the applicant since the August 2021 Committee meeting. DfI Roads' latest response is dated 13 December 2022 and advises that several points previously raised remain unresolved. DfI Roads have advised that the proposal is contrary to Policy QD1 of PPS 7 in that the applicant has failed to demonstrate an acceptable road layout in accordance with the guidance within *Creating Places*. It advises that the applicant is still unable to deliver the Access Road 1 which continues to be outside the red line of their application site (and control). A significant portion of the submitted PSD drawing is outside the red line application site, which causes a fundamental issue with the scheme. The access road width at 9m is too wide and encourages drivers to speed on this portion of the residential road. The radii of the kerb-lines onto Hillview Road are too large and so would encourage drivers to speed on this portion of residential road, therefore, resulting in a highway safety danger for residents of the proposed social housing. Moreover, at 9 metres, the access road is too wide for occupants of the proposed housing to safely cross, compounded by the higher speeds of traffic including lorries and other large delivery vehicles.

DfI Roads advises that the access road is still connected to the retail car park and so would invite "rat running" between Crumlin Road and Hillview Road. No gate is currently proposed to prevent this. Also, mixing residential traffic with commercial traffic invites commercial traffic through the residential environment, so causing a road safety issue. The internal road layout does not comply with *Creating Places*. The existing pedestrian facilities have been compromised within the existing

Lidl carpark. It has not been demonstrated that the existing retail development (when fully operational) can adequately operate with the lesser parking availability. Ultimately, the proposal would be unable to deliver adequate a safe environment for potential residents.

Officers advise that the proposal would be detrimental to highway safety and would create a safety risk for occupants of the development. Moreover, the works to the public highway, shown in the Private Streets Determination (PSD) drawing, including land outside the application site and could therefore not be enforced as part of the planning permission.

In view of the objection from DFI Roads, it has agreed to attend the Planning Committee meeting to field any questions that the Committee may have on these issues.

#### Design and layout

Officers remain of the opinion that the design and layout of the scheme are unacceptable for the reasons set out in the previous report to the August Planning Committee.

#### Belfast LDP Draft Plan Strategy

The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be 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.

#### **Recommendation**

Whilst the additional information provided by the applicant has addressed the objections raised by Environmental Health regarding noise conflict and from DFI Rivers regarding drainage, significant concerns remain about the appropriateness of the proposed development with regard to design and, notably, highway safety.

It is recommended that the application is refused with delegated authority sought for the Director of Planning and Building Control to finalise the wording of the refusal reasons.

#### **Draft Refusal Reasons:**

1. The proposed development is located within an existing established retail park and District Centre as identified in both versions of draft Belfast Metropolitan Area Plan 2015. The proposal would reduce the land available within the retail park to delivery retail and other appropriate commercial uses and would fail to retain and consolidate the existing District Centre as a focus for local everyday shopping. Moreover, the proposal would have potential to blight and compromise the retail function of the District Centre. The proposal is therefore contrary to paragraph 6.276 of the SPPS and is unacceptable.
2. The proposed development would be served by an unsafe vehicular access for pedestrians, cyclists and occupants of the proposed housing to navigate and cross. The access is designed to support lorries, cars and other vehicles travelling to and from the retail park. Vehicle speeds along the access and frontage to the site would be too high and would endanger occupants of the proposed housing. Moreover, at 9 metres width, the vehicular access road would be too wide for occupants of the proposed housing to safely cross, further endangering them. Moreover, inadequate and safe parking is provided to support the development. The proposed works to the public road, as shown in the Private Streets Determination (PSD) drawing, are inadequate and involve works outside the

application site and could therefore not be enforced through the planning permission. The proposal is contrary to paragraphs 6.297 of the SPPS and Policies AMP2, AMP7 and AMP8 of PPS 3 and is unacceptable.

3. The proposed development, by reason of its residential use and form, would be out of keeping with its commercial retail context, the site forming part of an established retail park. Housing in this location would appear conspicuous and out of keeping with its retail park setting. The proposal is contrary to paragraph 4.26 the SPPS and criterion (a) of Policy QD 1 of PPS 7 and is unacceptable.
4. The proposed development would provide an unsuitable and undesirable living environment for occupants. Firstly, its location within an established retail park next to its main entrance with the amenity of occupants of the development harmed by noise and fumes from the regular comings and goings of customers, deliveries and other traffic and activities associated with the retail park. Secondly, by reason of a poor outlook from the housing onto a commercial retail park. Thirdly, the overbearing impact of the substantial interface wall onto the rear gardens of Block A. Fourthly, the poor outlook from Block B onto the western end gable of Block A. Fifthly, the inadequate amenity space for the housing and lack of landscaping relief. The proposal is therefore contrary to paragraphs 4.9, 4.12 and 4.26 of the SPPS and criterion (a), (c), (h) and (i) of Policy QD1 of PPS 7 and is unacceptable.
5. The proposed development would not promote safety and surveillance for residents due to the juxtaposition with the interface wall. The proposal therefore fails to accord with paragraphs 4.5 of the SPPS and criterion (i) of Policy QD1 of PPS 7 and is unacceptable.

**Late Items**

<b>Agenda Item</b>	<b>Application</b>	<b>Issues Raised</b>	<b>Action</b>
<b>f</b>	LA04/2020/1858/F Hillview Retail Park	<p>Letter of support on behalf of John Finucane MP, Gerry Kelly MLA and Carál Ní Chuilín MLA of Sinn Féin.</p> <ul style="list-style-type: none"><li>• Highlights issues associated with waiting lists for social housing in the North Belfast area (over 4,500 applicants on the waiting list);</li><li>• Demand for housing in the north of the city outstrips supply and the availability of land is one of the key barriers to addressing this housing problem;</li><li>• Proposal represents a positive approach to the supply of housing as its adjacent to existing housing and will offer a good mix with the existing commercial offerings; and</li><li>• Urge the Planning committee to show leadership and vote in favour of the proposal to help to reduce the housing waiting lists in the city.</li></ul>	<p>The description states ‘social’ housing but the application is not made by a social housing provider nor is there a statement of support accompanying the application. Officers advise that there are fundamental concerns associated with the design and layout of the proposal. The proposal would provide a poor quality residential environment and the issue of housing need is not considered to override the concerns.</p>



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> Tuesday 17 August 2021	
<b>Application ID:</b> LA04/2020/1858/F	
<b>Proposal:</b> Residential development of 18 no. social housing units, comprising two terraces. Development includes associated car parking, gardens, landscaping, site access and all other site works.	<b>Location:</b> Hillview Retail Park, Crumlin Road, Belfast.
<b>Referral Route:</b> As per request from elected representatives.	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Hillview Centre Belfast Ltd 155-157 Donegall Pass Belfast BT7 1DT	<b>Agent Name and Address:</b> RPP Architects 155-157 Donegall Pass Belfast BT7 1DT
<b>Executive Summary:</b> <p>Planning permission is sought for the erection of 18 social houses comprising two different rows of housing.</p> <p>The site has an area of 0.41ha and is located within the development limits for Belfast in both the Belfast Urban Area Plan 2001 (BUAP); and the draft Belfast Metropolitan Plan 2015 (BMAP). The application site is unzoned whiteland within the development limits in BUAP. The site is located within a proposed district centre designation (BT017/2) in draft BMAP 2004.</p> <p>The main issues to be considered in this case are;</p> <ul style="list-style-type: none"> <li>The principle of the proposal at this location</li> <li>Design, layout and impact on the character and appearance of the area</li> <li>Impact on Residential Amenity for existing and prospective residents</li> <li>Impact on Built Heritage</li> <li>Access, Parking, and Transport</li> <li>Infrastructure Capacity</li> <li>Impact on Human Health</li> </ul> <p>District Centres are characterised by predominantly retail and commercial uses, acting as key service centres for surrounding communities. The proposal will result in a loss of space for this use and therefore, the principle of the proposal is unacceptable on the basis that the site is within a zoned district centre and is also incompatible with adjacent land uses. The proposed residential use is incompatible with the adjacent land use which consists of the retail units, service yards and the large areas of hardstanding for the car park. As such it is considered that housing at this location is unacceptable.</p> <p>The layout and density proposed results in overdevelopment of the site and is contrary to the SPPS and Policy QD 1 of PPS 7 Quality Residential Development and would result in unacceptable damage to the local character; and would create an undesirable living environment for prospective</p>	

residents by way of the poor layout, overlooking and inadequate amenity provision. The scheme also fails to promote the safety and surveillance for prospective residents due to its location along an interface wall and within a retail park.

220 objections have been received including written objections from: William Humphrey, MLA, Cllr Nicola Verner, Cllr Brian Kingston, Cllr Dale Pankhurst. Cllr Dean McCullough. Objections relate to the use of the retail site for housing, impact on community issues, safety concerns, contrary to wider planning policy, inappropriate layout and impact on the character of the area, poor outlook onto peace wall, inadequate amenity provision, design and layout create conflict with adjacent land uses, impact on residential amenity, overlooking, particularly at the north western corner of the site, the proposal could encourage crime and compromise personal safety given the sensitive location of the site, inequality amongst provision of housing for different parts of the local community. One letter of support has been received from a resident of the greater North Belfast area. Which welcomed much needed housing in the area.

These issues are addressed in the assessment in the case officer report.

In respect of the impact on parking and traffic, DfI Roads has stated that the proposal is unacceptable. Rivers Agency and Environmental Health have commented that the proposal is lacking adequate information. Consequently, the proposal also fails to comply with PPS 3 and PPS 15.

#### **Recommendation**

Having regard to the Development Plan and all other relevant material considerations, the proposal is considered unacceptable, and refusal is recommended for the reasons set out in the case officer report below. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the refusal reasons.

## Site Location Plan




<b>Characteristics of the Site and Area</b>	
1.0	<b>Description of Proposed Development</b> Proposed residential development of 18 no. social housing units, comprising two terraces. Development includes associated car parking, gardens, landscaping, site access and all other site works.
2.0	<b>Characteristics of the Site and Area</b> The site is located within the boundary of the Hillview Retail Park, adjacent to the Hillview retail buildings, Hillview Road and near to the Crumlin Road. The proposed site is vacant of buildings but is presently used as a car park for the retail park. The site is characterised by tarmac and hard surfacing materials, with planting along the boundary with Hillview Road. The site is relatively flat. The site is immediately bounded to the north by an interface wall, with Rosehead housing development behind (mainly social housing). There is a small, enclosed area of trees to the north-east. A brick wall and metal fencing at a height of 1.5m bound the site along the Hillview Road entrance to the retail park. The immediate adjacent context to the north is primarily two storey residential premises beyond and on the other side of the wall. West and south of the site is characterised by the wider retail centre and car parking.
2.2	Industrial units and commercial premises are located to the east off the Hillview Road. Historically the site formed part of a spinning mill during the industrial boom in Belfast. Remnants of the old textile and linen factories which dominated this area of the city are still present, most notably the four storey Brookfield Mill along Flax Street and the five-storey Mill building along Sydney Street West.  The retail park was opened in 2003 before closing in 2008. Redevelopment work has begun on the wider retail site in recent times with the opening of a Lidl supermarket. The site is a short walking distance to a petrol station and convenience store and is located only 1.5 miles from the city centre.
<b>Planning Assessment of Policy and other Material Considerations</b>	
3.0	<b>Planning History</b> Ref ID: LA04/2016/1112/PAN Proposal: Refurbishment of 6no. existing retail units, including subdivision of unit 1 to create seven retail units in total, new car showroom, drive through restaurant, two coffee restaurant pods, and establish a community market zone (to trade outside of sunday opening hours 9-12.30) Address: Hillview Retail Park, Crumlin Road, Belfast, BT14 6AA, Decision: PANACC Decision Date: 17.06.2016  Ref ID: LA04/2017/0361/F Proposal: Subdivision of retail unit 1 into 2 no new retail units with provision of mezzanine at new unit 1b, single storey rear extension with dock leveller, elevation changes including re-cladding, reconfiguration of existing car parking and all associated works Decision: GRANTED Decision Date: 26.6.2018  Ref ID: LA04/2016/1111/PAD

	<p>Proposal: Refurbishment of 6No. existing retail units, including subdivision of unit 1 to create seven retail units in total, New car showroom, drive through restaurant, two coffee/restaurant pods, and establish a community market zone (to trade outside of sunday opening opening hours 9-12.30)</p> <p>Address: Hillview Retail Park, Crumlin Road, Belfast, BT14 6AA,</p> <p>Ref ID: LA04/2016/2360/F</p> <p>Proposal: Development to include the subdivision of existing retail unit 1 into 2 no. new retail units (with provision of new 1st floor mezzanine level at new unit 1B for storage); re-cladding works to existing units 2-5; demolition and reconfiguration of the front facade treatment to the elevations of new units 1A and 1B; new rear single storey extension into the service yard of unit 1B to facilitate servicing and deliveries; new dock leveller at the rear of proposed unit 1B; 1 no. new drive-thru restaurant unit; 1 no. new drive-thru cafe/restaurant pod; 1 no. stand alone restaurant unit; 1 no. new car sales premises; reconfiguration of existing car parking areas and all associated works</p> <p>Address: Hillview Retail Park, Crumlin Road, Belfast,</p> <p>Decision: Granted</p> <p>Decision Date: 23.01.2018</p> <p>Ref ID: LA04/2016/0162/F</p> <p>Proposal: Road realignment including a right turn lane and associate site and access works (renewal of previous planning permission Z/2009/1515/F)</p> <p>Decision: GRANTED</p> <p>Decision Date: 04.07.2016</p> <p>Ref ID: Z/2009/0434/F</p> <p>Proposal: Use of existing car park to hold car boot sale on Saturday and Sunday mornings.</p> <p>Address: Hillview Retail Park, Crumlin Road, Belfast, Co. Antrim, BT14 7EE</p> <p>Decision: Refusal</p> <p>Decision Date: 15.12.2009</p> <p>Ref ID: Z/2001/2689/F</p> <p>Proposal: Development to encompass one major retail unit and five smaller retail units with associated car parking (Amended Scheme).</p> <p>Address: Hillview Industrial Estate, Crumlin Road, Belfast, BT14</p> <p>Decision: Granted</p> <p>Decision Date: 02.09.2002</p> <p>Ref ID: Z/1999/2344</p> <p>Proposal: Development to encompass 2 No major retail units and 3 No smaller retail units with associated car parking</p> <p>Address: Hillview Industrial Estate, Crumlin Road, Belfast, BT14.</p> <p>Decision: Granted</p> <p>Decision Date: 16.10.2000</p> <p>Ref ID: Z/1995/2700</p> <p>Proposal: Shopping centre to comprise major retail outlet, retail warehousing, associated small shop units and car park</p> <p>Address: HILLVIEW INDUSTRIAL ESTATE CRUMLIN ROAD, BELFAST BT15</p> <p>Decision: Granted</p> <p>Decision Date: 16.12.1996</p>
4.0	<b>Policy Framework</b>
4.1	Regional Development Strategy (RDS) Belfast Urban Area Plan 2001

	<p>Draft Belfast Metropolitan Area Plan 2004  Draft Belfast Metropolitan Area Plan 2015  (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)  Policy SETT 2 Development within the Metropolitan Development Limits and Settlement Development Limits.</p>
4.2	<p>Strategic Planning Policy Statement (SPPS)  PPS 3: Access, Movement and Parking  PPS 6: Planning, Archaeology, and the Built Heritage  PPS 7: Quality Residential Developments  PPS 12: Housing in Settlements  PPS 15: Planning and Flood Risk  Creating Places  Development Control Advice Note 8 – Housing in Existing Urban Areas</p>
5.0 5.1	<p><b>Consultations:</b>  <b>Statutory Consultee Responses</b>  DFI Roads – Unacceptable  NI Water - No objections  Rivers – Additional information required  HED- No objections</p>
5.2	<p><b>Non-Statutory Consultee Responses</b>  Environmental Health – Additional information required</p>
6.0 6.1	<p><b>Representations</b>  The application has been neighbour notified and advertised in the local press. 220 objections have been received including objections from the following; William Humphrey, MLA, Cllr Nicola Verner, Cllr Brian Kingston, Cllr Dale Pankhurst. Cllr Dean McCullough .</p> <p>The issues raised include.</p> <ul style="list-style-type: none"> <li>• Impact on community relations.</li> <li>• Creation of tension and division within the community.</li> <li>• Issues associated with an interface area.</li> <li>• The site should be maintained as a retail use with the perception that the site is a shared space for retail and employment and not housing.</li> <li>• In appropriate location for housing.</li> <li>• Contrary to planning policy including PPS 7 Policy QD 1.</li> <li>• Development does not respect the surrounding context and is inappropriate in terms of layout, scale, proportions, massing and appearance of buildings, landscaping and hard surfaced areas.</li> <li>• Site is dominated by hard standing.</li> <li>• The rear boundary of a security wall ought to be considered as a poor outlook for the prospective residents of the proposed development</li> <li>• There is inadequate provision made for private open space and landscaped areas as an integral part of the development. Many of the private garden areas fall below the minimum requirement of 40 square metres as set out in the Creating Places guidance documentation.</li> <li>• The design and layout create conflict with adjacent land uses.</li> <li>• Adverse effect on the proposed properties in terms of overlooking, particularly at the north western corner of the site.</li> </ul>

	<ul style="list-style-type: none"> <li>• The development does not deter crime, nor does it promote personal safety.</li> <li>• The site, if approved, could encourage crime and compromise personal safety given the sensitive location of the site.</li> <li>• Inadequate amount of amenity space</li> <li>• Perception that one part of the local community (referred to as Catholics) get estate housing development built for them whilst another part of the community (referred to as Protestant) only get a handful of houses built for them. This was claimed to be sectarian.</li> </ul> <p>One member of the public has submitted a single letter support highlighting that housing is very much needed in this area of North Belfast.</p>
7.0	<b>Assessment</b>
7.1	<p>The key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> <li>• The principle of the proposal at this location</li> <li>• Design, layout and impact on the character and appearance of the area</li> <li>• Impact on Neighbouring Residential Amenity</li> <li>• Impact on Built Heritage</li> <li>• Access, Parking, and Transport</li> <li>• Infrastructure Capacity</li> <li>• Impact on Human Health</li> </ul>
7.2	<p><b>The principle of the proposal at this location</b></p> <p>The application site is unzoned whiteland within the development limits in BUAP. The site is located within a proposed district centre designation (BT017/2) in draft BMAP 2004. District Centres are characterised by predominantly commercial uses, acting as key service centres for surrounding communities. The Hillview District centre comprises a Lidl store and a number of empty units. There are a number of vacant retail units within the centre. The plan is silent on a residential use within this zoning. The boundary between the proposed site and the district centre is undefined. The residential use is incompatible with the adjacent land uses which consist of the retail units and the large associated hardstanded car park. Traffic, delivery and servicing vehicles and shoppers visiting the district centre would all create a level of disturbance for the proposed residential use and subsequently would not create a quality living environment. District centres are essentially zoned as retail / commercial spaces within the city. The proposed use would potentially blight and compromise the retail function of the district centre and its potential to regenerate. As such it is considered that the principle of housing at this location is unacceptable. The proposal is contrary to the zoning for draft BMAP (BT017/2) which designates the site as a District Centre and the design and layout of the housing use will create conflict with the adjacent retail uses on the site. The proposal is also contrary to paragraph 6.276 of the SPPS, as it fails to retain and consolidate this existing district centre as a focus for local everyday shopping and it has the potential to undermine the function of the district centre.</p>
7.3	<p><b>Design, layout and impact on the character and appearance of the area</b></p> <p>The proposal consists of 18 no. social housing units, comprising two terraces. The mix of accommodation comprises of 4 different house types. The two rows of terraces are set out perpendicular to each other. Each unit will have a private rear garden and a small green area to the front. The site will be accessed from within the Hillview District Centre. Car parking will be located to the front of the majority of dwellings. The proposed layout has been designed with dwellings fronting onto the internal carriageway in a linear form. The site is dominated by parking with residents outlooking to hardscaped car parking. The proposal fails to provide any communal open space.</p>
7.4	<p>The proposed design and fenestration are consistent with housing in the wider area, incorporating a similar, fenestration, and solid to void ratios. The roof style depicts an</p>

	<p>alternative approach to traditional roofs in the area with the pitch elevation facing the front street. The proposal ensures that there's active frontage along the internal carriageway. The proposed dwellings are mostly two storeys with a number two and a half storeys in height which add to the variety of the style. They are domestically scaled in keeping with the bulk, scale and massing of residential properties adjacent to the application site. The buff facing brick finish on dwellings is in keeping with the character of the surrounding area. The density of the development equates to 44 dwellings per hectare. This can be considered as a medium density development and is within the typical density range found in the local context and in the similar wider area of Belfast. The dwellings range from 82m2 and 93m2 and are compatible with housing standards. All dwelling units are built to a size not less than those set out in Policy LC1 Protecting Local Character, Environmental Quality and Residential Amenity (addendum to PPS 7: Safeguarding the character of established residential areas).</p>
7.5	<p>The proposed development is essentially located within the confines of a retail site. it does not respect the surrounding retail context and is inappropriate to the character of the district centre, thus impacting on the overall amenity of the area. Due to its layout and neighbouring retail use it is considered that the proposal does not create a quality sustainable residential environment and as such the proposal is contrary to the SPPS and Policy QD 1 of PPS7 criteria (a) and (h).</p>
7.6	<p><b>Amenity Provision</b></p> <p>It is considered that the scheme fails to provide quality amenity and landscaped space. The proposed is inadequate and inappropriate and is therefore contrary to the SPPS and Policy QD1 of Planning Policy Statement 7 in that the development would, if permitted create undesirable living conditions for prospective residents due to inadequate provision of quality amenity space. Amenity space provision is below the standard 40sqm for an individual house for the majority of the units. Whilst it is marginal in some instances, the outlook from the rear amenity space for the 'Row A' terrace will be north facing and will look directly onto the interface wall which will result in dominance and limited natural light entering rear amenity areas and rear windows. This factored in with the shortfall in amenity space is unacceptable and substandard and fails to create a quality living environment for residents. In addition, there is no useable communal open space within the development. A significant portion of the site is occupied by hardstanding for car parking.</p>
7.7	<p>It is evident that this is a car centric design, proposing a shared surface scheme which when factored with the lack of open space, absence of quality footpaths or cycle paths, into and out of the site will create an undesirable living environment dominated by the private vehicle. This again is an indication of over development of the site. It is considered that the proposal does not create a quality sustainable residential environment and as such the proposal is contrary to the SPPS and Policy QD 1 of PPS7 criteria (c) and (e).</p>
7.8	<p>In terms of prospective residents, each unit has adequate outlook to the street and external amenity areas. However, the relationship between the two blocks of terraces will result in a poor outlook for the two northern units of Block B as they will outlook within 5m to the side gable of Block A and the rear boundary of the first unit in Block B. This will also result in overlooking to the rear gardens of the first units in Block A due to the limited separation distance, which is an indicator of overdevelopment.</p>
7.9	<p>Given the location of the interface wall running along the rear of the proposed site, the scheme fails to promote safety and surveillance for prospective residents due to the juxtaposition with the interface wall and the location within a retail park. The development therefore is also contrary to PPS7 Quality Residential Developments in this respect.</p>



7.10	<p><b>Impact on Neighbouring Residential Amenity</b></p> <p>The layout/aspect of all buildings within the site is such that there will be no significant overlooking into neighbouring properties outside the site. However as already mentioned there will be issues associated with overshadowing and dominance due to the proximity of terrace A to the interface wall. The interface wall separates the proposal from the Rosehead residential development to the north. This is a large blank wall measuring at least 6m in height. A separation distance of 21metres is provided from the rear elevation of terraced dwellings 'Row A' to the buildings within the Rosehead development to the North</p>
7.11	<p><b>Impact on Built Heritage</b></p> <p>HED (Historic Buildings) has considered the impact of the proposal on the setting of the following listed building: HB26/43/010 259 Crumlin Road, Belfast, Co Antrim, BT14 7DY (Grade B2) which is of special architectural or historic interest as set out in Section 80, of the Planning Act (NI) 2011. On the basis of the information provided under the policy requirements of the SPPS (NI) and Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage (PPS 6), HED advises that it considers the proposal is sufficiently removed in context from the listed building as to have no impact. HED (Historic Monuments) is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works, including an Industrial Archaeology survey and a mitigation strategy focussing on the industrial archaeological remains of the site. This is to identify and record any industrial archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.</p>
7.12	<p><b>Access, Parking, and Transport</b></p> <p>DFI Roads were consulted on the proposal and commented that the application as submitted in its present form is unacceptable as an acceptable layout in accordance with Creating Places has not been demonstrated. In summary, DFI Roads commented that the following points require to be addressed.</p> <p><i>The red line does not contain sufficient areas to deliver the required works. Namely:-</i></p> <ul style="list-style-type: none"> <li><i>• The gate will be moved back, and the gate posts will be moved back but the red line does not contain the existing gate location. In other words, the applicant shows no authority to remove (and make good) the gates.</i></li> <li><i>• A fully adopted road and footways will need to be delivered to serve this development. All of the (access) road and footways on both sides of the access road currently lie outside the application site.</i></li> <li><i>• Adequate Visibility splays need to be provided which may not be achievable due to trees and a wall.</i></li> <li><i>• A Travel Plan is required</i></li> <li><i>• Transport Assessment Form is required.</i></li> </ul>
7.13	<p>DFI Roads highlighted in their consultation response that additional information was required to make a further assessment on the proposal. However further information was not requested as the proposal is not considered acceptable in principle and to request such information would put the applicant to unnecessary expense. There are fundamental issues with the proposal and in line with the Council's Planning Operating principles it is deemed appropriate to determine the application based on the information received to date.</p>

7.14	It is considered that the proposal is contrary to Planning Policy Statement 7: Quality Residential Environments; Policy QD1, in that the applicant has failed to demonstrate an acceptable road layout and parking arrangement in accordance with the guidance contained within 'Creating Places' and is also contrary to the SPPS and policies AMP 1 and AMP2 of PPS3, in that the applicant has failed to submit information as requested to demonstrate the access will not prejudice road safety; adequate provision for car parking has been made; and cyclists need have been taken into account.
7.15	<p><b>Flooding</b></p> <p>Whilst the application submission included a flood risk assessment the applicant failed to include a drainage assessment as part of the application submission. DfI Rivers advises that in accordance with the Revised PPS 15, Planning and Flood Risk, FLD 3, Development and Surface Water (Pluvial) Flood Risk outside Flood Plains, a drainage assessment is required as the following thresholds have been exceeded: It is a residential development comprising of 10 or more dwelling units</p>
7.16	DFI Rivers also noted that any Schedule 6 agreement should be included within the Drainage Assessment to confirm DfI Rivers local area office is in agreement to this proposed arrangement. If it is proposed to discharge storm water into an NI Water system then a Pre-Development Enquiry should be made and if a simple solution cannot be identified then a Network Capacity Check should be carried out. Correspondence with both authorities should have been included in the drainage assessment regardless of outcome. As there are fundamental concerns with the proposal and in line with the Council's operating principles it was considered not to request additional information from the applicant and to proceed with a determination based on the original submission. The proposal is therefore contrary to PPS 15 Policy FLD 3.
7.17	<p><b>Infrastructure Capacity</b></p> <p>NI Water have no objections to the proposal. Owing to the scale and nature of development proposed, it is not considered that proposed development would not have a significant impact on existing infrastructure and as such, there are no issues of principle. In addition, connections to the water and foul sewer system are covered by separate legislation.</p>
7.18	<p><b>Impact on Human Health</b></p> <p>Environmental Health have considered the proposals in terms of noise, air pollution, general amenity, ambient air quality, contaminated land and other considerations. Environmental Health have concerns with the proposal relating to contamination, air quality and noise and set out that the necessary assessments and reports were not submitted with the application and would be required to make a full assessment of the impacts.</p>
7.19	As there are fundamental concerns with the proposal and in line with the Council's operating principles it was considered not to request additional information from the applicant and to proceed with a determination based on the original submission.
7.20	As such it is considered that the proposal would have an adverse impact on prospective residents and is therefore contrary to the SPPS and PPS 7 Policy QD 1 Criteria (h) in that the proposed development will cause demonstrable harm to interests of acknowledged importance.
8.0	<b>Summary of Recommendation:</b>

	Having regard to the Development Plan and all other relevant material considerations, the proposal is considered unacceptable and refusal is recommended for the reasons set out in the case officer report below. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the refusal reasons.
9.0	<p><b>Refusal reasons:</b></p> <p>1: The proposal is contrary to the zoning for draft BMAP (BT017/2) which designates the site as a District Centre and the design and layout of the housing use will create conflict with the adjacent retail uses on the site.; and the proposal is contrary to paragraph 6.276 of the SPPS, as it fails to retain and consolidate the existing district centre as a focus for local everyday shopping and it has the potential to blight and compromise the function of the district centre.</p> <p>2. The proposal is contrary to the SPPS and Policies AMP2, AMP7 and AMP8 of PPS 3 Access, Movement and Parking, in that the applicant has failed to submit information to demonstrate; the access will not prejudice road safety; adequate provision for car parking has been made; that a quality environment for cyclists and pedestrians will be created.</p> <p>3. The proposal is contrary to the SPPS and Policy QD 1 of PPS 7 –Quality Residential Developments Criteria (a), as the development fails to respect the surrounding context and is inappropriate to the established character and appearance of the area and if permitted, would introduce an incompatible land use.</p> <p>4.The proposal is contrary to the SPPS and Policy QD 1 of PPS 7 –Quality Residential Developments, if permitted, would create an undesirable living environment for prospective residents as the design and layout will result in overdevelopment of the site as it results in a proliferation of parking and reduced private and communal amenity space provision resulting in a poor outlook and unacceptable living environment.</p> <p>5. The proposal is contrary to the SPPS and Policy QD 1 of PPS 7 –Quality Residential Developments, if permitted, would create an undesirable living environment for prospective residents as the design and layout will result in a poor outlook for residents of Block B and internal overlooking to residents on Block A</p> <p>6. The development is contrary to PPS7 Quality Residential Developments, if permitted, would result in a development that does not promote safety and surveillance for residents due to the juxtaposition with the interface wall.</p> <p>7: The proposal is contrary to the SPPS and Policy QD 1 of PPS 7 –Quality Residential Developments Criteria (h). If permitted it would result in an undesirable living environment for prospective residents due to potential issues relating to noise, air quality and contamination.</p> <p>8. The proposal is contrary to the SPPS and Policy FLD 3 from Planning Policy Statement 15: Planning and Flood Risk in that it has not been demonstrated that the proposal would provide satisfactory measures for the mitigation of flood risk and in particular drainage.</p>

ANNEX	
Date Valid	8th January 2021
Date First Advertised	22nd January 2021
Date Last Advertised	
<b>Representations from Elected Members:</b> As set out in report	
Date of Last Neighbour Notification	
Date of EIA Determination	N/A
ES Requested	No
<b>Planning History</b> Relevant history set out in report.	
<b>Drawing Numbers and Title</b>	
<b>Notification to Department (if relevant)</b> Date of Notification to Department: Response of Department:	



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<b>Development Management Report</b> <b>Addendum Report 3</b>	
<b>Application ID:</b> LA04/2019/0081/F	<b>Date of Committee:</b> 19 December 2022
<b>Proposal:</b> Erection of 12No. Apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.	<b>Location:</b> Lands at former Maple Leaf Club 41-43 Park Avenue Belfast.
<b>Referral Route:</b> Previously considered by the Planning Committee in June and December 2019, and March 2022	
<b>Recommendation:</b>	Approval subject to S76 planning agreement
<b>Applicant Name and Address:</b> Latner 10 Developments Ltd Unit 983 Moat House 54 Bloomfield Avenue Belfast BT5 5AD	<b>Agent Name and Address:</b> TSA Planning 20 May Street Belfast BT1 4NL
<b>Addendum Report:</b>  <u>Background</u>  <p>This application was previously considered by the Planning Committee in June and December 2019, and March 2022. At the March Planning Committee, it was resolved to approve the application with conditions and subject to a Section 76 Planning Agreement to secure the following:</p> <ul style="list-style-type: none"> <li>• a developer contribution of £52,000 for enhancement works at the King George V playing fields – the value of the contribution would be subject to an inflationary uplift for the period from December 2019;</li> <li>• securing the 12 apartments as affordable housing in perpetuity; and</li> <li>• ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided prior to occupation of any of the approved 12 apartments.</li> </ul> <p>Delegated authority was given to the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 Planning Agreement. If the Section 76 was not signed and completed within 3 months, the application would be reported back to the Committee.</p> <p>Negotiations on the planning agreement have continued since the previous Committee. The planning agreement is at an advanced stage of drafting. However, there is disagreement with the applicant on whether the proposed pocket park should be accessible to the general public. It is also more than 3 months since the previous Committee and the planning agreement has still not been signed.</p> <p>In the Addendum report to the March 2022 Planning Committee (appended), officers advised that the pocket park ‘...is essential to off-set the substandard level of amenity within the proposed 12 apartments as well as to help off-set the loss of open space and lack of open space within the wider development. Officers advise that it remains essential for the pocket park to be delivered and maintained.’</p>	

The applicant states that they are unable to give public access to the pocket park because of insurance liability. In addition, their preference was that the pocket park is managed and maintained by the Council. Officers have sought further advice from the Council's Landscape Planning and Development team. It has raised concerns about the pocket park being accessible to the public due to its small size and limited surveillance. It could attract anti-social behaviour. The Landscape Planning and Development team also confirms that the Council would not be prepared to adopt, manage or maintain the pocket park.

The Landscape Planning and Development team advises that the pocket park would be more suited as private amenity space for the social housing proposed by the application and adjoining site for 21 social houses (LA04/2020/2325/F). The team would support an uplift in the Financial Developer Contribution secured as part of the previous decision of the Committee towards improvements to George V playing field.

### Assessment

In view of the advice from the Council's Landscape Planning and Development team, which has concerns about the suitability of the pocket park for public use, it is considered appropriate to remove the requirement for it to have public access. The pocket park would still be required to provide amenity space for the proposed 12 apartments and adjacent scheme of 21 dwellings. The applicant has agreed that the pocket park will be managed by the developer.

Without prejudice, officers have sought an amended plan that relocates the access to the pocket park to the North East and that it is gated and locked for use only by occupants of the 12 apartments and 21 dwellings. The amended plan should also incorporate defensible space to the ground floor apartment that fronts onto the pocket park. It is expected that the amended plan will be presented to the Committee at the meeting.

However, to compensate for the loss of public access (which was originally required to help off-set the overall loss of Open Space from the sites), the applicant has agreed to a further uplift of the Developer Contribution towards improvements to the King George V playing field. The current agreed sum is £52k (plus inflationary uplift from December 2019 to when the planning agreement is signed) and this is proposed to be uplifted by a further £5k.

It is considered that this alternative proposal, subject to the satisfactory amended plan, is on balance acceptable, also having regard to the fact that the 12 apartments would be delivered as affordable housing and adjacent development as 21 social housing. As set out in the Late items report to the March 2022 Committee meeting (appended), NIHE has identified a significant shortfall in social housing in the locality and the proposals would support local housing need. The proposed 12 apartments are on the 2024/25 social housing delivery programme and 21 social houses on the 2021/22 programme. These are considered very important material considerations, which weigh in favour of the proposal in the planning balance.

The report should be read in conjunction with the previous addendum reports to the March 2022 and December 2019 Committees, and original report to the June 2019 Committee, appended. A copy of the Late items report to the March 2022 Committee is also provided.

### Recommendation

It is recommended that planning permission is granted with conditions and subject to a Section 76 planning agreement which secures the following:



- a developer contribution of £52k (plus inflationary uplift from December 2019 to when the planning agreement is signed) plus an additional £5k for enhancement works at the King George V playing fields;
- securing the 12 apartments as affordable housing in perpetuity;
- ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided prior to occupation of any of the approved 12 apartments.

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

## Late Items

Agenda Item	Application	Issues Raised	Action																				
7c	LA04/2019/0081/F Erection of 12 apartments at former Maple Leaf Club, Park Avenue	<p>Northern Ireland Housing Executive (NIHE) is supportive of the application and provides the following comments.</p> <p>The site is located within Middle East Housing Need Area which has a five year need for 307 units for the period 2021-2026.</p> <p>The site is adjacent to Sydenham, Edenvale and Dundela Common Landlord Areas. The following table provides a summary of the Waiting List information for this area for December 2021.</p> <table><tr><td></td><td>Singles</td><td>Families</td><td>Elderly</td><td>TOTAL</td></tr><tr><td>All Applicants</td><td>133</td><td>138</td><td>58</td><td>329</td></tr><tr><td>Housing Stress</td><td>86</td><td>79</td><td>42</td><td>207</td></tr><tr><td>Allocations to December 2021</td><td>30</td><td>13</td><td>30</td><td>73</td></tr></table> <p>The proposal is currently on the 2024/25 Social Housing Development Programme as a second phase of development of the wider lands.</p>		Singles	Families	Elderly	TOTAL	All Applicants	133	138	58	329	Housing Stress	86	79	42	207	Allocations to December 2021	30	13	30	73	For notation.
	Singles	Families	Elderly	TOTAL																			
All Applicants	133	138	58	329																			
Housing Stress	86	79	42	207																			
Allocations to December 2021	30	13	30	73																			
7c	LA04/2019/0081/F Erection of 12 apartments at former Maple Leaf Club, Park Avenue	The applicant confirms their agreement to the inflationary uplift (Consumer Price Index linked) to the £52k Financial Developer Contribution towards enhancements at the King George V playing fields.	For notation.																				

Agenda Item	Application	Issues Raised	Action																				
7d, 7e & 7f	LA04/2019/0082/F, LA04/2019/0083/F (s54 applications) and LA04/2020/2325/F Erection of 21 dwellings at former Maple Leaf Club, Park Avenue	<p>Northern Ireland Housing Executive (NIHE) is supportive of the application and provides the following comments.</p> <p>NIHE confirms that the proposal is on the 2021/22 Social Housing Development Programme and the mix of housing has been agreed with the joint applicant, Choice Housing. NIHE is keen that the scheme commences in this financial year.</p> <p>The site is located within Middle East Housing Need Area which has a five year need for 307 units for the period 2021-2026.</p> <p>The site is adjacent to Sydenham, Edenvale and Dundela Common Landlord Areas. The following table provides a summary of the Waiting List information for this area for December 2021.</p> <table><tr><td></td><td>Singles</td><td>Families</td><td>Elderly</td><td>TOTAL</td></tr><tr><td>All Applicants</td><td>133</td><td>138</td><td>58</td><td>329</td></tr><tr><td>Housing Stress</td><td>86</td><td>79</td><td>42</td><td>207</td></tr><tr><td>Allocations to December 2021</td><td>30</td><td>13</td><td>30</td><td>73</td></tr></table>		Singles	Families	Elderly	TOTAL	All Applicants	133	138	58	329	Housing Stress	86	79	42	207	Allocations to December 2021	30	13	30	73	For notation.
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Housing Stress	86	79	42	207																			
Allocations to December 2021	30	13	30	73																			
7d & 7e	LA04/2019/0082/F and LA04/2019/0083/F s54 applications relating to site of the former Maple Leaf Club, Park Avenue	The applicant has withdrawn both applications as the s54 applications are no longer needed.	For notation.																				

Agenda Item	Application	Issues Raised	Action
7f	LA04/2020/2325/F Erection of 21 dwellings at former Maple Leaf Club, Park Avenue	<p>Further to the officer recommendation, the applicant has confirmed their agreement to the following planning obligations to be secured by way of a Section 76 planning agreement:</p> <ul style="list-style-type: none"> <li>• Single payment of £52k plus inflationary uplift (Consumer Price Index linked); and</li> <li>• Delivery of the 21 dwellings as social/affordable housing.</li> </ul> <p>However, for logistical reasons, the applicant is unable to agree to the requirement that the pocket park is delivered prior to occupation. The main difficulties are summarised below:</p> <ul style="list-style-type: none"> <li>• Underneath the site of the pocket park is the main sewer and electrical cable. Access will be required until full adoption of sewers;</li> <li>• Access for gas connection;</li> <li>• Construction of the apartment block will require access for scaffold, plant and piling rig;</li> <li>• This is the only area left for welfare facilities;</li> <li>• It would be the last part of construction on the overall site from a practical view.</li> </ul> <p>In practice, the applicant states that they are confident that they will be able to deliver the 12 apartments within this period and at the same time complete the pocket park. However, should this not be possible, it proposes a clause in the Section 76 planning agreement to</p>	<p>Officers accept that it would be impracticable to deliver the pocket park prior to occupation of the 21 dwellings for the reasons set out by the applicant.</p> <p>The officer recommendation is therefore modified to require that the pocket park is delivered no later than two years from the date of first occupation. A planning obligation should also be required to secure its future management.</p>

Agenda Item	Application	Issues Raised	Action
		<p>require delivery of the pocket park within 24 months from occupation of the first dwelling within the 21 dwelling scheme. The pocket park would be managed by Choice Housing Association.</p> <p>For information, the applicant provides the following indicative timeline for delivery of the scheme:</p> <ul style="list-style-type: none"> <li>• March/April 2022 – onsite start of 21 dwellings.</li> <li>• March/April 2023 – first handover</li> <li>• March/April 2023 – hope to commence works on 12 apartments</li> <li>• March/April 2024 – complete 12 apartments and pocket park</li> <li>• Worst case scenario is that pocket park will be delivered 24 months from first handover i.e. by March/April 2025</li> </ul>	



## Development Management Report

### Addendum Report 2

<b>Application ID:</b> LA04/2019/0081/F	<b>Date of Committee:</b> 15 March 2022
<b>Proposal:</b> Erection of 12No. Apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.	<b>Location:</b> Lands at former Maple Leaf Club 41-43 Park Avenue Belfast.
<b>Referral Route:</b> Previously considered by the Planning Committee in December 2019	
<b>Recommendation:</b>	Approval subject to S76 planning agreement
<b>Applicant Name and Address:</b> Latner 10 Developments Ltd Unit 983 Moat House 54 Bloomfield Avenue Belfast BT5 5AD	<b>Agent Name and Address:</b> TSA Planning 20 May Street Belfast BT1 4NL
<b>Addendum Report:</b>  <u>Background</u>  <p>This application, along with associated applications LA04/2019/0082/F and LA04/2019/0083/F, were considered by the Planning Committee in December 2019. The Committee resolved to approve all three applications subject to conditions and a Section 76 planning agreement. The planning agreement was intended to secure the following:</p> <ul style="list-style-type: none"> <li>• a developer contribution of £52k for enhancement works at the King George V playing fields</li> <li>• securing the 12 apartments as affordable housing</li> <li>• ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided as part of the development of the 12 apartments</li> </ul> <p>The Planning Committee should consider this Addendum Report 2 in conjunction with the original Development Management Officer Report of June 2019 and Addendum Report 1 of December 2019, both appended to this report.</p> <p>Since the applications were approved by the Planning Committee, both the Planning Service and Legal Services have been making significant efforts to finalise the planning agreement. However, it has not been possible to progress the planning agreement with the applicant. Firstly, it was disputed that the 12 apartments should be delivered as affordable housing despite it being central to the consideration of the planning balance and justification for the grant of planning permission, the proposal being contrary to Policy OS 1 of PPS 8 through the loss of Open Space. Secondly, and more recently, by failure to commit to the delivery of the pocket park, which is essential recreation space to off-set the lack of amenity space within the proposed development as well as to help compensate for the loss and limited provision of Open Space overall. Officers consider the terms of the planning agreement originally agreed by the Committee to be wholly reasonable. The three applications (LA04/2019/0081/F, LA04/2019/0082/F and LA04/2019/0083/F) are linked as explained in the previous reports, attached. Officers advise that the three applications cannot be separated out from the agreement as they are intrinsically connected.</p>	

### Recap of the planning history

In June 2011, planning permission was granted on the site and adjacent land to the east where the Maple Leaf Club was originally located for mixed use development comprising 21 dwellings and replacement social club (Z/2010/0434/F). The social club is to be located on the current application site where 12 apartments are now proposed with the 21 dwellings to the east. The original planning permission included conditions requiring the provision of social housing and build out of the replacement social club, required to offset the loss of open space. These conditions were subsequently varied under applications Z/2011/0827/F and Z/2011/0829/F.

Planning application LA04/2015/0075/F was granted in February 2016 for modifications to the original scheme for replacement of Maple Leaf Club and erection of 21 dwellings (Z/2010/0434/F). The amended scheme reduced the size of the club and amended some of the house types. Condition 2 prevents occupation of the residential units until the replacement Maple Leaf Club has been erected in accordance with the new approved plans. Condition 3 requires the development to be delivered as social / affordable housing. It appears the main site access and part of the access road between Blocks A and C have been constructed and this serves the development of 13 houses to the north of the site (LA04/2015/0052/F). Therefore, it is considered that the development has commenced and represents a fall-back for the developer, albeit it would require the construction of the replacement social club.

In 2019, the applicant applied for planning permission for 12 apartments on the land where the replacement social club was to be built (LA04/2019/0081/F). Two associated applications were submitted at the same time seeking removal of the conditions requiring the construction of the replacement social club attached to planning permissions Z/2010/0434/F and LA04/2015/0075/F (LA04/2019/0082/F and LA04/2019/0083/F respectively).

All three applications were approved by the Planning Committee in December 2019 subject to conditions and completion of a Section 76 planning agreement as explained above.

In terms of the original planning permission for the erection of 21 dwellings and replacement social club on the application site and adjacent land (Z/2010/0434/F) and subsequent modifications (planning permissions Z/2011/0827/F, Z/2011/0829/F and LA04/2015/0075), these are considered to have commenced by virtue of the formation of the access and road. Therefore, the applicant has a fall-back position, albeit the housing development cannot be occupied without the delivery of the community building as previously granted. The granting of the variation of condition applications (LA04/2019/0082/F and LA04/2019/0083/F) would permit the housing development to proceed and being occupied **without** the replacement club having to be delivered.

### New application for 21 dwellings on land to the east

A further, more recent application for 21 dwellings on the adjacent land has been submitted by the landowner and Housing Association (LA04/2020/2325/F). That application is being considered by the Planning Committee at this same meeting due to the linked nature of the applications. That application is also for affordable housing and is being brought forward by a Housing Association with funding support from NIHE. NIHE has advised that in order to secure the funding from this year's housing programme, planning permission will need to be granted by 31 March 2022 although it might still be possible to progress the scheme with a resolution from the Council to grant permission.

The Committee will note from the case officer report to application LA04/2020/2325/F that the recommendation to approve the 21 dwellings is reliant on applications LA04/2019/0081/F, LA04/2019/0082/F and LA04/2019/0083/F being progressed to approval as it is reliant on the pocket



park being granted planning permission – this would serve not only the proposed 12 apartments but also the proposed 21 dwellings (as well as other surrounding housing).

### Assessment

As set out in the previous reports, the proposed development of the site for 12 apartments would result in the loss of Open Space. Moreover, it would no longer be possible to bring forward the new social club to replace the original Maple Leaf Club, which was otherwise critical to the off-set of loss of Open Space from the wider site resulting from development of the 21 dwellings.

The Planning Committee accepted that in the planning balance, the loss of the original off-set (i.e. the dropping of the replacement social club) was justified providing that the following is achieved:

- a developer contribution of £52k for enhancement works at the King George V playing fields
- securing the 12 apartments as affordable housing
- ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided as part of the development of the 12 apartments

These obligations were to be secured by a Section 76 planning agreement, which the applicant has not signed. Officers provide an update on each of the above obligations as follows.

**Developer Contribution of £52k for off-site Open Space** – officers advise that the value of the Contribution should be subject to an inflationary uplift due to the passage of time since the Committee's original decision to grant planning permission in December 2019. In effect, the £52k Developer Contribution has devalued over time.

**Provision of affordable housing** – at the time of the Planning Committee's original decision in December 2019, NIHE had confirmed that there was a housing need and that they were supportive scheme coming forward as social housing. However, in a recent meeting with officers, NIHE confirmed that they cannot currently support the 12 apartments as social housing. This is because of the change in circumstances since December 2019 including the bringing forward of other affordable housing schemes in the area such as the redevelopment of the Park Avenue Hotel site for an affordable housing led housing scheme (LA04/2021/0493/F) and NIHE's commitment to delivery of the 21 dwellings on the adjacent site (LA04/2020/2325/F). It is understood that it is concerned about over saturation. However, NIHE verbally advised that it is very likely that the proposed 12 apartments on the application site would be supported within the 5 year live span of the planning permission if granted. It is therefore considered that the Committee can still proceed to secure the 12 apartments as affordable housing through the Section 76 planning agreement.

**Delivery and ongoing maintenance of the pocket park** – as set out in the previous reports, this is essential to off-set the substandard level of amenity within the proposed 12 apartments as well as to help off-set the loss of open space and lack of open space within the wider development. Officers advise that it remains essential for the pocket park to be delivered and maintained. The Committee will note that officers are advising that the pocket park is delivered prior to occupation of the 21 dwellings on the adjacent site as part of the recommendation for application LA04/2020/2325/F. Therefore, if planning permission is not granted for the 12 apartments and pocket park under application LA04/2019/0081/F, it will not be possible to secure the Section 76 planning agreement proposed by officers for application LA04/2020/2325/F.

### Recommendation

It is recommended that planning permission is granted with conditions and subject to a Section 76 planning agreement which secures the following:

- a developer contribution of £52k for enhancement works at the King George V playing fields – the value of the contribution to be subject to an inflationary uplift for the period from December 2019 to when the planning agreement is signed;
- Securing the 12 apartments as affordable housing in perpetuity; and
- ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided prior to occupation of any of the approved 12 apartments.

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

If the Section 76 planning agreement is not signed and completed within 3 months, the application shall be reported back to the Planning Committee.

## Development Management Report

### Addendum Report 1

<b>Application ID:</b> LA04/2019/0081/F	<b>Date of Committee:</b> December 2019
<b>Proposal:</b> Erection of 12No. Apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.	<b>Location:</b> Lands at former Maple Leaf Club 41-43 Park Avenue Belfast.
<b>Referral Route:</b> At the request of the Director of Planning and Building Control	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Dixon Contractors 89 Broughshane Street Ballymena	<b>Agent Name and Address:</b> TSA Planning 20 May Street Belfast BT1 4NL
<p><b>Addendum Report:</b></p> <p>This application was previously scheduled for Planning Committee on the 11<sup>th</sup> June 2019 with a recommendation for refusal. However, was not presented as a legal Agreement under Section 76 was submitted setting out mitigation against the proposed loss of open space. The application was withdrawn from committee to enable the consideration of the proposed terms of the Section 76 Agreement.</p> <p>Members should read this Addendum Report in conjunction with the original Development Management Officer Report of June 2019, attached below.</p> <p>The Case officer report attached below sets out two reasons for refusal in relation to</p> <ol style="list-style-type: none"> <li>1. The loss of open space</li> <li>2. The under provision of amenity space for the proposed development</li> </ol> <p>There were no other reasons for refusal. Notwithstanding the issue of principle the scheme was considered acceptable in terms of its design, height, scale, and mass; and access and parking. Therefore, this addendum deals only with the two matters set out above, all other considerations are set out in the case officer report.</p> <p><b><u>Principle of development</u></b></p> <p>Historically the site was in use as a substantial area of open space, a bowling green and club house / social club. Residential development was granted on the site subject to a replacement recreational social club being provided to off-set the loss of open space. The provision of the recreational social club in combination with the social housing to be provided was the justification for setting aside Policy OS1 of PPS 8 – Open Space, Sport and Recreation and granting the proposal.</p> <p>This current application proposes to build an apartment block in place of the social recreation club. In these particular circumstances, given the history of this site, the principle of the development on this site, was initially considered to be unacceptable as it will result in the almost total loss to the community of the open space and recreation use, in addition to providing minimal amenity space for residents. Therefore, refusal was originally recommended.</p>	

Following the publication of the officer report, the applicant submitted a Section 76 Agreement, setting out terms to offset the loss and under provision of open space / recreation facility by offering to provide a financial contribution towards improvements to a local park. Policy OS1 allows developers to offer an alternative provision, which is as accessible to current users, at least equivalent in terms of its size, usefulness, attractiveness, safety and quality. In this case, the offer is to provide an upgrade to an existing Council owned park rather than 'new' or additional open space, however, the offer must be considered alongside the community benefits of the provision of the 12 social and affordable apartments themselves. The developer has agreed to provide a financial contribution of over £52K to be used to enhance existing open space in the area. The combination of the associated community benefits are considered on balance to decisively outweigh the loss of the provision of the recreation club and the shortage in the amenity provision.

### **Terms of the Section 76 Agreement**

In respect of the proposed off set, the applicant has agreed to a developer contribution through a Section 76 Agreement. In broad terms, monies (£52k) will be used by the Council to enhance existing open space at King George V Playing Fields, which is an 8 minute walk away from the site and serves the local community. As set out above, this in part is considered, in this case, to adequately address Policy OS1 of PPS8 to off-set the loss of existing open space.

The following works are proposed for the King George V playing fields;

#### **Improve Parkgate site boundary**

Remove exiting concrete boundary fencing/walling  
 Install new 250 x 125 x 905mm road kerb edge  
 New hedge planting along boundary to kerb edge  
 Supply & install new vehicular access barrier  
 Construct low brick piers with existing concrete crest  
 Pedestrian road crossing markings

#### **Trim Trail**

New 1.2m wide bitmac path to site boundary  
 Form new mounds with excavated material  
 Remedial landscape works/seeding

#### **Screen planting**

Screen planting to western boundary

### **Provision of private amenity space**

In terms of private amenity space only 3 of the proposed 12 apartments has their own private amenity space. Creating Places recommends a minimum of between 10m<sup>2</sup>- 30m<sup>2</sup> per unit. Apartments 11 and 12 meet the recommended minimum however apartments 1-10 do not. Policy OS 2 states that an exception to this will only be permitted in the case of apartment developments or specialised housing where a reasonable level of private communal open space is being provided or where it will make use of adjoining public open space. It is considered that insufficient private amenity space is proposed for the individual apartments. In respect of the communal amenity space provided this is in the form of a pocket park which will provide 450 square metres of amenity space. The provision of the pocket park between the proposed apartments and Park Avenue with landscaping and play equipment with access from Park Avenue so other residents can benefit and; the proposed developer contribution of over £52K to enhance 2.88ha of existing open space at the King George V playing fields, provides a wider community benefit to the existing and proposed residents and is considered to make an otherwise unacceptable scheme acceptable in these particular circumstances.

**Linked Applications**

Planning permission LA04/2015/0075/F was a modification to the original planning permission Z/2010/0434/F. This included the reduction in the size of the social club to be constructed. Whilst this was a reduction and was considered to be of a scale more in keeping with the established residential area, the community benefit to be gained remained an integral part of the proposal and was appropriately conditioned to reflect this. The condition in relation to the provision of the social club was attached to the permission and was worded that the residential dwellings would not be occupied. The same reason as per planning permission Z/2010/0434/F for the condition was given to ensure the orderly development of the site and to ensure the community benefits of the development are fully implemented.

The applicant also seeks the removal of condition no.2 of planning permissions Z/2010/0434/F and LA04/2015/0075/F, which are attached to the original permissions and relate to the provision of the recreational club and to ensure the orderly development of the site and community benefits of the development are fully implemented. This proposal would replace the social club with 12 social/affordable apartments.

**Consultees**

DFI Roads were consulted and have advised of no objection in principle with amendments sought to address clarification in terms of bicycle parking and visibility splays for previous approvals within the wider proposal site and Private Streets Determination drawings.

**Further Representations**

No further objections or information has been received in respect of the proposal itself. A draft Section 76 Agreement was submitted and BCC Legal Services and City and Neighbourhoods have been consulted in respect of the Section 76 Agreement and the enhancement of open space through the developers contribution.

**Summary**

In conclusion, the recommendation has changed for the reasons as set out in this addendum. The proposal on balance is considered to be acceptable and contributes to the delivery of the Belfast Agenda aims and objectives - Living Here and City Development and the Local Development Plan Strategic Aims – Shaping a liveable place, a green and active place and a smart connected and resilient place.

**Recommendation**

Approval subject to the signing and delivery of the Section 76 Agreement and conditions.

It is requested that committee delegate authority to the Director of Planning and Building Control to finalise the Section 76 and the wording of conditions. Draft Conditions below:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The residential development hereby approved shall be allocated for social housing use and shall be managed by a registered Housing Association.

Reason: To ensure the orderly development of the site and community benefits of the development are fully implemented.

3. Double glazed float units 4-12-4 (or similar) with a sound reduction of 26dB  $R_{tra}$  / 31dB  $R_w$  must be installed in bedroom and living room windows to the Park Avenue façade of the proposed apartments and to any habitable rooms situated on either side elevation. Alternative means of acoustic ventilation capable of meeting the same sound reduction value of the windows must also be installed in all bedroom and living room windows to the Park Avenue façade and side elevations and be in accordance with building control regulations.

Reason: Protection of Residential Amenity

4. Double glazed float units 4-12-4 (or similar) with a sound reduction of 26 dB  $R_{tra}$  / 31 dB  $R_w$  must be installed in bedroom and living room windows of the rear façade of the proposed apartments.

Reason: Protection of Residential Amenity

5. All soft landscaping works shall be carried out in accordance with the approved details on drawing no 13C, dated 3<sup>rd</sup> June 2019. The works shall be carried out prior to the occupation of the first apartment / dwelling unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

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

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

Reason: In the interests of visual amenity

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

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

8. If roots are accidentally damaged the tree council must be notified and given the opportunity to inspect the damage before it is covered over.

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

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

Reason: To avoid compaction within the RPA.

DFI Roads conditions to follow.

## ANNEX 1

### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 11 June 2019	
<b>Application ID:</b> LA04/2019/0081/F	
<b>Proposal:</b> Erection of 12No. Apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.	<b>Location:</b> Lands at former Maple Leaf Club 41-43 Park Avenue Belfast.
<b>Referral Route:</b> At the request of the Director of Planning and Building Control	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Dixon Contractors 89 Broughshane Street Ballymena	<b>Agent Name and Address:</b> TSA Planning 20 May Street Belfast BT1 4NL
<b>Executive Summary:</b>  <p>The proposal is for full planning permission for the erection of 12No. Apartments (social/affordable housing units comprising 3No. one bed &amp; 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.</p> <p>This application is linked to two further applications (LA04/2019/0082/F and LA04/2019/0083/F) both of which are Section 54 applications and seek to remove a planning condition from the original approvals. Condition no.2 of these planning permissions relate to the provision of a recreational social club under planning permissions Z/2010/0434/F and LA04/2015/0075/F.</p> <p>The key issues in the assessment of the proposed development include;</p> <ul style="list-style-type: none"> <li>Principle of development and use;</li> <li>Height, scale, massing, layout and design;</li> <li>Provision of private amenity space and Provision of open space;</li> <li>Parking and access;</li> <li>Impact on residential amenity of neighbours;</li> <li>Impact on protected trees;</li> <li>Other environmental factors.</li> </ul> <p>The applicant proposes a building containing 12 apartments on a site which has been secured by planning condition to be used for recreational open space in lieu of the loss of an extensive area of open space, bowling green and a club house / social club.</p> <p>The original approval set aside OS1 of PPS 8 Open space Sport and Recreation and allowed the loss of the space to provide 21 social dwelling units and the construction of a new Recreation</p>	



Social Club. The applicant makes a case that the occupier of the social club, the Maple Leaf Club is no longer in existence. The applicant states that they have sought an alternative occupier, however they have not provided sufficient evidence to demonstrate that a new occupier has been sought and all avenues explored.

The principle of the development therefore, is considered to be unacceptable and would if permitted result in the permanent loss of the open space by failing to provide the social club to the community. Which is contrary to policy OS 1 of Planning Policy Statement 8: Open space and recreation.

The proposed development fails to meet criterion (c) of policy QD1 of Planning Policy Statement 7 – Quality Residential Environments. In that the loss will impact the amenity for those prospective new residents of the approved housing as there will be insufficient amenity space provided for the combined development and will therefore also be contrary to Policy OS 2 of PPS8.

Consultees: Environmental Health, Rivers Agency, BCC Tree Officer and NIHE offer no objection to the proposal.

DFI Roads advised the applicant has failed to demonstrate acceptable parking arrangements.

There have been no third party objections received.

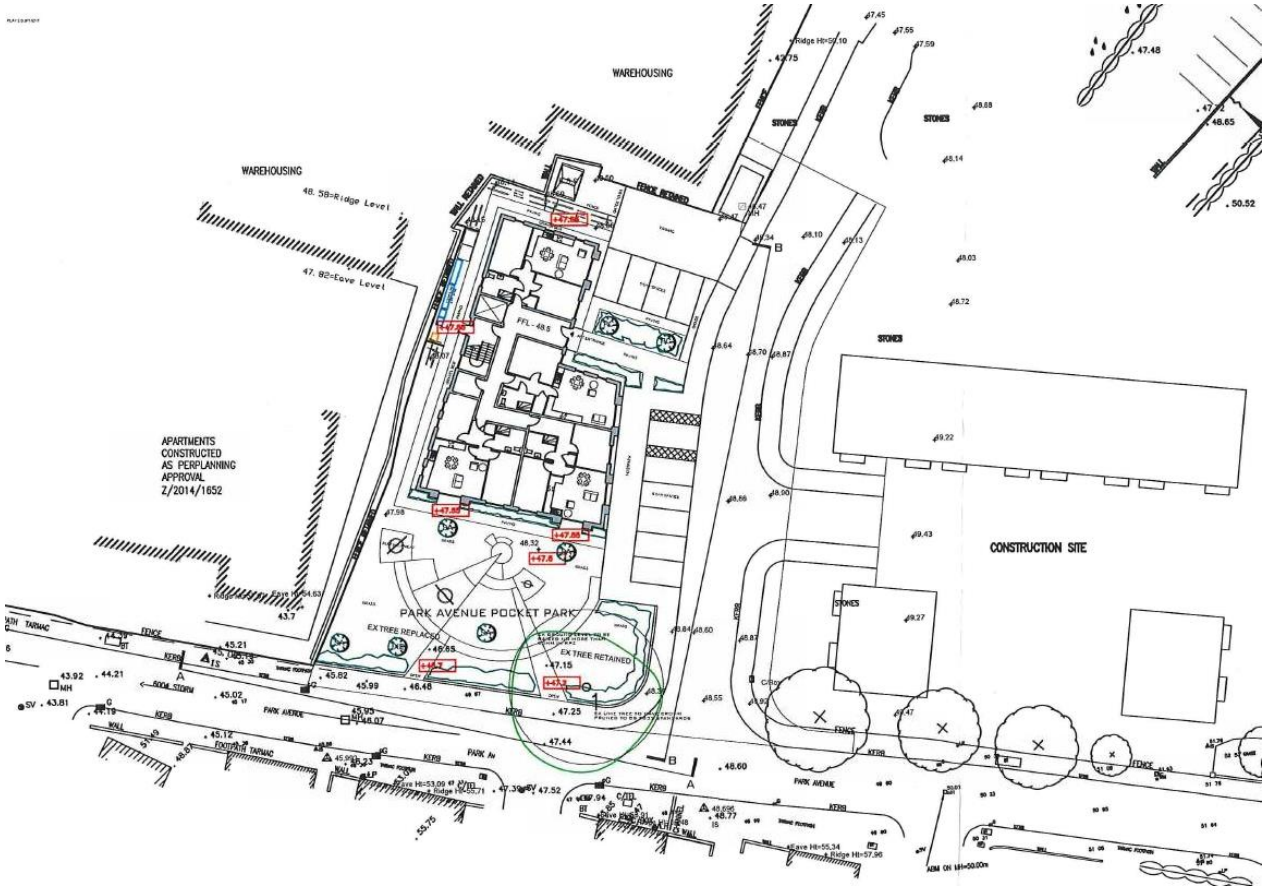
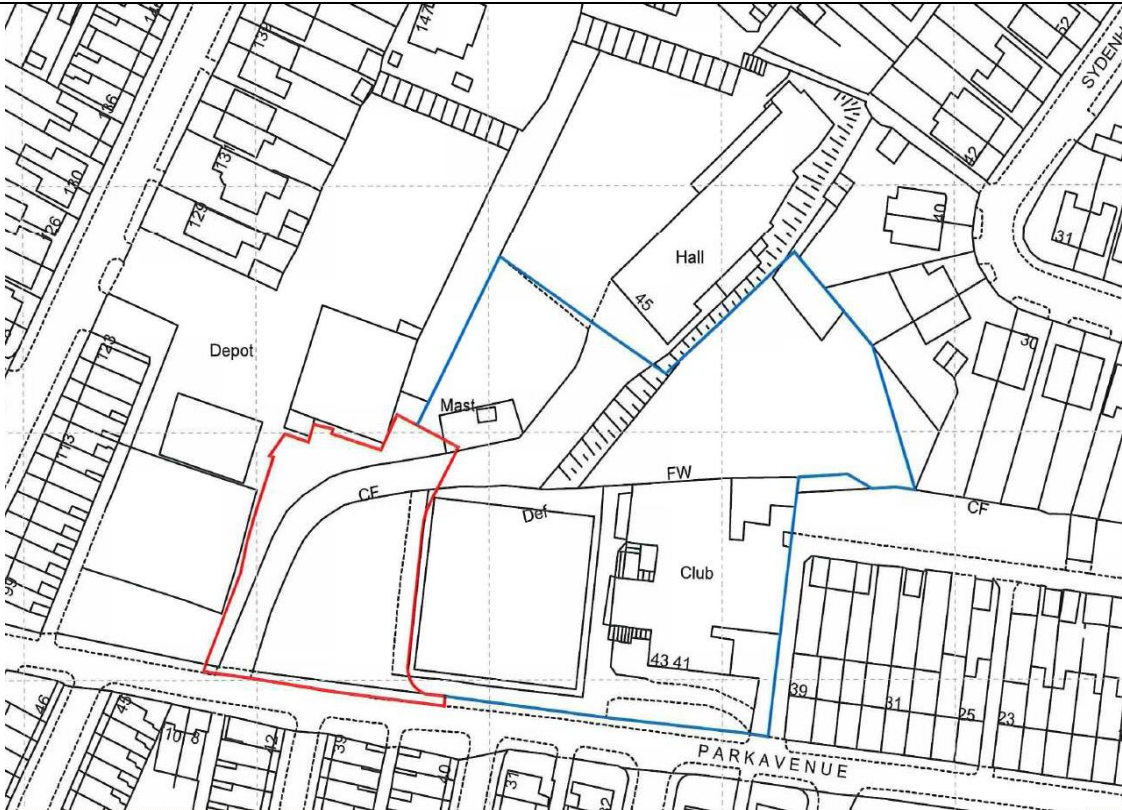
Recommendation:

Refuse

Having regard to the policy context and other material considerations above, the proposal is considered unacceptable and refusal of planning permission is recommended and delegated authority is sought for the final wording of refusal reasons from the Director of Planning and Building Control.

Case Officer Report

Site Location Plan



<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Non Statutory	Environmental Health Belfast City Council	No objection subject to conditions
Statutory	Rivers Agency	No objection
Advice and Guidance	NIHE - Corporate Planning	No objection - support
Statutory	DFI Roads - Hydebank	Unacceptable
Statutory	NI Water - Multi Units East - Planning Consultations	No Response
<b>Representations:</b>		
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	

<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b>
1.1	The proposal is for full planning permission for the erection of 12No. apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.
1.2	This application is linked to LA04/2019/0082/F and LA04/2019/0083/F both of which are Section 54 application to remove condition no.2 of planning permission Z/2010/0434/F and LA04/2015/0075/F. Both of these conditions also relate to the implementation of the social club element of planning permissions Z/2010/0434/F and LA04/2015/0075/F.
<b>2.0</b>	<b>Description of Site</b>
2.1	The site is located at lands at the former Maple Leaf Club, 41-43 Park Avenue, Belfast. The site has been cleared and is currently under construction. Formerly on the site was a bowling green and car park and the now derelict Maple Leaf Club building. The site is accessed from Park Avenue which slopes steeply from Holywood Road to Connsbrook Avenue. The area is characterised by two storey terrace dwellings and two storey semi-detached dwellings. Adjacent to the site and accessed from Connsbrook Avenue is a fuel and oil distribution depot. The site bounded by existing mature vegetation. Seven of the previously approved dwellings (10-22 Park Avenue Heights) have been constructed and are now occupied.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b>
3.1	LA04/2019/0083/F - Section 54 application to remove condition 2 of LA04/2015/0075/F. The condition reads as follows "No part of the residential development hereby permitted shall be occupied until the social club hereby approved is constructed and operational in accordance with drawing 06A date stamped 20th August 2016, drawing 07B date stamped 03 February 2016 and drawing 08 stamped 01 April 2015". The removal of the condition is necessary to allow for the construction and occupation of the social/affordable housing – Pending
3.2	LA04/2019/0082/F - Section 54 application to remove condition 2 of Z/2010/0434/F. The condition reads as follows, "No part of the residential development hereby permitted shall be commenced until the social club hereby approved is constructed and operational in accordance with the approved plans." The removal of the condition is necessary to allow the construction of the social/affordable housing - Pending
3.3	LA04/2015/0075/F - Modifications to previous planning approval Z/2010/0434/F comprising of a reduction in the size of the replacement club premises and change of house types to the dwellings at plots 14-21 - Granted
3.4	Z/2011/0829/F - Article 28 application to vary condition 2 of permission Z/2010/0434/F to allow simultaneous commencement of development of the residential development and the social club – Granted
3.5	Z/2011/0827/F - Article 28 application to vary condition 3 of permission Z/2010/0434/F to include social/affordable housing within the residential development and the social club - Granted

3.6	Z/2010/0434/F - Mixed use development to include the relocation and replacement of the Ulster Maple Leaf Club premises and residential development comprising 21 dwellings (3no. 2 bed, 18no. 3 bed dwellings), landscaping and associated site works - Granted
3.7	Z/1999/0307 - Proposed bowling green in part of existing car park including new access arrangements - Granted
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015
4.3	Draft Belfast Metropolitan Area Plan 2004
4.4	4.4.1 Strategic Planning Policy Statement for Northern Ireland (SPPS) 4.4.2 Planning Policy Statement 3: Access, Movement and Parking 4.4.3 Planning Policy Statement 7: Quality Residential Environments 4.4.4 Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas 4.4.5 Planning Policy Statement 8: Open Space and Recreation 4.4.6 Planning Policy Statement 12: Housing in Settlements 4.4.7 Planning Policy Statement 15: Planning & Flood Risk 4.4.8 Creating Places 4.4.9 Development Control Advice Note 15: Vehicular Access Standards
<b>5.0</b>	<b>Statutory Consultees Responses</b>
5.1	Rivers Agency has no objection.
5.2	DFI Roads advised the proposal was unacceptable and failed to demonstrate acceptable parking arrangements.
<b>6.0</b>	<b>Non Statutory Consultees Responses</b>
6.1	Environmental Health has no objection subject to conditions.
6.2	BCC Tree Officer has no objection subject to conditions.
6.3	Northern Ireland Housing Executive – Corporate Planning provided advice and guidance. NIHE advised there is currently unmet social housing need in this part of East Belfast and the site has previously been registered by a housing association for the provision of social housing. NIHE supports the current proposal for the site.
<b>7.0</b>	<b>Representations</b>
7.1	The application has been neighbour notified and advertised in the local press. No representations have been received.
<b>8.0</b>	<b>Other Material Considerations</b>
8.1	The adopted Belfast Urban Area Plan 2001 designates the site as white land.

8.2	Draft Belfast Metropolitan Area Plan (BMAP) 2015 plan the site is designated as white land.
8.3	Draft Belfast Metropolitan Area Plan (BMAP) 2004 plan the site is designated as white land.
8.4	The site is the subject of a Tree Preservation Order – TPO/2006/0081
<b>9.0</b>	<b>Assessment</b>
9.1	<p>The key issues in the assessment of the proposed development include;</p> <ul style="list-style-type: none"> <li>• Principle of development and use;</li> <li>• Height, scale, massing, layout and design;</li> <li>• Provision of private amenity space;</li> <li>• Provision of open space;</li> <li>• Provision of parking and access;</li> <li>• Impact on residential amenity of neighbours;</li> <li>• Impact on protected trees;</li> <li>• Other environmental factors.</li> </ul>
9.2	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.
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 has never been adopted, however, the version of draft BMAP which was purported to be adopted remains a material consideration.
9.5	The site is located within the settlement development limit for Belfast. However given that the Belfast Metropolitan Area Plan 2015 version was adopted and subsequently quashed weight is afforded to it as it had reached the most advanced stage a draft plan could having been through public inquiry. The site was designated as white land.
9.6	Draft BMAP 2004 version also designated the site as white land.
9.7	The adopted Belfast Urban Area Plan 2001 designates the site as white land.
9.8	<p><b><u>Principle of development</u></b></p> <p>In other circumstances the construction of apartments within the development limits within a residential area would be acceptable however, the circumstances and history of this site is such that the principle of the development in this case, on this site, is considered to be unacceptable. This proposal site was granted as a recreational social club under application references Z/2010/0434/F and LA04/2015/0075/F in which the replacement social club was to be provided to off-set the loss of a substantial area of open space, a bowling green and club house / social club. The provision of the recreational social club in combination with the social housing to be provided was the rational for setting aside OS1 of PPS 8 – Open Space, Sport and Recreation.</p>
9.9	The supporting statement submitted by the applicant states that the Maple Leaf Club has been permanently closed and evidence has been provided at Annex 2 in the supporting statement. It is on this basis that the applicant seeks the removal of condition no.2 of

	planning permissions Z/2010/0434/F and LA04/2015/0075/F, which related to the social club and to ensure the orderly development of the site and community benefits of the development are fully implemented. This proposal would replace the social club with 12 social/affordable apartments.
9.10	Linked applications LA04/2019/0082/F and LA04/2019/0083/F both of which are Section 54 application to remove condition no.2 of planning permission Z/2010/0434/F and LA04/2015/0075/F. Both of these conditions also relate to the implementation of the social club aspect of planning permissions Z/2010/0434/F and LA04/2015/0075/F are also under consideration.
9.11	The applicant submitted a supporting statement. Paragraphs 6.15-6.18 refer to the search for an alternative operator. It is stated that the applicant has no viable option for delivering the club building and the social housing due to the 'winding up' of the Maple Leaf Club and no club interested in relocating and therefore the removal of the club from the proposal is required. However, whilst this has been stated in the supporting statement, no evidence has been provided by the applicant to demonstrate and marketing or tendering for an alternative occupier and therefore have failed to demonstrate that all avenues to secure an occupier have been investigated.
9.12	The group report of the original planning permission Z/2010/0434/F, stated that <i>'the main benefits are the provision of much needed social housing and provision of a new social facility to serve the local area'</i> . The two conditions that attached to the permission, condition no.2 which the applicant seeks to remove and condition no.3 in relation to the allocation of the residential development for social housing were both attached and the same reason <i>'To ensure the orderly development of the site and community benefits of the development are fully implemented'</i> . Therefore it is considered that the construction of the social club was equally required to be provided to ensure the community benefits.
9.13	Application Z/2011/0829/F, was an Article 28 application to vary condition 2 of permission Z/2010/0434/F to allow simultaneous commencement of development of the residential development and the social club.
9.14	Planning permission LA04/2015/0075/F was a modification to the original planning permission Z/2010/0434/F. This included the reduction in the size of the social club to be constructed. Whilst this was a reduction and was considered to be of a scale more in keeping with the established residential area, the community benefit to be gained remained an integral part of the proposal and was appropriately conditioned to reflect this. The condition in relation to the provision of the social club was attached to the permission and was worded that the residential dwellings would not be occupied. The same reason as per planning permission Z/2010/0434/F for the condition was given to ensure the orderly development of the site and to ensure the community benefits of the development are fully implemented.
9.15	Therefore, considering the previous use of the site, the protection afforded under PPS8 and the planning history of the site the principle of the development is unacceptable and would result in the loss of the replacement social club which was to provide the off set for the loss of open space for the whole development. It is considered that the supporting statement from the applicant does not provide a compelling case that would outweigh the loss to the community.
9.16	<b><u>Height, scale, massing, layout and design</u></b> The proposed building is to be 'L' shaped and 8.4m in height from finished floor level (FFL), 27.3m long along the western elevation and 18m wide along the southern (Park Road) elevation. In terms of the footprint of the proposed apartments is be approximately 392m <sup>2</sup> . This is an increase in the footprint from the previously reduced social club at

	387m <sup>2</sup> which was reduced by 49m <sup>2</sup> from the original approval. The difference in the increase in the footprint is considered to be marginal. The proposed height of the building is similar to that granted for the social club under LA04/2015/0075/F. The height, scale and massing of the proposed apartments is considered to be acceptable.
9.17	In terms of layout all apartments outlook either on to Park Avenue of the entrance to the whole development. It is considered this outlook on to public realm in acceptable.
9.18	In terms of the proposed design this is not dissimilar from that previously approved for the social club building. The proposed finished of smooth red facing brick and grey mortar, dark grey framed windows, glazed balcony and grey zinc cladding on the roof and pent houses are considered to be acceptable. The architectural approach is modern yet sympathetic to its context. The proposed design and architectural treatment and materials are acceptable.
9.19	Policy LC 1 – Protecting Local Character, Environmental Quality and Residential Amenity of the Addendum to Planning Policy Statement 7- Safeguarding the Character of Established Residential Areas applies. The proposed density of the development and pattern of development is considered to be acceptable and not out of keeping with the character of the area. The size of each of the proposed apartments are outlined below;
9.20	Apartment 1 - 2 bed 3 person: 65m <sup>2</sup> Apartment 2 - 1 bed 2 person: 57 m <sup>2</sup> Apartment 3 - 2 bed 3 person: 70 m <sup>2</sup> Apartment 4 - 2 bed 3 person: 65 m <sup>2</sup> Apartment 5 - 2 bed 3 person: 65 m <sup>2</sup> Apartment 6 - 2 bed 3 person: 68 m <sup>2</sup> Apartment 7 - 2 bed 3 person: 70 m <sup>2</sup> Apartment 8 - 2 bed 3 person: 65 m <sup>2</sup> Apartment 9 - 2 bed 3 person: 65 m <sup>2</sup> Apartment 10 - 2 bed 3 person: 63 m <sup>2</sup> Apartment 11 - 1 bed 2 person: 50 m <sup>2</sup> Apartment 12 - 1 bed 2 person: 50 m <sup>2</sup>
9.21	The proposed apartments meet the minimum space standards as set out in Annex A of the Addendum to Planning Policy Statement 7- Safeguarding the Character of Established Residential Areas.
9.22	Therefore it is considered that the proposal complies with the criterion set out in policy LC 1 of the Addendum to Planning Policy Statement 7- Safeguarding the Character of Established Residential Areas.
9.23	<b><u>Provision of private amenity space</u></b> In terms of private amenity space only 3 of the proposed 12 apartments has their own private amenity space. They do all however share communal bin storage and secure bicycle parking. The following private amenity space provision is as below for 3 apartments on the second floor;
9.24	Apartment 10 - 63.3 m <sup>2</sup> Apartment 11 - 22.3 m <sup>2</sup> Apartment 12 - 10.98 m <sup>2</sup>
9.25	Creating Places recommends a minimum of between 10m <sup>2</sup> - 30m <sup>2</sup> . Apartments 11 and 12 meet this recommended minimum however apartments 1-10 do not. Whilst the applicant refers to other facilities in the locality including Victoria Park, this is 0.7mile away



	<p>from the site. Considering this and the recent EIA Street planning appeal decision 2018/A0070 it was considered that existing other public spaces were not an acceptable substitute for the deficit of communal space in quantitative and qualitative terms. Therefore it is considered that insufficient private amenity space has been provided for prospective residents. The site on which the apartments are proposed was to provide the off set for loss of open space through the construction of a social club and was conditioned as so to ensure the community benefit of the existing club would continue to be provided. Linked applications LA04/2019/0082/F and LA04/2019/0083/F both of which are Section 54 applications to remove condition no.2 of planning permission Z/2010/0434/F and LA04/2015/0075/F. Both of these conditions also relate to the implementation of the social club aspect of planning permissions Z/2010/0434/F and LA04/2015/0075/F. The provision of open space is discussed below.</p>
9.26	<p><b><u>Provision of open space</u></b></p> <p>The proposal includes the provision of a pocket park which will provide 0.045ha of public amenity space. Planning permission Z/2010/0434/F for the residential development and replacement of the social club and LA04/2015/0075/F for a change of house type at plots 14 to 21 and included the reduction in the proposed replacement social club were both granted on the basis of provision of the social club to offset the loss of open space, in line with policy OS 1 of Planning Policy Statement 8: Outdoor space and recreation. Whilst the social club was to be reduced under planning permission LA04/2015/0075/F it still provided the off set for the loss of open space in line with policy OS 1 of Planning Policy Statement 8: Outdoor space and recreation.</p>
9.27	<p>However the applicants statement of case states at paragraph 6.26 the delivery of 12 apartments in lieu of the social club yields a substantially greater benefit to the community and that as the case officer acknowledged the proximity of similar bowling facilities in close proximity to the site which were equally accessible in their view. The applicant states that in this context, the total loss of the facility is therefore negligible to the local community and its loss therefore will have no significant detrimental impact and states this is consistent with para. 6.025, of the Strategic Planning Policy Statement for Northern Ireland (SPPS). It is considered that the loss of the social club which was the off set for the loss of all quality open space is not negligible to the local community as stated. Particularly as the private amenity provision is below recommended requirements. Whilst the applicant refers to other facilities in the locality including Victoria Park, this is 0.7mile away from the site. As per recent appeal decision 2018/A0070, it was considered that existing of other public spaces were not an acceptable substitute for the deficit of communal space in quantitative and qualitative terms.</p>
9.28	<p>This acknowledged the community benefit the club itself provided and while the open space was to be lost, the offset to this was through the provision of a new social facility, albeit reduced but would continue to provide community benefit as was provided by the existing club. Therefore it is considered that in order to comply with policy OS 1 of Planning Policy Statement 8 – Open Space and Recreation to ensure adequate alternative provision that the social facility must be implemented and form part of the overall development of the site.</p>
9.29	<p>It is also noted that the original development comprised of 21 dwelling units. The applicant proposed the construction of an additional 12 apartments. This would provide a total of 33no. social/ affordable housing units. However, the additional units would exceed the threshold of 25 units as set out in policy OS 2 of Planning Policy Statement 8. Policy OS 2 states that an exception to this will only be permitted in the case of apartment developments or specialised housing where a reasonable level of private communal open space is being provided or where it will make use of adjoining public open space.</p>
9.30	<p>As stated in the original case officers report for Z/2010/0434/F, the proposal did not provide sufficient amenity space for the majority of the proposed dwellings and would be limited in its</p>

	<p>usability. Nor is it located adjacent to existing public open space. Therefore it would be considered that it would not be an exception to Policy OS 2 and therefore it would be expected that at least 10% of the site would be for the provision of public open space. The proposal would not be able to facilitate this and the addition of 12 no. apartments was add extra pressure to the demand for amenity space in the whole development. Although this application proposes the provision of a pocket park between the proposed apartments and Park Avenue providing an area of 0.045ha with landscaping and play equipment with access from Park Avenue so other residents can benefit. It is considered to be insufficient to warrant the loss of the social facility and the wider community benefit which it would provide.</p>
9.31	<p>On balance with the provision of private amenity for the approved apartments being below the requirements as per Creating Places, it is considered that the social facility is essential to address the loss of the open space and the club facility, particularly as private amenity space is insufficient to meet requirements. The proposal to not provide the social facility is considered to be contrary to policy OS 1 of Planning Policy Statement 8: Open Space and Recreation.</p>
9.32	<p><b><u>Provision of parking and access</u></b></p> <p>DFI Roads were consulted and responded stating that the applicant had failed to demonstrate acceptable parking arrangements and required a number of issues to be addressed and the submission of Private Streets Determination drawings. This information was not requested as to have done so would have put the applicant to unnecessary expense when Planning Service had fundamental concerns with the proposal and the two (LA04/2019/0082/F and LA04/2019/0083/F) associated Section 54 applications for the removal of conditions.</p>
9.33	<p><b><u>Impact on residential amenity of neighbours</u></b></p> <p>In terms of residential amenity the proposed apartments will be located to the east of the existing apartments on Park Avenue. In terms of overshadowing considering the sun path it is considered that some overshadowing will result to the apartments adjacent to the west in the morning, however this will travel from east to west from midday on it is considered that no unacceptable overshadowing will result to the apartments located to the west of the site. It is also considered that an unacceptable level of overlooking will not result from the proposed apartments to the existing apartments to the west due to sufficient separation distance and existing boundary treatment. To the north of the site is an existing depot and to the east whilst currently no under construction dwelling with extant permission are to be located. However it is considered that sufficient separation distances will ensure no unacceptable overshadowing or overlooking will result to these dwellings form the proposed apartments. This is also considered to be the same for those dwellings located on the opposite of Park Avenue.</p>
9.34	<p><b><u>Impact on protected trees</u></b></p> <p>Belfast City Council's Tree Officer was consulted and following the submission of a tree survey and amended plans the Tree Officer has no objections to the proposal subject to conditions. The proposal includes the retention of an existing protected Lime tree along the Park Avenue boundary, which is to be crown cleaned. Protective root barriers in the form of Geocells has been shown at specific locations to ensure root and soil compaction is avoided during and after construction. The proposal includes the removal of x1 Chestnut tree a protected tree and replacement planting of x8 extra heavy standard Rowan and Ornamental Pear trees to compensate for its loss. A new hawthorn boundary hedge is proposed. The tree officer commented that the proposed tree choice, was considered appropriate in terms of species to complement the proposed pocket park. Tree officer has no objection to the proposal subject to conditions.</p>
9.35	<p><b><u>Other environmental factors</u></b></p> <p>Environmental Health were consulted and considered the Noise Impact Assessment and an updated contaminated land report. Environmental Health has no objection subject to</p>

9.36	<p>conditions. Rivers Agency were consulted with a Drainage Assessment and responded stating that the proposal was acceptable and that the proposal was deemed to provide a robust drainage solution.</p> <p><b><u>Recommendation</u></b> The proposal is considerable to be unacceptable and refusal is recommended asset out in paragraph 11 below.</p>
9.37	<p>Having regard to the policy context and other material considerations above, the proposal is considered unacceptable and refusal of planning permission is recommended and delegated authority is sought for the final wording of refusal reasons from the Director of Planning and Building Control.</p>
<b>10.0</b>	<b>Summary of Recommendation:</b> Refusal
<b>11.0</b>	<p><b>Refusal Reasons</b></p> <ol style="list-style-type: none"> <li>1. The proposal is contrary to OS1 of PPS 8 in that it will result in a loss of open space and the applicant has failed to demonstrate that the redevelopment will bring substantial community benefits that decisively outweigh its permanent loss.</li> <li>2. The proposal is contrary to OS2 of PPS 8 Open Space Sport and Recreation QD1 of PPS7 Quality Residential Environments in that it fails to provide adequate or quality private amenity space or sufficient communal open space for prospective residents of this development or the overall development.</li> </ol>
<p><b>Notification to Department (if relevant)</b></p> <p>N/A</p>	
<p><b>Representations from Elected members:</b></p> <p>Cllr Newton</p>	

<b>ANNEX</b>	
<b>Date Valid</b>	3rd January 2019
<b>Date First Advertised</b>	25th January 2019
<b>Date Last Advertised</b>	25th January 2019
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 10 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 10 Park Avenue,Belfast,Down,BT4 1PU The Owner/Occupier, 12 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 125 Connsbrook Avenue,Belfast,Down,BT4 1JX The Owner/Occupier, 14 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 16 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 18 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 20 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 22 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 31 Sefton Park, Belfast, BT4 1PN The Owner/Occupier, 31 Shaw Street,Belfast,Down,BT4 1PT The Owner/Occupier, 32 Sefton Park, Belfast, BT4 1PN The Owner/Occupier, 36 Sefton Drive, Belfast, BT4 1PL The Owner/Occupier, 39 Colvil Street,Belfast,Down,BT4 1PS The Owner/Occupier, 39 Park Avenue, Belfast, BT4 1PU The Owner/Occupier, 40 Shaw Street,Belfast,Down,BT4 1PT The Owner/Occupier, 42 Colvil Street,Belfast,Down,BT4 1PS The Owner/Occupier, 45 Park Avenue, Belfast, BT4 1PU The Owner/Occupier, 8 Park Avenue,Belfast,Down,BT4 1PU The Owner/Occupier, Apartment 1,47 Park Avenue,BELFAST,BT4 1PU	

The Owner/Occupier,  
 Apartment 10,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 11,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 12,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 13,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 14,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 15,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 2,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 3,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 4,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 5,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 6,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 7,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 8,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 9,47 Park Avenue,BELFAST,BT4 1PU

<b>Date of Last Neighbour Notification</b>	12th February 2019 Additional neighbours consulted 24 <sup>th</sup> May 2019 due to new dwellings now being occupied.
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<b>Date of EIA Determination</b>	N/A
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<b>ES Requested</b>	No
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<b>Drawing Numbers and Title</b>
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Drawing No. Type:
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<b>Development Management Report</b> <b>Addendum Report 1</b>	
<b>Application ID:</b> LA04/2020/2325/F	<b>Date of Committee:</b> 19 December 2022
<b>Proposal:</b> Proposed erection 21 no. dwellings (social/affordable housing units comprising 17 no. townhouses and 4no. semi-detached), car parking, landscaping and all associated site and access works (Amended drawings, additional information)	<b>Location:</b> Lands at Former Maple Leaf Club, 41-43 Park Avenue, Belfast
<b>Referral Route:</b> Application previously considered by the Planning Committee. Proposal would secure a Financial Developer Contribution exceeding £30,000.	
<b>Recommendation:</b> Approval subject to conditions and Section 76 planning agreement	
<b>Applicant Name and Address:</b> Choice Housing Association & Latner 10 Developments, Unit 983 Moat House, 54 Bloomfield Avenue, Belfast	<b>Agent Name and Address:</b> TSA Planning, 20 May Street, Belfast, BT1 4NL
<b>Addendum Report:</b>  <u>Background</u>  This application was previously considered by the Planning Committee in March 2022. At the March Planning Committee, it was resolved to approve the application with conditions and subject to a Section 76 Planning Agreement to secure the following: <ul style="list-style-type: none"> <li>• provision of the 21 units as affordable housing (social / intermediate housing);</li> <li>• the pocket park proposed under LA04/2019/0081/F shall be delivered no later than two years from the date of first occupation of the 21 units;</li> <li>• the future management of the pocket park;</li> <li>• temporary treatment of the site for 12 apartments if those were delayed or not built out;</li> <li>• securing of the £52,000 with inflationary uplift since December 2019 (if it had already been paid in relation to application LA04/2019/0081 then it would not have to be paid twice).</li> </ul> The Committee further agreed that delegated authority be given to the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 Planning Agreement  Negotiations on the planning agreement have been taking place since the previous Committee. The planning agreement is at an advanced stage of drafting. However, there is disagreement with the applicant on whether the proposed pocket park should be accessible to the general public.  In the report to the March 2022 Planning Committee (appended), officers advised that it is <i>'...necessary that the pocket park is delivered as part of the scheme for 21 dwellings. Otherwise, it</i>	

*would have insufficient Open Space and there would be insufficient off-set for the loss of the original Open Space on the site.'*

The applicant states that they are unable to give public access to the pocket park because of insurance liability. In addition, their preference was that the pocket park is managed and maintained by the Council. Officers have sought further advice from the Council's Landscape Planning and Development team. It has raised concerns about the pocket park being accessible to the public due to its small size and limited surveillance. It could attract anti-social behaviour. The Landscape Planning and Development team also confirms that the Council would not be prepared to adopt, manage or maintain the pocket park.

The Landscape Planning and Development team advises that the pocket park would be more suited as private amenity space for the social housing proposed by the application and adjoining site for 12 apartments (LA04/2019/0081/F). The team would support an uplift in the Financial Developer Contribution secured as part of the previous decision of the Committee towards improvements to George V playing field.

#### Assessment

In view of the advice from the Council's Landscape Planning and Development team, which has concerns about the suitability of the pocket park for public use, it is considered appropriate to remove the requirement for it to have public access. The pocket park would still be required to provide amenity space for the proposed 21 dwellings and adjacent scheme of 12 apartments (LA04/2019/0081/F). The applicant has agreed that the pocket park will be managed by the developer.

Without prejudice, officers have sought an amended plan that relocates the access to the pocket park to the North East and that it is gated and locked for use only by occupants of the 21 dwellings and 12 apartments. The amended plan should also incorporate defensible space to the ground floor apartment that fronts onto the pocket park. It is expected that the amended plan will be presented to the Committee at the meeting.

However, to compensate for the loss of public access (which was originally required to help off-set the overall loss of Open Space from the sites), the applicant has agreed to a further uplift of the Developer Contribution towards improvements to the King George V playing field. The current agreed sum is £52k (plus inflationary uplift from December 2019 to when the planning agreement is signed) and this is proposed to be uplifted by a further £5k.

It is considered that this alternative proposal, subject to the satisfactory amended plan, is on balance acceptable, also having regard to the fact that the 21 dwellings would be delivered as social housing. As set out in the Late items report to the March 2022 Committee meeting (appended), NIHE has identified a significant shortfall in social housing in the locality and the proposals would support local housing need. The proposed 21 dwellings remain on the 2021/22 social housing delivery programme and 12 apartments on the adjacent site on the 2024/25 programme. These are considered very important material considerations, which weigh in favour of the proposal in the planning balance.

The report should be read in conjunction with the report to the March 2022 Planning Committee, including Late items report, appended.

#### Recommendation

It is recommended that planning permission is granted with conditions and subject to a Section 76 planning agreement which secures the following:



- provision of the 21 units as affordable housing (social / intermediate housing);
- the pocket park proposed under LA04/2019/0081/F shall be delivered no later than two years from the date of first occupation of the 21 units;
- the future management of the pocket park;
- temporary treatment of the site for 12 apartments if those were delayed or not built out;
- securing the £52,000 (plus inflationary uplift from December 2019 to when the planning agreement is signed) plus £5k towards improvements to George V playing field (if it had already been paid in relation to application LA04/2019/0081 then it would not have to be paid twice).

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

## Late Items

Agenda Item	Application	Issues Raised	Action																				
7c	LA04/2019/0081/F Erection of 12 apartments at former Maple Leaf Club, Park Avenue	<p>Northern Ireland Housing Executive (NIHE) is supportive of the application and provides the following comments.</p> <p>The site is located within Middle East Housing Need Area which has a five year need for 307 units for the period 2021-2026.</p> <p>The site is adjacent to Sydenham, Edenvale and Dundela Common Landlord Areas. The following table provides a summary of the Waiting List information for this area for December 2021.</p> <table><tr><td></td><td>Singles</td><td>Families</td><td>Elderly</td><td>TOTAL</td></tr><tr><td>All Applicants</td><td>133</td><td>138</td><td>58</td><td>329</td></tr><tr><td>Housing Stress</td><td>86</td><td>79</td><td>42</td><td>207</td></tr><tr><td>Allocations to December 2021</td><td>30</td><td>13</td><td>30</td><td>73</td></tr></table> <p>The proposal is currently on the 2024/25 Social Housing Development Programme as a second phase of development of the wider lands.</p>		Singles	Families	Elderly	TOTAL	All Applicants	133	138	58	329	Housing Stress	86	79	42	207	Allocations to December 2021	30	13	30	73	For notation.
	Singles	Families	Elderly	TOTAL																			
All Applicants	133	138	58	329																			
Housing Stress	86	79	42	207																			
Allocations to December 2021	30	13	30	73																			
7c	LA04/2019/0081/F Erection of 12 apartments at former Maple Leaf Club, Park Avenue	The applicant confirms their agreement to the inflationary uplift (Consumer Price Index linked) to the £52k Financial Developer Contribution towards enhancements at the King George V playing fields.	For notation.																				

Agenda Item	Application	Issues Raised	Action																				
7d, 7e & 7f	LA04/2019/0082/F, LA04/2019/0083/F (s54 applications) and LA04/2020/2325/F Erection of 21 dwellings at former Maple Leaf Club, Park Avenue	<p>Northern Ireland Housing Executive (NIHE) is supportive of the application and provides the following comments.</p> <p>NIHE confirms that the proposal is on the 2021/22 Social Housing Development Programme and the mix of housing has been agreed with the joint applicant, Choice Housing. NIHE is keen that the scheme commences in this financial year.</p> <p>The site is located within Middle East Housing Need Area which has a five year need for 307 units for the period 2021-2026.</p> <p>The site is adjacent to Sydenham, Edenvale and Dundela Common Landlord Areas. The following table provides a summary of the Waiting List information for this area for December 2021.</p> <table><tr><td></td><td>Singles</td><td>Families</td><td>Elderly</td><td>TOTAL</td></tr><tr><td>All Applicants</td><td>133</td><td>138</td><td>58</td><td>329</td></tr><tr><td>Housing Stress</td><td>86</td><td>79</td><td>42</td><td>207</td></tr><tr><td>Allocations to December 2021</td><td>30</td><td>13</td><td>30</td><td>73</td></tr></table>		Singles	Families	Elderly	TOTAL	All Applicants	133	138	58	329	Housing Stress	86	79	42	207	Allocations to December 2021	30	13	30	73	For notation.
	Singles	Families	Elderly	TOTAL																			
All Applicants	133	138	58	329																			
Housing Stress	86	79	42	207																			
Allocations to December 2021	30	13	30	73																			
7d & 7e	LA04/2019/0082/F and LA04/2019/0083/F s54 applications relating to site of the former Maple Leaf Club, Park Avenue	The applicant has withdrawn both applications as the s54 applications are no longer needed.	For notation.																				

Agenda Item	Application	Issues Raised	Action
7f	LA04/2020/2325/F Erection of 21 dwellings at former Maple Leaf Club, Park Avenue	<p>Further to the officer recommendation, the applicant has confirmed their agreement to the following planning obligations to be secured by way of a Section 76 planning agreement:</p> <ul style="list-style-type: none"> <li>• Single payment of £52k plus inflationary uplift (Consumer Price Index linked); and</li> <li>• Delivery of the 21 dwellings as social/affordable housing.</li> </ul> <p>However, for logistical reasons, the applicant is unable to agree to the requirement that the pocket park is delivered prior to occupation. The main difficulties are summarised below:</p> <ul style="list-style-type: none"> <li>• Underneath the site of the pocket park is the main sewer and electrical cable. Access will be required until full adoption of sewers;</li> <li>• Access for gas connection;</li> <li>• Construction of the apartment block will require access for scaffold, plant and piling rig;</li> <li>• This is the only area left for welfare facilities;</li> <li>• It would be the last part of construction on the overall site from a practical view.</li> </ul> <p>In practice, the applicant states that they are confident that they will be able to deliver the 12 apartments within this period and at the same time complete the pocket park. However, should this not be possible, it proposes a clause in the Section 76 planning agreement to</p>	<p>Officers accept that it would be impracticable to deliver the pocket park prior to occupation of the 21 dwellings for the reasons set out by the applicant.</p> <p>The officer recommendation is therefore modified to require that the pocket park is delivered no later than two years from the date of first occupation. A planning obligation should also be required to secure its future management.</p>

Agenda Item	Application	Issues Raised	Action
		<p>require delivery of the pocket park within 24 months from occupation of the first dwelling within the 21 dwelling scheme. The pocket park would be managed by Choice Housing Association.</p> <p>For information, the applicant provides the following indicative timeline for delivery of the scheme:</p> <ul style="list-style-type: none"> <li>• March/April 2022 – onsite start of 21 dwellings.</li> <li>• March/April 2023 – first handover</li> <li>• March/April 2023 – hope to commence works on 12 apartments</li> <li>• March/April 2024 – complete 12 apartments and pocket park</li> <li>• Worst case scenario is that pocket park will be delivered 24 months from first handover i.e. by March/April 2025</li> </ul>	



## Committee Application

Development Management Report	
<b>Application ID:</b> LA04/2020/2325/F	<b>Date of Committee:</b> 15 March 2022
<b>Proposal:</b> Proposed erection 21 no. dwellings (social/affordable housing units comprising 17 no. townhouses and 4no. semi-detached), car parking, landscaping and all associated site and access works (Amended drawings, additional information)	<b>Location:</b> Lands at Former Maple Leaf Club, 41-43 Park Avenue, Belfast
<b>Referral Route:</b> Proposal would secure a Financial Developer Contribution exceeding £30,000. Application also in association with applications LA04/2019/0081/F, LA04/2019/0082/F and LA04/2019/0083/F, previously considered by the Planning Committee and on the same agenda.	
<b>Recommendation:</b> Approval subject to conditions and Section 76 planning agreement	
<b>Applicant Name and Address:</b> Choice Housing Association & Latner 10 Developments, Unit 983 Moat House, 54 Bloomfield Avenue, Belfast	<b>Agent Name and Address:</b> TSA Planning, 20 May Street, Belfast, BT1 4NL
<b>Executive Summary:</b>  The application seeks full planning permission for the erection of 21 no. dwellings (social/affordable housing units comprising 17 no. townhouses and 4 no. semi-detached), car parking, landscaping and all associated site and access works.  The key issues to consider are: <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Loss of open space</li> <li>• Provision of public and private amenity space</li> <li>• Impact on the character and appearance of the area</li> <li>• Impact on residential amenity</li> <li>• Impact on existing trees / proposed landscaping</li> <li>• Access and parking</li> <li>• Drainage and flood risk</li> <li>• Waste-water infrastructure</li> </ul> The site is un-zoned 'whiteland' within the BUAP 2001 and draft BMAP 2015.  The proposed development would result in the loss of open space (including the bowling green previously located on the site) protected by Policy OS1 of PPS 8.  By way of background, planning application Z/2010/0434/F was granted planning permission in June 2011 on essentially the same site, but also including land to the west, for a mixed use development including replacement of the original Maple Leaf club and 21 dwellings. That planning permission included conditions requiring the provision of social housing and build out of the replacement social	

club, required to offset the loss of open space. These conditions were subsequently varied under applications Z/2011/0827/F and Z/2011/0829/F.

Planning application LA04/2015/0075/F was granted in February 2016 for modifications to the original scheme for replacement of Maple Leaf Club and erection of 21 dwellings (Z/2010/0434/F). The amended scheme reduced the size of the club and amended some of the house types. Condition 2 prevents occupation of the residential units until the replacement Maple Leaf Club has been erected in accordance with the new approved plans. Condition 3 requires the development to be delivered as social / affordable housing. It appears the main site access and part of the access road between Blocks A and C have been constructed and this serves the development of 13 houses to the north of the site (LA04/2015/0052/F). Therefore, it is considered that the development has commenced and represents a fall-back for the developer, albeit it would require the construction of the replacement social club.

The current application for 21 dwellings (social / affordable) is a standalone application for residential development, i.e. the developer does not wish to construct the social club as previously approved.

The Planning Committee has previously resolved to approve application LA04/2019/0081/F for 12 apartments (social/affordable housing) on the part of the site previously approved for the replacement social club. It also approved associated applications LA04/2019/0082/F and LA04/2019/0083/F to vary the previous permissions for 21 dwellings and replacement Maple Leaf Club in order to relax the requirement to construct and operate the new social club.

Policy OS2 requires public open space to be provided as an integral part of new housing schemes of 25 units or more and states that at least 10% of the total site area should be open space in normal circumstances. Whilst the proposal is for 21 dwellings – being less than the 25 unit threshold – it is being brought forward in combination with the development of the immediately surrounding lands of 13 units built to the north and the proposed 12 apartments to the west (i.e. 46 units in total). The proposal includes some minor areas of maintained open space, however, these areas do not amount to 10% and offer limited amenity value. The proposal is therefore contrary to Policy OS 2 of PPS 8.

Policy OS1 of PPS 8 states that development resulting in the loss of existing open space will not be permitted, however, an exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. It is considered that the provision of affordable housing does not by itself outweigh the loss of the open space in this instance.

In resolving to grant planning permission for the 12 apartments to the west (LA04/2019/0081/F), the Planning Committee took the view that the relaxation of the requirement to provide a new club to replace the Maple Leaf Club and off-set the loss of open space from the site would be justified provided that 1) the 12 apartments were delivered as affordable housing; 2) a Financial Developer Contribution of £52k is paid to improve off-site open space facilities, and 3) that the proposed pocket park in front of the apartments is delivered to provide valuable open space to serve not only the proposed 12 apartments but also the surrounding houses including the extant permissions for 21 dwellings on the application site.

Therefore, consistent with the Committee's previous decisions in December 2019 in respect of the 12 apartments on the adjacent site, it is also necessary that the pocket park is delivered as part of the scheme for 21 dwellings. Otherwise, it would have insufficient open space and there would be insufficient off-set for the loss of the original open space on the site. Moreover, the £52k should also be secured as part of any permission for the 21 dwellings. This amount was agreed by the Planning Committee in December 2019 but should be increased to allow for inflation. An obligation should also secure temporary treatment of the site if the construction of the 12 apartments are delayed or not built. Subject to these obligations to be secured by means of a Section 76 planning agreement, the proposal is considered acceptable having regard to Policies OS 1 and OS 2 of PPS 8.



On balance, it is considered the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings and landscaped and hard surfaced areas. Furthermore, whilst there are concerns regarding the design of the proposed development, given the extant approval on the site and the similar design, it is considered acceptable.

Minor concerns regarding overlooking between Blocks C and D have been raised, however, given the extant approval on the site and the similar layout, it is considered acceptable. There are no concerns regarding natural light, outlook or shadow.

BCC Environmental Health Service has raised concerns regarding the level of noise within the external amenity areas of the 4 semi-detached dwellings. However, they conclude that if the development is desirable and given its urban location, it should not be prohibited on the basis of high external noise levels in some garden areas. Consequently, they have not offered any objections to the proposal.

Each dwelling enjoys access to private amenity space, ranging from 33 sq m to 100 sq m, with the average provision approx. 50 sq m. There are slight concerns regarding the amenity space provision of some proposed dwellings. However, given there is an extant approval on the site for a similar layout, the arrangement is considered acceptable.

The proposed development is accessed via Park Avenue. No in-curtilage parking is proposed, however, communal car parking space are proposed within the development. DFI Roads have provided comments on the proposal and offered no objection, subject to conditions.

The proposal involves the removal of trees along the Park Avenue boundary, however, a tree survey has been submitted and the Council's Tree Officer has no objection. Furthermore, additional compensatory planting has been proposed which helps to soften the proposal and assist its integration.

## **Recommendation**

Having regard to the development plan and the other material planning considerations, including planning history of the site and adjacent land, it is considered that, on balance, the proposed development is acceptable. It is therefore recommended that planning permission is granted, subject to conditions and a Section 76 planning agreement to secure the following:

- provision of the 21 units as affordable housing (social / intermediate housing)
- delivery of the pocket park proposed under LA04/2019/0081/F prior to occupation of any of the 21 dwellings
- temporary treatment of the site for 12 apartments if these are delayed or not built out
- securing of the £52k with inflationary uplift since December 2019 (if this already been paid in relation to applications LA04/2019/0081, LA04/2019/0082 or LA04/2019/0083 then it will not have to be paid twice).

It is recommended that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions and Section 76 planning agreement.

## Characteristics of the Site and Area

### 1.0 Description of Proposed Development

- 1.1 The application seeks full planning permission for the erection of 21 no. dwellings (social/affordable housing units comprising 17 no. townhouses and 4 no. semi-detached), car parking, landscaping and all associated site and access works.
- 1.2 It follows previous planning permissions being granted on the site and adjacent land for 21 dwellings including the erection of a new club to replace the original Maple Leaf Club, which has since been demolished.



<b>2.0</b>	<b>Description of Site</b>
2.1	The application site is located to the north side of Park Avenue on lands at the former Maple Leaf social club. The site has been cleared and is currently secured from public access. Previously, the Maple Leaf social club, a bowling green and a car park were located on the site, however, the bowling green appears to have been removed circa 2015/16 and the Maple Leaf club demolished circa 2018/19.
2.2	The site is accessed from Park Avenue which slopes steeply in a westerly direction from Holywood Road towards Connsbrook Avenue. There is an existing access road through the site, which currently serves 13 residential units and a Masonic Hall to the north. The same access is proposed to serve the development.
2.3	The surrounding area is characterised primarily by residential development, however, there is a Masonic Hall in close proximity and a commercial vehicle sales yard to the west (accessed off Connsbrook Avenue). The surrounding residential development is relatively high density, in the form of terraced housing and apartments.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b>  <b><i>Application site</i></b>  Z/2010/0434/F – Mixed use development to include the relocation and replacement of the Maple Leaf Club premises and residential development comprising 21 dwellings (3no. 2 bed, 18no. 3 bed dwellings), landscaping and associated site works – Granted 9/6/11  Z/2011/0827/F – Article 28 application to vary condition 3 of permission Z/2010/0434/F to include social/affordable housing within the residential development and the social club – Granted 30/3/12  Z/2011/0829/F – Article 28 application to vary condition 2 of permission Z/2010/0434/F to allow simultaneous commencement of development of the residential development and the social club – Granted 30/3/12  LA04/2015/0075/F – Modifications to previous planning approval Z/2010/0434/F comprising of a reduction in the size of the replacement club premises and change of house types to the dwellings at plots 14-21 – Granted 25/2/16 Z/2002/2542/A41 – Conversion of existing offices to bowling viewing lounge – Permitted Development  Z/1999/0307 - Proposed bowling green in part of existing car park including new access arrangements – Granted 10/4/01  <b><i>Land to West (Currently under consideration)</i></b>  LA04/2019/0081/F – Erection of 12 apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works. <i>The Planning Committee resolved to grant planning permission subject to a Section 76 planning agreement at its meeting in December 2019</i>

	<p>LA04/2019/0082/F – Section 54 application to remove condition 2 of Z/2010/0434/F. The condition reads as follows, ‘No part of the residential development hereby permitted shall be commenced until the social club hereby approved is constructed and operational in accordance with the approved plans.’ The removal of the condition is necessary to allow the construction of the social/affordable housing. <i>The Planning Committee resolved to grant planning permission subject to a Section 76 planning agreement at its meeting in December 2019</i></p> <p>LA04/2019/0083/F – Section 54 application to remove condition 2 of LA04/2015/0075/F. The condition reads as follows ‘No part of the residential development hereby permitted shall be occupied until the social club hereby approved is constructed and operational in accordance with drawing 06A date stamped 20th August 2016, drawing 07B date stamped 03 February 2016 and drawing 08 stamped 01 April 2015’. The removal of the condition is necessary to allow for the construction and occupation of the social/affordable housing. <i>The Planning Committee resolved to grant planning permission subject to a Section 76 planning agreement at its meeting in December 2019</i></p> <p><b>Wider lands</b></p> <p>LA04/2015/0052/F - Lands to the north of 41-43 Park Avenue, Belfast, and to the south of 45 Park Avenue, Belfast - Erection of 13 No. social/affordable housing units (7No. 2 bed townhouses &amp; 6No. 2 bed apartments) with associated parking, landscaping and road works, with access from Park Avenue via adjacent approval Z/2010/1434/F including provision for revised access/parking to masonic hall – Granted 22/9/16.</p>
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	Draft Belfast Metropolitan Plan 2015 (v2004) (dBMAP 2015 v2004)
4.3	Draft Belfast Metropolitan Plan 2015 (v2014) (dBMAP 2015 v2014)
4.3	<p>Strategic Planning Policy Statement (SPPS)</p> <p>PPS 2 Natural Heritage</p> <p>PPS 3 Access, Movement and Parking</p> <p>PPS 7 Quality Residential Environments</p> <p>PPS 7 Addendum - Safeguarding the character of established residential areas</p> <p>PPS 8 Open Space, Sport and Outdoor Recreation</p> <p>PPS 12 Housing in Settlements</p> <p>PPS 15 Planning and Flood Risk</p> <p>Creating Places</p> <p>Developer Contribution Framework (adopted 2020)</p>
<b>5.0</b>	<b>Statutory Consultees Responses</b>
5.1	DFI Roads – No objection, subject to conditions
5.2	NIEA – No objection, subject to conditions
5.3	NI Water – No objection

5.4	DFI Rivers – No objection
<b>6.0</b>	<b>Non-Statutory Consultees Responses</b>
6.1	BCC Environmental Health – No objection, subject to conditions
6.2	BCC Tree and Landscaping officer – No objection, subject to conditions
<b>7.0</b>	<b>Representations</b>
7.1	37 neighbours have been notified of the proposed development. No representations were received.
<b>8.0</b>	<b>Assessment</b>
8.1	<p><u>Development Plan context</u></p> <p>Section 45 (1) of the Planning Act (Northern Ireland) 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. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with dBMAP 2015 remaining a material consideration. Given the advanced stage at which dBMAP 2015 (v2014) pre-adoption including modification following the Planning Appeals Commission's report on the Examination in Public, it is considered that it holds significant weight, save for retail policies relating to Sprucefield, Lisburn, which remain contentious.</p>
8.2	<p>The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.</p>
8.3	<p><u>SPPS</u></p> <p>The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9.</p>
8.4	<p>The SPPS aims to promote more sustainable housing development within existing urban areas and places emphasis on increasing housing density within settlements. The SPPS advises that the use of greenfield land for housing should be reduced and more urban housing should be accommodated through the recycling of land and buildings. The SPPS also seeks to protect Open Space.</p>

	<u>Principle of development including loss of Open Space</u>
8.5	The site is un-zoned 'whiteland' within the BUAP and draft BMAP.
8.6	The proposed development would result in the loss of open space including the bowling green previously located on the site, protected by Policy OS1 of PPS 8.
8.7	Planning application Z/2010/0434/F was granted planning permission in June 2011 for a mixed use development of the site and adjacent land to include the relocation and replacement of the Maple Leaf club premises and 21 dwellings, landscaping and associated site works. This planning permission included conditions requiring the provision of social housing and a new social club. Condition 2 prevents commencement of the construction of the houses until the replacement Maple Leaf Club has been erected in accordance with the approved plans and is operational. Condition 3 requires the development to be delivered as social housing. These conditions were imposed to offset the loss of open space.
8.8	Planning application Z/2011/0829/F was granted in March 2012 to vary condition 2 to allow simultaneous construction of the Maple Leaf Club and 21 dwellings approved under application Z/2010/0434/F. The condition was varied to prevent <u>occupation</u> of the residential units until the replacement Maple leaf Club had been erected in accordance with the approved plans and is operational.
8.9	Planning application Z/2011/0827/F was granted in March 2012 to vary condition 3 to include the term affordable in addition to social housing, in order to be less restrictive for the applicant as it would allow the sale of dwellings in the future under the 'right to buy' scheme.
8.10	Planning application LA04/2015/0075/F was granted in February 2016 for modifications to the original scheme for replacement of Maple Leaf Club and erection of 21 dwellings (Z/2010/0434/F). The amended scheme reduced the size of the club and amended some of the house types. Condition 2 prevents occupation of the residential units until the replacement Maple leaf Club has been erected in accordance with the new approved plans and is operational. Condition 3 requires the development to be delivered as social / affordable housing. Conditions 2 and 3 of this approval replicate the previous variation of condition approvals under Z/2011/0827/F and Z/2011/0829/F.
8.11	It appears that the main site access and part of the access road between Blocks A and C have been constructed. Google Earth images appear to show this in place in June 2016. The only pre-commencement condition of LA04/2015/0075/F relates to the provision of the site access onto Park Avenue. As this access appears to have been constructed within 5 years of the date of the permission, it is considered that this development has likely commenced and this represents a fall back.
8.12	The current application for 21 dwellings is a standalone application for residential development, i.e. the developer does not wish to construct the social club as previously approved. In December 2019, the Planning Committee resolved to approve application LA04/2019/0081/F for 12 apartments (social/affordable housing) on the part of the site previously approved for the social club. In addition, it resolved to approve applications LA04/2019/0082/F and LA04/2019/0083/F to remove the conditions requiring construction and operation of the social club from the previous 2010 and 2015 approvals.
8.13	

8.14	<p>As previously noted, the principle of development on the current application site was considered acceptable as the original proposal included both the provision of affordable housing and a replacement social club. The current proposal includes the provision of social / affordable housing, however, the social club has now been removed entirely from the proposal. Since the provision of a replacement social club was to form part of the original off-set for the loss of Open Space, this now needs to be reconsidered.</p>
8.15	<p>Policy OS1 of PPS 8 states that development resulting in the loss of existing open space will not be permitted, however, an exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. It is considered that the provision of affordable housing does not by itself outweigh the loss of the open space in this instance.</p>
8.16	<p>In resolving to grant planning permission for the 12 apartments to the west (LA04/2019/0081/F), the Planning Committee took the view that the relaxation of the requirement to provide a new club on the site to replace the Maple Leaf Club and loss of Open Space from the site would be justified provided that the 12 apartments were delivered as affordable housing, that a Financial Developer Contribution of £52k be paid to improve off-site Open Space facilities, and that the proposed pocket park in front of the apartments is delivered to provide value Open Space to serve not only the 12 apartments but also the surrounding houses including the extant permissions for 21 dwellings on the application site.</p>
8.17	<p>Therefore, consistent with the Committee's previous decisions in respect of the 12 apartments on the adjacent site, it is also necessary that the pocket park is delivered as part of the scheme for 21 dwellings. Otherwise, it would have insufficient Open Space and there would be insufficient off-set for the loss of the original Open Space on the site. It is conceivable that only the pocket park element of the adjacent scheme for 12 apartments comes forward and in these circumstances there should be an additional obligation requiring temporary treatment of the location of the 12 apartments. Moreover, the £52k should also be secured as part of any permission for the 21 dwellings (although it would not need to be paid twice – it should be secured from whichever of the two permissions comes forward first). This amount was agreed by the Committee in December 2019 but should be increased to allow for inflation. Subject to these obligations to be secured by means of a Section 76 planning agreement, the proposal is considered acceptable having regard to Policies OS 1 and OS 2 of PPS 8.</p> <p><u>Impact on the character and appearance of the area</u></p> <p><i>Layout</i></p> <p>The proposal includes 17 terraced dwellings and 4 semi detached dwellings. Block C is a pair of semi-detached dwellings located directly facing the site access. Block A includes 8 terraced dwellings located perpendicular to the existing access road. The terraced dwellings are 3 storey (10.1 m to ridge), with a heavier roof at the rear giving the appearance of 2 storeys. The proposal includes an internal access road between Blocks A and C in an easterly direction. To the south of the access road and to the north of the existing Park Avenue is Block D, another pair of semi detached dwellings. Block D includes one 2 storey dwelling and one 3 storey dwelling. At the end of the access road and arranged perpendicular to Park Avenue is Block E, a row of 9 terraced dwellings with a similar 3 storey / 2 storey design to Block C. The proposed dwellings are orientated gable ended towards Park Avenue,</p>

8.18	<p>similar to the residential developments directly opposite the site. No in curtilage parking is provided, which is generally characteristic of the surrounding area.</p> <p><i>Materials</i></p>
8.19	<p>The proposed materials include a mix of red brick and smooth render external walls, grey concrete roof tiles, grey uPVC windows, timber hardwood doors and black uPVC rainwater goods. The proposed materials are considered in keeping with the site and surrounding area and are acceptable.</p>
8.20	<p>There are concerns regarding the form of the proposed dwellings, e.g. Block D is a pair of semi detached dwellings, one two storey and one three storey in height. However, given the extant approval on the site which included an almost identical arrangement, it is considered acceptable in this case.</p> <p><i>Residential density</i></p>
8.21	<p>The proposed residential density equates to approximately 42 dwellings per hectare. Densities within the immediate surrounding areas range from approximately 40 dwellings per Ha (Phase 1 and development along Park Avenue) up to 120 dwellings per Ha (terraced dwellings along Colvil Street, Shaw Street, Sefton Park etc). It is considered the proposed density is in keeping with the area.</p>
8.22	<p>On balance, it is considered the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings and landscaped and hard surfaced areas, having regard to the previous permission which was for a similar layout and design.</p>
8.23	<p><u>Residential amenity</u></p> <p>It is not considered that the proposed development will create conflict with adjacent land uses.</p>
8.24	<p>As already noted, Blocks C and D are two pairs of semi-detached dwellings arranged back to back within the proposed development. The separation distance between the two blocks is approximately 17 metres, which is below the guidelines as detailed in Creating Places. However, given the extant approval on the site which included a similar arrangement, it is considered acceptable in this case. There are no other concerns regarding overlooking, natural light, shadow or outlook.</p>
8.25	<p>The application site is located close to the busy Park Avenue road and will therefore potentially be impacted by noise. A Noise Impact Assessment (NIA) was submitted in support of the proposal. BCC Environmental Health (EHO) has raised concerns regarding the level of noise within the external amenity areas of the 4 semi-detached dwellings. The British Standard guidance advises that <i>'the acoustic environment of external amenity areas that are an intrinsic part of the overall design should always be assessed and noise levels should ideally not be above the range 50-55dBL<sub>Aeq,16hr</sub>'</i>. The standard continues... <i>'these guideline values may not be achievable in all circumstances where development might be desirable. In such a situation development should be designed to achieve the lowest practicable noise levels in these external amenity spaces but should not be prohibited.'</i></p>
	<p>Consequently, EHO have advised that if the development is desirable and given its urban location, it should not be prohibited on the basis of high external noise levels in some garden areas. Furthermore, EHO also acknowledge the previous approval</p>



8.26	granted for a similar layout on the site. In conclusion, Environmental Health Has requested conditions in the event that planning permission is granted.
8.27	<p>An updated Generic Quantitative Risk Assessment (GQRA) and further clarifications document were submitted in support of the proposal in relation to contaminated land. Following review of this information, EHO advise they have no objection, subject to conditions.</p> <p><u>Space standards</u></p> <p>The proposed development includes a mix of 5 person 3 bedroom dwellings and 3 person 2 bedroom dwellings. The 5P3B dwellings measure approximately 103-104 sq metres and the 3P2B dwellings measure approximately 80 sq metres. Consequently, the proposed dwellings comply with the space standards, as per Policy LC1 of PPS 7 Addendum.</p>
8.28	<p><u>Amenity space</u></p> <p>Creating Places (CP) states that 'a variety of different garden sizes should be provided and back garden provision should therefore be calculated as an average space standard for the development as a whole, and should be around 70 sq m per house or greater'. CP also states that a private amenity area of less than around 40 sqm would generally be unacceptable. Each dwelling enjoys access to private amenity space, ranging from 33 sq m to 100 sq m, with the average provision approx. 50 sq m. There are slight concerns regarding the amenity space provision of a number of proposed dwellings, e.g. House No's 6, 7 and 8 have relatively small rear gardens measuring approx. 33 sqm. However, given there is an extant approval on the site for a similar layout, the arrangement is considered acceptable.</p>
8.29	<p>As previously noted, Policy OS2 of PPS 8 is relevant to the proposed development. Policy OS2 requires public open space to be provided as an integral part of new housing schemes of 25 units or more and states that at least 10% of the total site area should be open space in normal circumstances. Whilst the proposal is for 21 dwellings – being less than the 25 unit threshold – it is being brought forward in combination with the development of the immediately surrounding lands of 13 units built to the north and the proposed 12 apartments to the west (i.e. 46 units in total). The proposal includes some minor areas of maintained open space, however, these areas do not amount to 10% and offer limited amenity value. The proposal is therefore contrary to Policy OS 2 of PPS 8. This was also true of the extant schemes, however, these were to provide a replacement social club to provide off-set. Linking the proposed development to provision of the pocket park (as proposed under ref. LA04/2019/0081/F) on land directly adjacent to the site would help offset the reduced provision of public open space within the site.</p>
8.30	<p><u>Access and Parking</u></p> <p>The proposed development is accessed via Park Avenue. As noted previously, no in-curtilage parking is proposed, however 28 communal car parking spaces are proposed within the development (1.33 spaces per dwelling). It is noted that one additional space is now proposed on the western portion of the site, however the proposal has been amended to remove the social club and apartments are now proposed on this part of the site (ref. LA04/2019/0081/F). DFI Roads have provided comments on the proposal and offered no objection, subject to conditions.</p>
8.31	<p>The proposed development incorporates an acceptable movement pattern that supports walking and cycling and offers convenient access to public transport, along Hollywood Road and Connsbrook Avenue. The proposal incorporates traffic calming</p>

8.32	measures and assists in meeting the needs of people whose mobility is impaired (level access, tactile paving, accessible parking bays etc.).
8.33	<p>The proposed development is not large enough for provision of local neighbourhood facilities, however, local amenities are located in close proximity on Connsbrook Avenue, Holywood Road and Belmont Road.</p> <p><u>Trees and Landscaping</u></p> <p>Trees along the front boundary of the site were originally proposed for retention but are now proposed for removal. The tree survey that has assessed 9 trees in total, two of which are outside the redline boundary of the application site. Out of the 7 remaining trees, 4 were found to be in poor condition, 3 of which are recommended for felling. The other 3 trees were found to be in fair condition but that 2 of these (No's 5 and 6) have evidence of root disturbance, most likely from demolition works to remove old structures. Updated arborist details have been provided in regard to tree no. 4. The report states that the current situation adjacent to the tree and construction measures is likely to result in the future stress and strain of the tree. Given the location of the tree adjacent to the public footpath, the Council's Tree Officer advises that the most appropriate long-term approach would be to remove and replace the tree with a suitable species.</p>
8.34	<p>Compensatory planting is proposed for the loss of the trees along the front boundary. These will be 16 x extra heavy standard size at the time of planting. The proposed planting has been revised to include a mix of species, including birch, sweetgum, cherry, rowan and apple. The Tree Officer is content with the proposed landscaping and the long term management plan relating to same. Consequently, it is considered that the proposed landscaping helps to soften the visual impact of the development and assists in integration with the surrounding area.</p>
8.35	<p><u>Drainage and Flood Risk</u></p> <p>A Drainage assessment (DA) was submitted in accordance with Policy FLD 3 of PPS 15. DFI Rivers accepts the logic of the DA and have no reason to disagree with the conclusions. Furthermore, a copy of the Schedule 6 consent to discharge has been submitted. Consequently, DFI Rivers has no objection to the proposal.</p>
8.35	<p><u>Waste water infrastructure</u></p> <p>NI Water (NIW) has confirmed that there is available capacity at the receiving waste water treatment works and offers no objection to the proposal.</p>
8.36	<p><u>Other issues</u></p> <p>There are no concerns regarding impact on features of archaeological or built heritage. Furthermore, the proposal is designed to deter crime and promote personal safety, meeting Secure By Design standards.</p>
<b>9.0</b>	<b>Summary of Recommendation:</b> Approve subject to conditions and S76
9.1	<p>Having regard to the development plan and the other material planning considerations, including planning history of the site and adjacent land, it is considered that, on balance, the proposed development is acceptable. It is therefore recommended that planning permission is granted, subject to conditions and a Section 76 planning agreement to secure the following:</p> <ul style="list-style-type: none"> <li>• provision of the 21 units as affordable housing (social / intermediate)</li> </ul>

9.2	<ul style="list-style-type: none"> <li>• delivery of the pocket park proposed under LA04/2019/0081/F prior to occupation of any of the 21 dwellings</li> <li>• temporary treatment of the site for 12 apartments if delayed or not built out</li> <li>• securing of the £52k with inflationary uplift since December 2019 (if this already been paid in relation to applications LA04/2019/0081, LA04/2019/0082 or LA04/2019/0083 then it will not have to be paid twice).</li> </ul> <p>It is recommended that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions and Section 76 planning agreement.</p>
<b>10.0</b>	<b>Draft Conditions</b>
10.1	<p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>
10.2	<p>The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Private Streets Determination drawing No.201001-C100 Rev.B uploaded to the Planning Portal 10th February 2022, prior to the occupation of any other works or other development hereby permitted.</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>
10.3	<p>The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted is occupied and such splays shall be retained and kept clear thereafter.</p> <p>REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>
10.4	<p>The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Council 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.201001-C100 Rev.B bearing the Department for Infrastructure Determination date stamp 3rd March 2022.</p>
10.5	<p>REASON: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.</p> <p>No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course. The final wearing course shall be applied on the completion of each phase of the development.</p> <p>REASON: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.</p>
10.6	<p>Notwithstanding the provisions of the Planning (General Permitted Development) (Northern Ireland) Order 2015, no buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown in service strips determined for adoption.</p>

10.7	<p>REASON: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage to or obstruction of services within the service strip.</p> <p>Notwithstanding the provisions of the Planning (General Permitted Development) (Northern Ireland) Order 2015, no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 0.5m shall be carried out in service strips determined for adoption.</p> <p>REASON: To prevent damage to or obstruction of services within the service strip.</p>
10.8	<p>The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with Private Streets Determination drawing No.201001-C100 Rev.B uploaded to the Planning Portal 10th February 2022 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.</p> <p>REASON: To ensure adequate provision has been made for parking within the site.</p>
10.9	<p>The development hereby permitted shall not be occupied until any retaining structure requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1; Design Manual for Roads and Bridges.</p> <p>REASON: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1; Design Manual for Roads and Bridges.</p>
10.10	<p>No equipment, machinery or materials are to be brought on the site for the purpose of the development including demolition and site clearance until tree protection measures have been put in place in accordance with recommendations in the Andrew Boe BS5837 Tree Survey and Arb Impact Assessment Report, dated the 20 January 2021 and approved Drawing No.15A, uploaded to the planning portal on 20th December 2021. These protection measures shall remain in place until the construction works hereby approved are complete and all plant and machinery has been removed from the site.</p>
10.11	<p>Within the fenced area no activities associated with building operations shall take place, no storage of materials, and the ground levels within those areas shall not be altered.</p> <p>Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development works to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.</p>
10.12	<p>All soft landscaping works shall be carried out in accordance with the approved details on approved Drawing No.15A, uploaded to the planning portal on 20th December 2021. The works shall be carried out prior to the occupation of the development hereby approved or within the first available planting season after occupation, whatever is the sooner or unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a</p>

10.13	<p>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 interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>Once completed, all soft landscaping shall be maintained in accordance with the B. Moore ‘Landscape Management Plan’ titled ‘Proposed Housing at Park Avenue Belfast’, uploaded to the planning portal on 20th December 2021.</p> <p>Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.</p>
10.14	<p>No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations.</p> <p>Reason: To ensure the continuity of the biodiversity value afforded by existing trees.</p>
10.15	<p>The Proposed drainage Strategy, as set out in section 5.0 of <i>Drainage Assessment</i>, produced by Civil Design Services (Doc Ref: 201001/DA/10-20LJW), dated October 2020 and uploaded to the Planning Portal on 16<sup>th</sup> November 2020, shall be implemented in full.</p> <p>Reason: To protect the water environment.</p>
10.16	<p>If during the development works, new contamination or risks are encountered which have not previously been identified, works must cease and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <a href="https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks">https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks</a>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.17	<p>After completing the remediation works under Condition 16; and prior to occupation of the development, a verification report shall be submitted to and approved in writing and agreed by the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <a href="https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks">https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks</a>.</p> <p>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>

10.18	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use. Prior to the occupation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the PM Ltd report entitled: 'Updated Contamination Assessment - New Housing at Park Avenue Phase 1, Belfast' for Latner Developments Ltd (dated October 2020 and referenced PM20-1141) and as updated in the PM Ltd 'Contamination Assessment Clarifications' letter dated 11th February 2021, referenced PM20-1141_Let1 have been implemented.</p> <p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (residential with home-grown produce). It must demonstrate that the identified potential contaminant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance. In particular, this Verification Report must demonstrate that:</p> <ul style="list-style-type: none"> <li>a. the final site layout is as per the proposed development plan within Appendix I of the PM Ltd report entitled: 'Updated Contamination Assessment - New Housing at Park Avenue Phase 1, Belfast' for Latner Developments Ltd (dated October 2020 and referenced PM20-1141);</li> <li>b. Soils of private garden areas as shown in Figure A of the PM Ltd 'Contamination Assessment clarifications letter', dated February 2021, referenced PM20-1141_Let1, drawing titled: 'Updated areas of gardens requiring remediation', have been encapsulated with a 1m depth capping layer comprising 300mm of granular material, overlain by 700mm of demonstrably clean subsoils and topsoil. Any imported and /or site won material for this cover system must be demonstrably fit for end use (residential with home-grown produce);</li> <li>c. Soils of landscaped areas as shown in Figure A of the PM Ltd: 'Contamination Assessment clarifications letter', dated February 2021, referenced PM20-1141_Let1 drawing titled: 'Updated areas of gardens/landscaping requiring remediation' have been encapsulated with a physical capping layer comprising a minimum of 500mm of gravel and subsoil / topsoil demonstrably fit for the end use (Residential with homegrown produce);</li> <li>d. Any imported soils for use on site in all other remaining private gardens and/or landscaped areas is demonstrably fit for the end (Residential with homegrown produce);</li> <li>e. The Verification Report must include the necessary appropriate documentary evidence as outlined in section 6.3 'Validation' in the October 2020 PM Ltd Report referenced PM20-1141.</li> </ul>
10.19	<p>Reason for condition: Protection of human health.</p> <p>Prior to installation within the hereby permitted development, the final window schedule confirming the glazing configuration and sound reduction performance of the proposed windows to habitable rooms on all facades of Blocks C and D and to the first two houses of Block E shall be submitted to and approved in writing by the Council. The window specification for habitable rooms shall be in line with recommendations of the FR Mark &amp; associates Noise Impact Assessment dated February 2021, planning referenced LA04/2020/2325/F. The windows shall not be installed unless in accordance with the approved details.</p>

10.20	<p>Reason for conditions: Protection of residential amenity against adverse noise impact.</p> <p>Prior to installation, details of the specification of alternative mechanical means of ventilation proposed to be installed within Blocks C and D and the first two houses of Block E shall be submitted to and approved in writing by the Council. The specification for the alternative means of ventilation shall be in line with the recommendations as per table 2 pages 13 and 14 of the FR Mark &amp; associates NIA dated February 2021, planning referenced: LA04/2020/2325/F. The details shall demonstrate that the specification selected for the alternative means of ventilation will not compromise the recommended internal noise levels specified for habitable rooms outlined in British Standard BS8233:2014. Blocks C and D and the first two houses of Block E shall not be occupied unless the approved details have been installed and shall be permanently retained as such.</p>
10.21	<p>Reason for conditions: Protection of residential amenity against adverse noise impact.</p> <p>Prior to occupation of the hereby permitted development, the approved final window schedule and approved alternative means of ventilation shall be installed so as to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the windows closed and the alternative ventilation provided in compliance with building control requirements</p>
10.22	<p>Reason for conditions: Protection of residential amenity against adverse noise impact.</p> <p>Prior to occupation of the hereby permitted development, the applicant shall verify that the window schedule and alternative means of ventilation as approved have been installed by way of a written declaration from the supplier and installation contractor confirming such installation, a copy of which shall be submitted to the Council in writing.</p>
10.23	<p>Reason for conditions: Protection of residential amenity against adverse noise impact.</p> <p>Prior to occupation of the hereby permitted development, a boundary wall to a minimum height of 2m and at least 2225mm thick shall be constructed to the rear boundary of Block E and a 1m high wall at the boundary of blocks C and D along Park Avenue as shown on approved Drawing No. 03A uploaded to the planning portal on 11th May 2021.</p>
10.24	<p>Reason for conditions: Protection of residential amenity against adverse noise impact.</p> <p>Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no extensions or enlargements, buildings, walls, gate pillars, fences or other structures shall be constructed without the grant of a separate planning permission from the Council.</p> <p>Reason: Construction of further extensions or buildings requires detailed consideration to safeguard the amenities of the surrounding area.</p>

**Notification to Department (if relevant)**

Not applicable.

**Representations from Elected members:**

None

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

The Owner/Occupier,  
10 Park Avenue Heights,Belfast,Down,BT4 1SH  
The Owner/Occupier,  
12 Park Avenue Heights,Belfast,Down,BT4 1SH  
The Owner/Occupier,  
125 Connsbrook Avenue,Belfast,Down,BT4 1JX  
The Owner/Occupier,  
14 Park Avenue Heights,Belfast,Down,BT4 1SH  
The Owner/Occupier,  
16 Park Avenue Heights,Belfast,Down,BT4 1SH  
The Owner/Occupier,  
18 Park Avenue Heights,Belfast,Down,BT4 1SH  
The Owner/Occupier,  
31 Sefton Park,Belfast,Down,BT4 1PN  
The Owner/Occupier,  
31 Shaw Street,Belfast,Down,BT4 1PT  
The Owner/Occupier,  
32 Sefton Park,Belfast,Down,BT4 1PN  
The Owner/Occupier,  
36 Sefton Drive,Belfast,Down,BT4 1PL  
The Owner/Occupier,  
39 Colvil Street,Belfast,Down,BT4 1PS  
The Owner/Occupier,  
39 Park Avenue,Belfast,Down,BT4 1PU  
The Owner/Occupier,  
40 Shaw Street,Belfast,Down,BT4 1PT  
The Owner/Occupier,  
42 Colvil Street,Belfast,Down,BT4 1PS  
The Owner/Occupier,  
6 Park Avenue Heights,Belfast,Down,BT4 1SH  
The Owner/Occupier,  
8 Park Avenue Heights,Belfast,Down,BT4 1SH  
The Owner/Occupier,  
Apartment 1,4 Park Avenue Heights,Belfast,Down,BT4 1SH  
The Owner/Occupier,  
Apartment 1,47 Park Avenue,Belfast,Down,BT4 1PU  
The Owner/Occupier,  
Apartment 10,47 Park Avenue,Belfast,Down,BT4 1PU  
The Owner/Occupier,  
Apartment 11,47 Park Avenue,Belfast,Down,BT4 1PU  
The Owner/Occupier,  
Apartment 12,47 Park Avenue,Belfast,Down,BT4 1PU  
The Owner/Occupier,  
Apartment 13,47 Park Avenue,Belfast,Down,BT4 1PU



The Owner/Occupier,  
Apartment 14,47 Park Avenue,Belfast,Down,BT4 1PU  
The Owner/Occupier,  
Apartment 15,47 Park Avenue,Belfast,Down,BT4 1PU  
The Owner/Occupier,  
Apartment 2,4 Park Avenue Heights,Belfast,Down,BT4 1SH  
The Owner/Occupier,  
Apartment 2,47 Park Avenue,Belfast,Down,BT4 1PU  
The Owner/Occupier,  
Apartment 3,4 Park Avenue Heights,Belfast,Down,BT4 1SH  
The Owner/Occupier,  
Apartment 3,47 Park Avenue,Belfast,Down,BT4 1PU  
The Owner/Occupier,  
Apartment 4,4 Park Avenue Heights,Belfast,Down,BT4 1SH  
The Owner/Occupier,  
Apartment 4,47 Park Avenue,Belfast,Down,BT4 1PU  
The Owner/Occupier,  
Apartment 5,4 Park Avenue Heights,Belfast,Down,BT4 1SH  
The Owner/Occupier,  
Apartment 5,47 Park Avenue,Belfast,Down,BT4 1PU  
The Owner/Occupier,  
Apartment 6,4 Park Avenue Heights,Belfast,Down,BT4 1SH  
The Owner/Occupier,  
Apartment 6,47 Park Avenue,Belfast,Down,BT4 1PU  
The Owner/Occupier,  
Apartment 7,47 Park Avenue,Belfast,Down,BT4 1PU  
The Owner/Occupier,  
Apartment 8,47 Park Avenue,Belfast,Down,BT4 1PU  
The Owner/Occupier,  
Apartment 9,47 Park Avenue,Belfast,Down,BT4 1PU

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ADDENDUM REPORT	
<b>Committee Meeting Date:</b> 19 December 2022	
<b>Application ID:</b> LA04/2020/0235/F	
<b>Proposal:</b> Retrospective erection of new tyre depot with associated parking, site works and new entrance onto Duncrue Road.	<b>Location:</b> 2 Dargan Crescent, Duncrue Road Belfast BT3 9HJ
<b>Referral Route:</b> The Council has an estate in the land.	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Rory Byrne Modern Tyres Carnbane Industrial Estate Newry BT35 6QJ	<b>Agent Name and Address:</b> Gary Design Limited 5 Edward Street Newry BT35 6AN
<p><b>Background</b></p> <p>This application was considered by the Planning Committee on 15 November 2022. The Committee deferred consideration of the application due to concerns over the proposal's potential interference with an existing cycle lane.</p> <p>Officers have sought clarification from DFI Roads of its views on this issue. DFI Road responded as follows:</p> <p><i>'The Department does not believe there to be an issue regards the interaction between the existing shared cycle / footway and the proposed access to the development, hence it was not identified as an issue in our consultation response or subsequent report.</i></p> <p><i>There is an existing shared cycle / footway along the East side of Duncrue Road and into Duncrue Street, with a number of accesses to businesses and this access has been formed in a similar manner to the existing accesses.'</i></p> <p>DFI Roads have confirmed that they will attend the Committee Meeting on 19 December to field any questions that Members may have.</p> <p><b>Assessment</b></p> <p>DFI does not consider that there would be a highway safety issue regarding potential interference of the proposed access with the existing shared cycle/footway. It refers to a number of commercial plots which have a similar relationship with the cycle/footway. Moreover, there is an extant planning permission for a tyre depot on the same site with a very similar if not identical access arrangement (LA04/2017/0456/F). That permission remains extant until August 2023. In view of the technical advice from DFI Roads and fall-back of the existing permission, there are no reasonable grounds to refuse planning permission on this issue.</p> <p><b>Recommendation</b></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>	

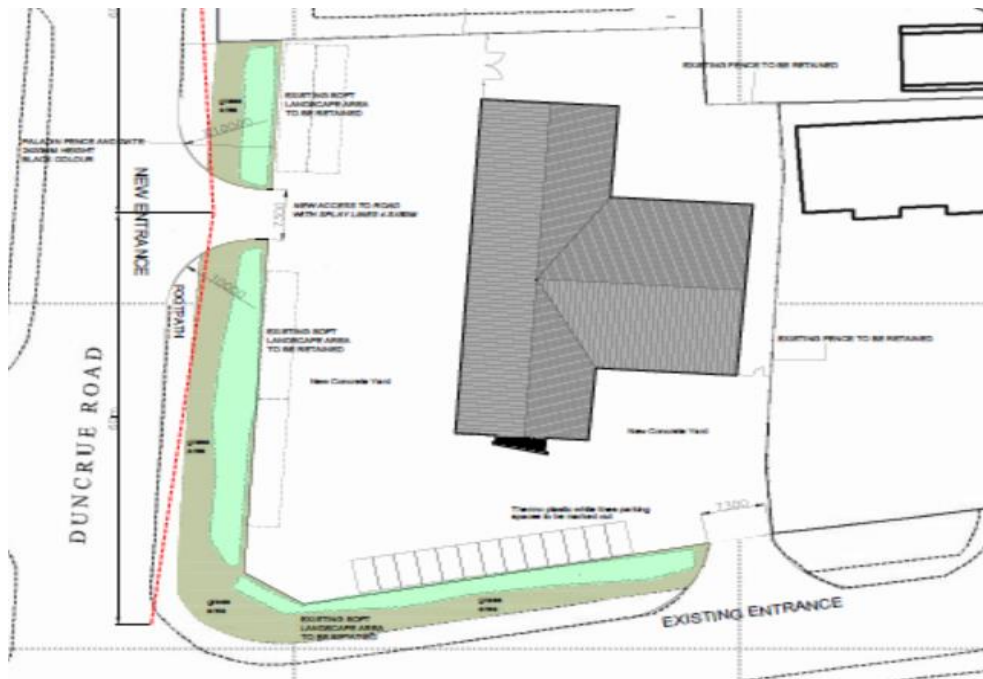
## Development Management Officer Report

### Committee Application

Summary	
<b>Committee Meeting Date:</b> 15 November 2022	
<b>Application ID:</b> LA04/2020/0235/F	
<b>Proposal:</b> Retrospective erection of new tyre depot with associated parking, site works and new entrance onto Duncrue Road.	<b>Location:</b> 2 Dargan Crescent, Duncrue Road Belfast BT3 9HJ
<b>Referral Route:</b> Council owned land.	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Rory Byrne Modern Tyres Carnbane Industrial Estate Newry BT35 6QJ	<b>Agent Name and Address:</b> Gary Design Limited 5 Edward Street Newry BT35 6AN
<b>Executive Summary:</b>  <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"> <li>Principle of a new depot at this location</li> <li>Impact on the character and appearance of the area</li> <li>Access, Movement and Parking</li> <li>Environmental Matters</li> </ul> <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><b>Recommendation:</b> 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



<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b>
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.
<b>2.0</b>	<b>Description of Site</b>
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.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Relevant Site History</b>
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.
<b>4.0</b>	<b>Policy Framework</b>
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

<b>5.0</b>	<b>Consultations:</b>
<b>5.1</b>	<b>Statutory Consultee Responses</b>
5.1.1	DFI Roads – No objection subject to conditions
5.1.2	DAERA NIEA – No objection.
5.1.3	NI Water – Available capacity
<b>5.2</b>	<b>Non-Statutory Consultee Responses</b>
5.2.1	Environmental Health – No objections
<b>6.0</b>	<b>Representations</b>
6.1	The application was neighbour notified and advertised in the local press and no objections have been received.
<b>7.0</b>	<b>Assessment</b>
7.1	<p>The key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> <li>• Principle of a new depot at this location</li> <li>• Impact on the character and appearance of the area</li> <li>• Access, Movement and Parking</li> <li>• Environmental Matters</li> </ul>
7.2	<p><b><u>Principle of the proposal at this location</u></b></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><b><u>Impact on the character and appearance of the area</u></b></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><b><u>Access, Movement and Parking</u></b></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><b><u>Environmental Matters</u></b></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 10<sup>th</sup> February 2020 and referenced ST/LAM/507929), Environmental Health considered:</p> <ul style="list-style-type: none"> <li>• A WYG Environment and Planning (Northern Ireland) Ltd report entitled 'Modern Tyres, Dargan Crescent – GQRA Update, Belfast' (dated June 2017 and referenced A047672-1).</li> <li>• A Gray Design report entitled 'Compiled Gas Protection Measures Report, 2 Dargan Crescent, Duncrue Road, Belfast'.</li> </ul>
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"> <li>• A 250mm thick ground bearing floor slab with minimal penetrations and a gas resistant membrane in all Type D parts of the building.</li> <li>• 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.</li> </ul>
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"> <li>• A GQA Environmental Report entitled 'Gas Membrane Validation Report, Modern Tyre Depot, Dargan Crescent, Belfast, Report: GQA.PAT.MTD'.</li> <li>• A Prestige Air Technology Ltd report entitled 'Low energy clean air blanket, O&amp;M manual documentation at Modern Tyre Depot, Dargan Crescent, Belfast, for Killowen Contracts Ltd' (Ref: 3184, Date: 17th June 2020).</li> </ul>



	<ul style="list-style-type: none"> <li>A Prestige Air Technology drawing entitled 'Ground floor plan 'preliminary' sub-floor probe &amp; manifold layout 'as built'' (Drawing No: 8178 AL(57) 001 P1 and Date: June 20).</li> </ul>
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	<b>Conclusion</b>
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	<b>Conditions:</b>
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 22<sup>nd</sup> 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 parking, turning and loading areas shall be 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	
<b>Date Valid</b>	20th January 2020
<b>Date First Advertised</b>	7th February 2020
<b>Date Last Advertised</b>	7th February 2020
<b>Details of Neighbour Notification</b> (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	
<b>Date of Last Neighbour Notification</b>	3rd February 2020
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b>	

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:

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## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 19 December 2022	
<b>Application ID:</b> LA04/2021/2016/F	<b>Target Date:</b>
<b>Proposal:</b> Demolition of existing multi-storey car park and the erection of 298no. build for rent apartments (19 storey) including ground floor commercial unit (A1/A2), car/cycle parking provision along with associated development.	<b>Location:</b> 21-29 Corporation Street & 18-24 Tomb Street, Belfast.
<b>Referral Route:</b> Major Development	
<b>Recommendation:</b>	Approve subject to conditions and a Section 76 Agreement
<b>Applicant Name and Address:</b> ES Corporation Street Ltd 17-19 Dungannon Road Cookstown BT80 8TL	<b>Agent Name and Address:</b> Clyde Shanks Ltd 2nd Floor 7 Exchange Place Belfast BT1 2NA
<b>Executive Summary:</b>  <p>This application seeks full planning permission for the demolition of the existing (vacant) multi-storey car park and the erection of 298no. build for rent apartments within four blocks ranging from 7 to 19 storeys, an internal courtyard, ground floor commercial unit (A1/A2), car/cycle parking provision along with associated development.</p> <p>The key issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> <li>• The acceptability of the proposed use at this location</li> <li>• The acceptability of the design</li> <li>• Impact on surrounding context</li> <li>• Access, parking and traffic management</li> <li>• Environmental Considerations - Drainage, Contamination, Noise</li> </ul> <p>The proposed uses - residential and ground floor commercial are considered acceptable in this city centre location. The proposal was the subject of a Pre-Application Discussion (PAD). The Urban Design Officer and HED are content with the proposed scheme. The scale, height, massing and design of the proposed development are considered acceptable and appropriate to the existing context.</p> <p>NI Water has objected to the application on grounds of insufficient waste-water drainage infrastructure capacity and foul sewage network capacity. These issues are dealt with in detail in the main report.</p> <p>All other consultees have no objection to the proposed development subject to conditions. Two third party objections were received raising concerns regarding the impacts of the proposed</p>	

development on the adjacent Royal Mail Sorting Office. Environmental Health has considered the Noise Impact Assessments accompanying the application and has no objections subject to recommended conditions relating to noise mitigation controls.

Developer obligations in the form of green travel measures which comprise travel cards for each unit for 3 years, provision of 2 car club spaces within the building, provision of discounted membership of a car club (50%) for a period of 3 years and membership of a bike scheme for a period of 3 years are proposed to support the proposed development. In addition, the applicant has agreed to make a financial contribution of £400,000 towards improving public realm and connectivity to the city centre. Employability and Skills interventions for the construction stage will also be secured. The above obligations will be secured through a Section 76 planning agreement.

**Recommendation**

Having regard to the development plan, relevant policy context and other material considerations including the representations, the proposed development is considered acceptable and it is recommended that full planning permission is granted subject to conditions and a Section 76 planning agreement.

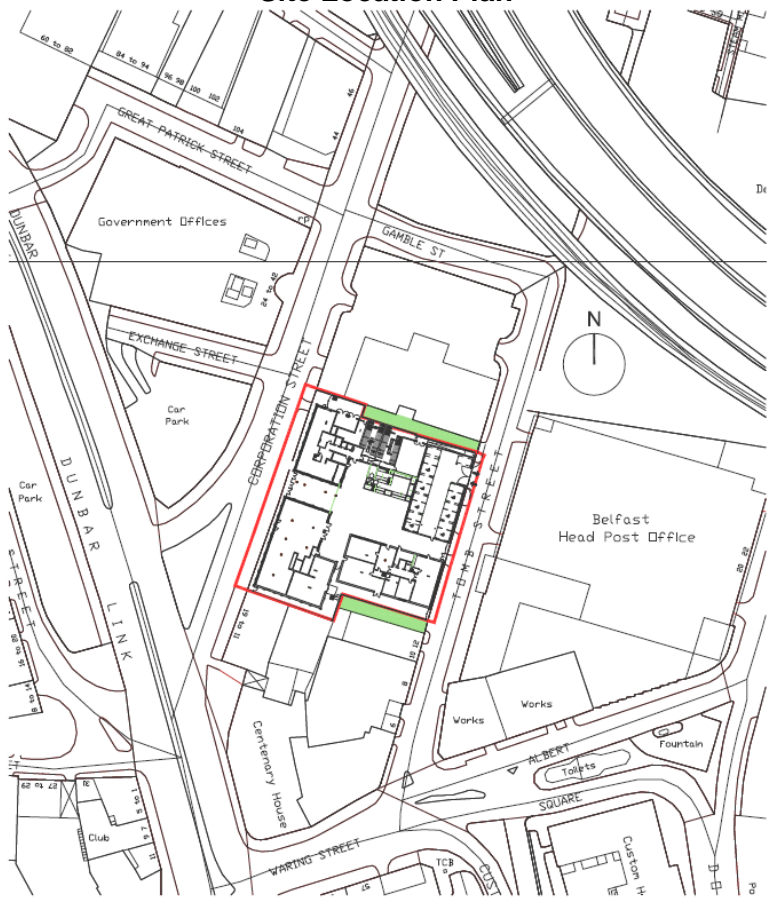
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 and to deal any other issues which might arise.

**Signature(s):**

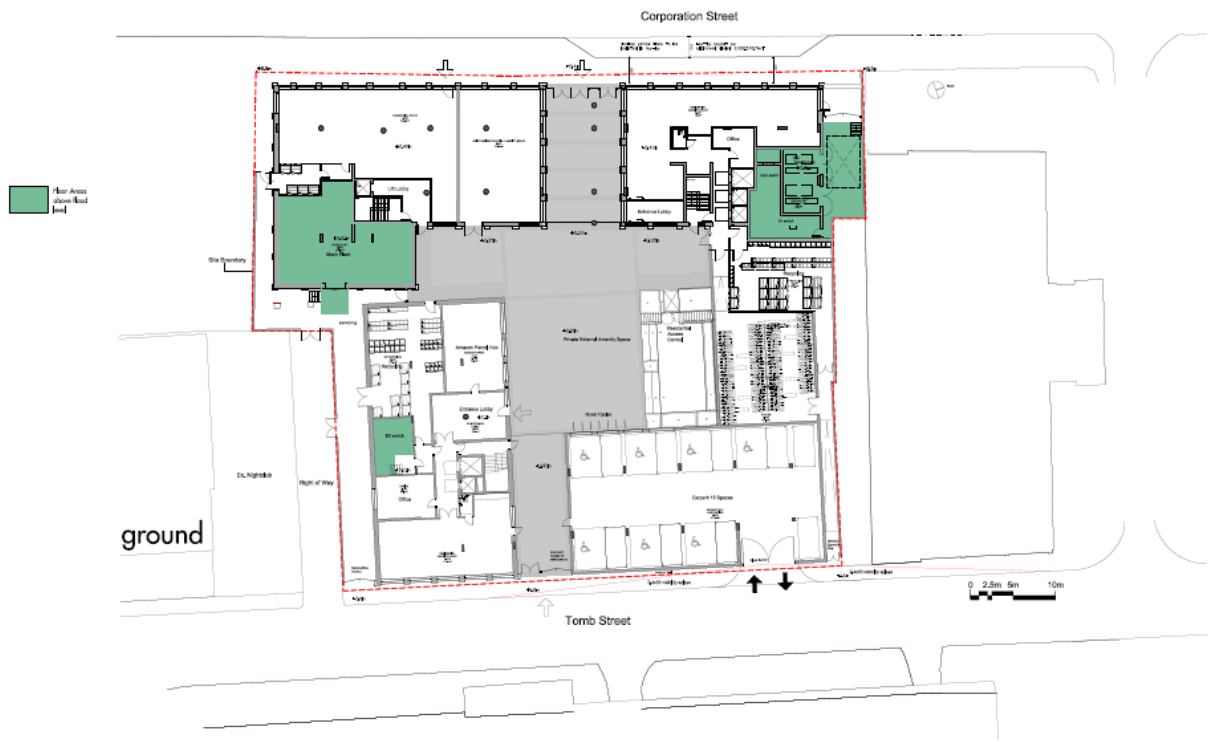
Case Officer Report

1.0 Drawings

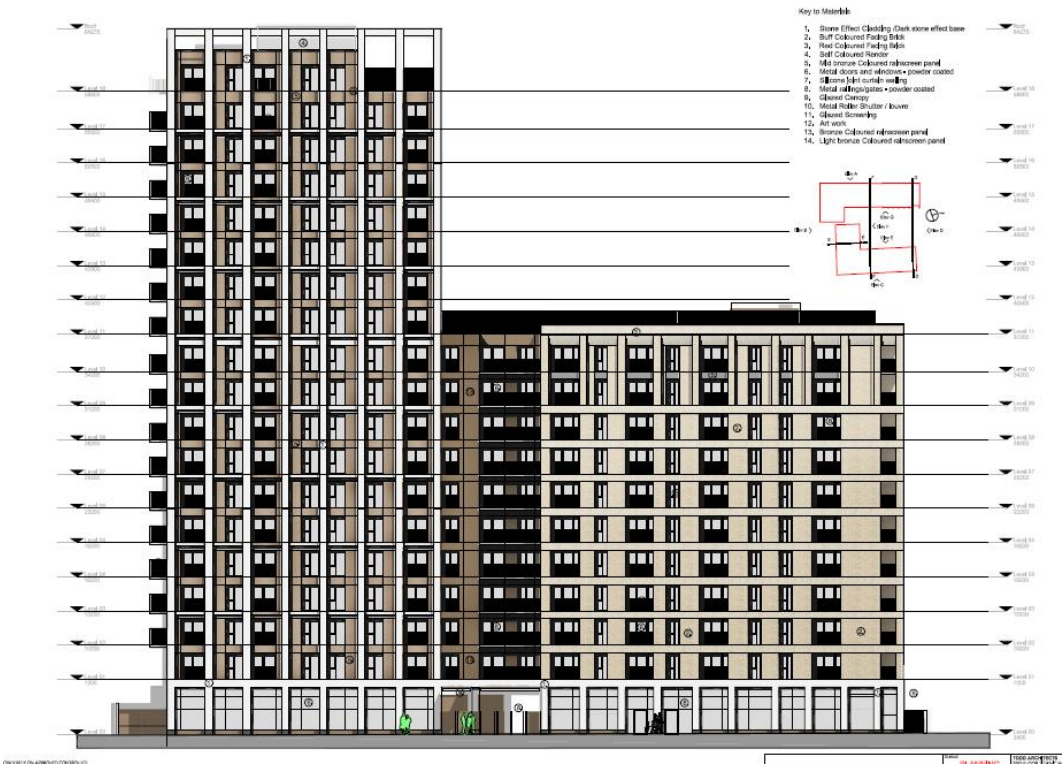
Site Location Plan



Ground floor Plan



Corporation St. Elevation

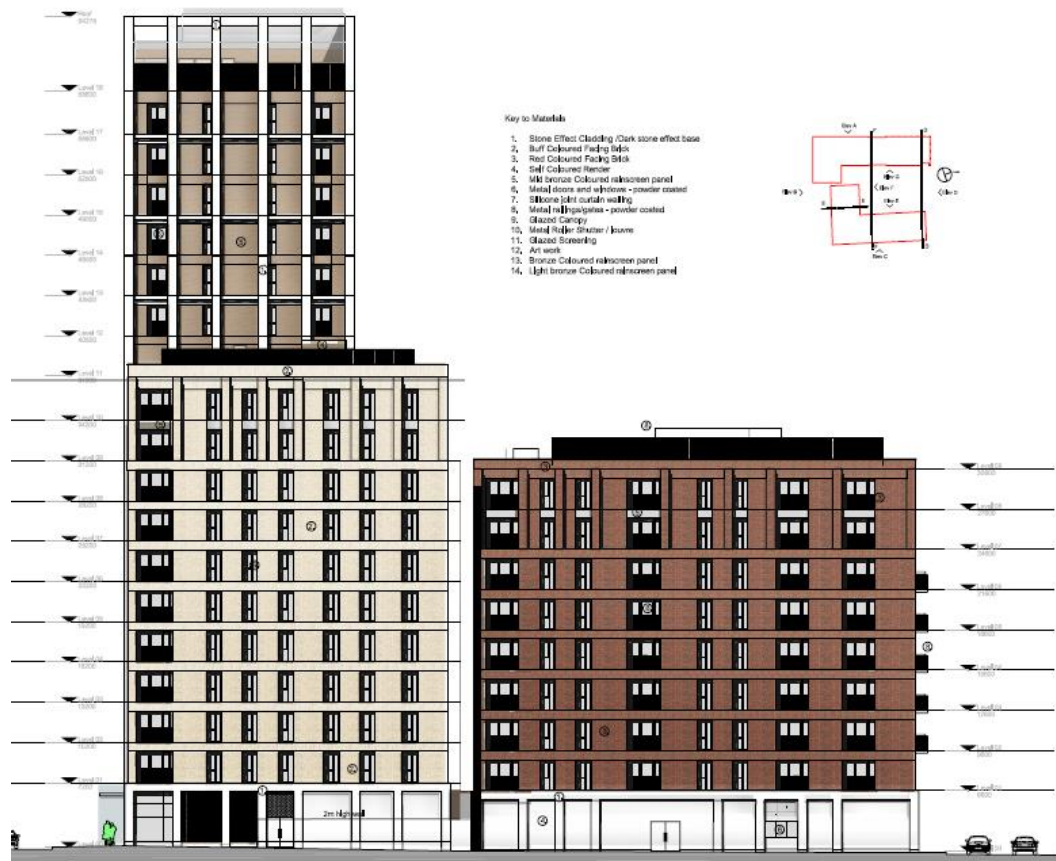


Tomb St. Elevation

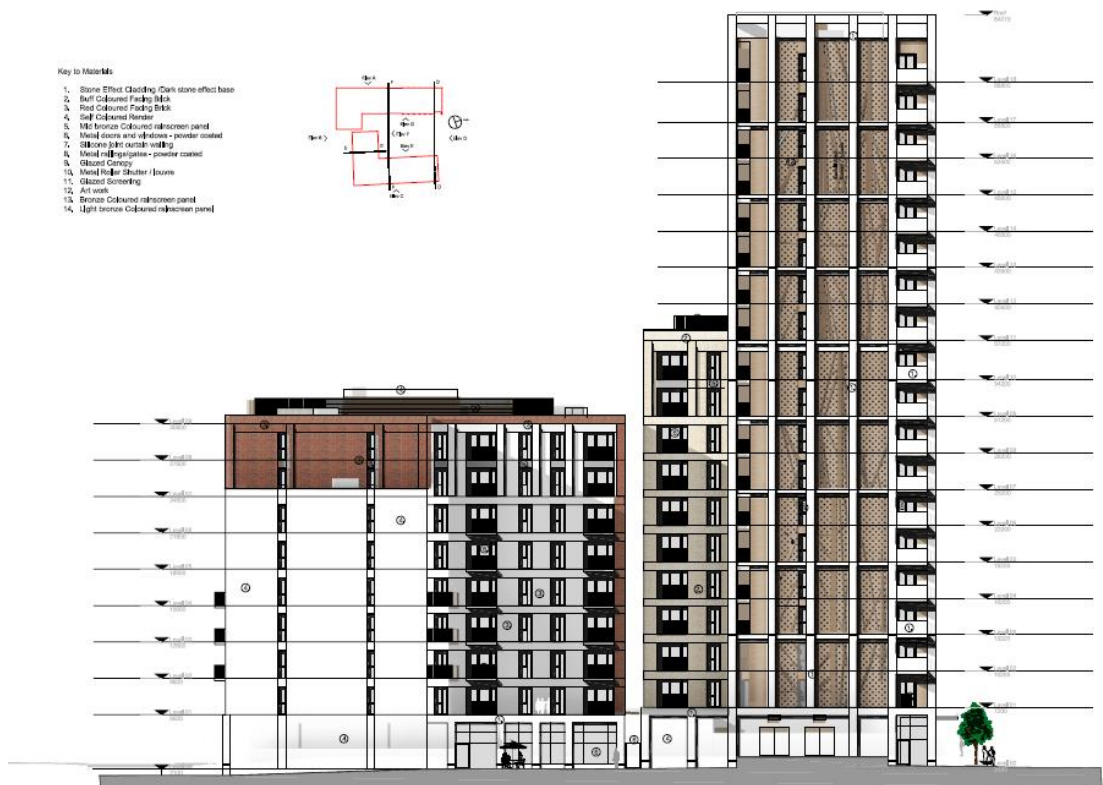




## Southern Elevation



## Northern Elevation



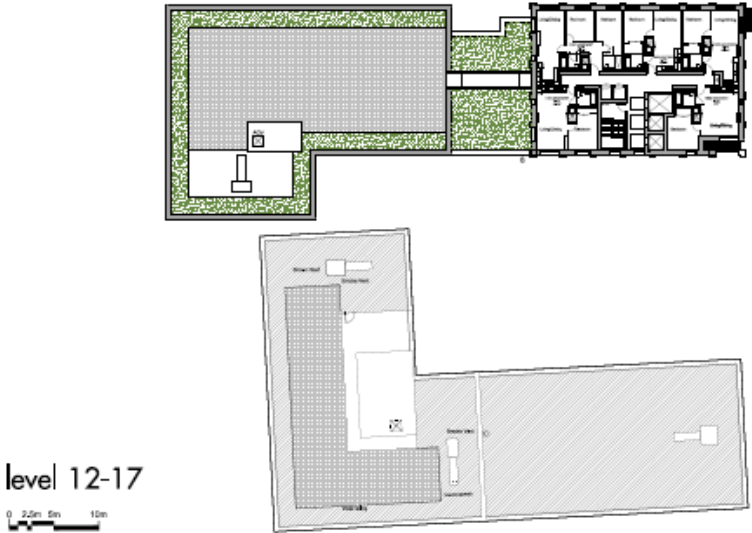


Ninth to Tenth Floor



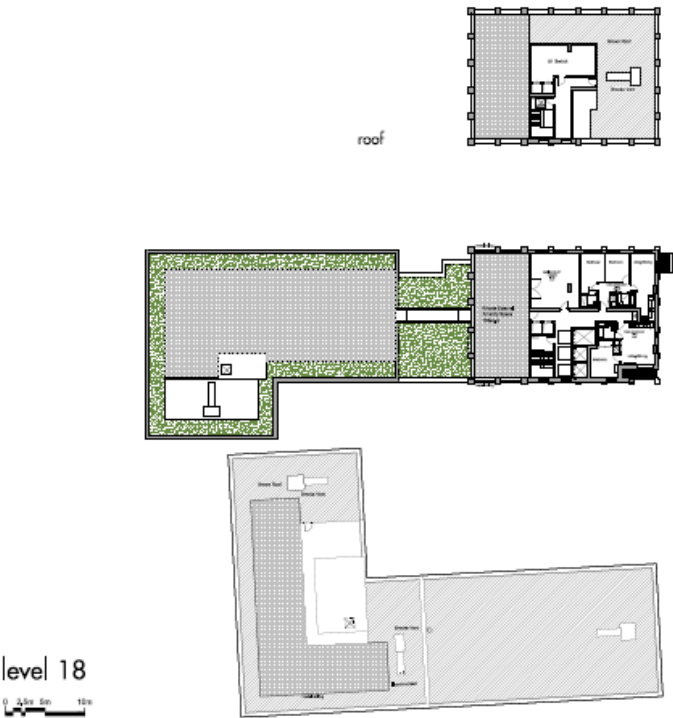
level 9-10

Twelfth to Seventeenth Floor



level 12-17

18<sup>th</sup> Floor/Roof Plan



Ground Floor Landscape Plan





## CGIs

**CGI view along Corporation Street**



**CGI view along Dunbar Link**



**CGI view from Custom House Square****CGIs of Northern Tower at night time**

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| <b>2.0</b> | <b>Characteristics of the Site and Area</b>  |
| <b>2.1</b> | <p>The site extends from Corporation Street along its western boundary to Tomb Street along its eastern boundary. An existing 5 storey government office block is located to the immediate north of the site. There is a vacant plot of land and an existing nightclub to the immediate south of the site. Within the wider area there are a mix of uses including Royal Mail sorting office on Tomb Street, a residential facility on Corporation St/Waring St/Tomb St along with residential, commercial and business uses. The application site comprises an existing multi-storey car park accessed from Tomb Street, a surface level car park and a vacant area of land which is currently overgrown.</p> |

<b>3.0</b>	<b>Description of Proposal</b>
<b>3.1</b>	The development proposes the demolition of the existing multi-storey car park on the site and the erection of 298no. build for rent apartments in four blocks from 7 to 19 storeys. The proposal also includes a ground floor commercial unit (A1/A2), car/cycle parking provision along with associated development.
<b>4.0</b>	<b>Planning Assessment of Policy and Other Material Considerations</b>
<b>4.1</b>	<p><b>Policy Context</b></p> <p><b>Regional Planning Policy</b></p> <ul style="list-style-type: none"> <li>• Regional Development Strategy 2035 (RDS)</li> <li>• Strategic Planning Policy Statement for Northern Ireland (SPPS)</li> <li>• Planning Policy Statement 3 (PPS 3) - Access, Parking and Movement</li> <li>• Planning Policy Statement 7 (PPS 7) – Quality Residential Environments</li> <li>• Planning Policy Statement 8 (PPS 8) – Open Space, Sport and Outdoor Recreation</li> <li>• Planning Policy Statement 15 (PPS 15) - Flood Risk</li> </ul> <p><b>Local Planning Policy Context</b></p> <ul style="list-style-type: none"> <li>• Belfast Urban Area Plan (2001) BUAP</li> <li>• Draft Belfast Metropolitan Area Plan 2015(v2004)</li> <li>• Draft Belfast Metropolitan Area Plan 2015(v2014)</li> <li>• Belfast Local Development Plan Draft Plan Strategy 2035</li> </ul> <p><b>Other Material Considerations</b></p> <ul style="list-style-type: none"> <li>• Creating Places</li> <li>• Developer Contribution Framework</li> </ul>
<b>4.2</b>	<p><b>Planning History</b></p> <p><b>LA04/2018/2433/PAN</b> - Construction of 347 build for rent apartments over 9 to 19 storeys, retail unit at ground floor level and semi-basement carpark consisting of c.84 spaces, 21-29 Corporation Street and 18-24 Tomb Street, Belfast. PAN Acceptable 22.10.2018</p> <p><b>LA04/2018/2419/PAD</b> - Construction of 347 build for rent apartments over 9 to 19 storeys, retail unit at ground floor level and semi-basement carpark consisting of c.84 spaces, 21-29 Corporation Street and 18-24 Tomb Street.</p> <p><b>Z/2015/0176/F</b> - construction of basement carpark, 250 bed hotel including; bar, conference facilities and ancillary accommodation, and demolition of 2 storey structure and multi deck carpark, 21-29 Corporation Street and 18-24 Tomb Street, Belfast, BT1 3BA. Permission granted 12.02.2019</p> <p><b>Z/2008/2396/F</b> - Construction of basement car park, 250 bed hotel including bar, conference facilities and ancillary accommodation and demolition of 2 storey structure and multi-deck car park, 21-29 Corporation Street and 18 - 24 Tomb Street, Belfast, BT1. Permission granted 14.01.2010</p>
<b>4.3</b>	<b>Consultations</b>
<b>4.3.1</b>	<b>Statutory Consultations</b>

	<p><b>DFI Roads</b> – No objection subject to conditions.  <b>DFI Rivers Agency</b> – No objection.  <b>NI Water</b> – Objection.  <b>NIEA</b> – No objection subject to condition.  <b>HED</b> – No objection.</p> <p><b>4.3.2 Non-Statutory Consultations</b></p> <p><b>Environmental Health</b> – No objection subject to conditions.  <b>Shared Environmental Services</b> – No objection subject to a condition. SES advises that the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects subject to mitigation measure proposed as a condition.  <b>Economic Development Unit</b> - No objection. Employability and skills related Developer Contributions Section 76 clauses will be required for the construction phase of the development.  <b>BCC Urban Design Officer</b> – No objection subject to conditions.  <b>BCC Waste Management Team</b> – No objection.  <b>BCC Landscape Planning and Development Team</b> – No objection.  <b>BCC City Regeneration and Development Team</b> – No objection.  <b>BCC Plans and Policy Team</b> – No objection.</p> <p><b>4.4 Representations</b></p> <p><b>4.4.1</b> The application has been advertised and neighbours notified. Two third party objections have been received which raised the following issues.</p> <p><i>Initial objection on behalf of Royal Mail received on 27<sup>th</sup> September 2021</i></p> <ul style="list-style-type: none"> <li>• The SPSS is clear that the applicant should provide noise mitigation and existing businesses should not be unduly affected by a new noise-sensitive use. Noise from existing Royal Mail use is likely to affect residential amenity and these mitigation measures are essential.</li> <li>• Bedrooms and windows are proposed overlooking Royal Mail. The impact of Royal Mail existing use, importantly the noise impacts on the proposed development have not been appropriately tested.</li> <li>• The noise survey should be updated to capture early morning movements to/from the Royal Mail site. A detailed scheme of noise mitigation measures should be provided to secure appropriate mitigation.</li> <li>• The Construction Management Plan should be updated to confirm no impact on Royal Mail.</li> <li>• Whilst Royal Mail acknowledge the need for residential development in Belfast, the proposed development will introduce a new residential use immediately adjacent to an established noise-generating use and appropriate mitigation should be secured by condition.</li> </ul> <p><i>Further objection on behalf of Royal Mail received 05/12/22</i></p> <ul style="list-style-type: none"> <li>• The updated Noise Impact Assessment from the 31/10/22 confirms impact of Royal Mail existing operation on the proposed development and provides proposed mitigations to deal with the noise impact. Royal Mail asks that if the planning permission is recommended for approval the planning conditions are recommended to protect future occupiers to avoid any future complaints and protect Royal Mail operations i.e. noise insulation measures for the development to be been submitted to and approved in writing by the Council and submission of noise mitigation</li> </ul>
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	<p>measures as set out in Noise Impact Assessment should be installed and agreed in writing with the Council and be implemented and permanently retained thereafter.</p> <p>The matters raised in the objection are considered in the report below.</p>
<b>5.0</b>	<b>Planning Assessment</b>
<b>5.1</b>	<b>Key Issues</b> <p>The key issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> <li>• The acceptability of the proposed use at this location</li> <li>• The acceptability of the design</li> <li>• Impact on surrounding context</li> <li>• Access, parking and traffic management</li> <li>• Environmental Considerations - Drainage, Contamination, Noise, Habitats Regulation Assessment</li> </ul>
<b>5.2</b>	<b>Development Plan Context</b>
<b>5.2.1</b>	Section 6(4) of the Planning Act (Northern Ireland) 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
<b>5.2.2</b>	The adoption of the Belfast Metropolitan Area Plan (BMAP) in 2014 was declared unlawful as a result of a judgement in the court of appeal delivered on 18 May 2017. This means that the Belfast Urban Area Plan 2001 (BUAP) provides the statutory plan context for the area.
<b>5.2.3</b>	Draft BMAP 2015 (dBMAP v2014), in its most recent, post-examination form remains a significant material consideration when making planning decisions. It was at the most advanced stage possible prior to adoption. However, in assessing this application regard is also had to the provisions of draft BMAP which was published in 2004 (dBMAP 2004).
<b>5.2.4</b>	In dBMAP (v2004) the site is unzoned land within the city centre and falls within the main office area, Victoria Street/Oxford Street draft Area of Townscape Character (Ref CC 106), Laganside North and Docks Character Area (Ref CC 017), Belfast Core Area of Parking Restraint and within the Belfast Metropolitan/Settlement Development Limit. Part of the site also falls within a Development Opportunity site (Ref CC 081). In dBMAP (v2014) the site is also unzoned land within the city and within the Belfast Metropolitan/Settlement Development Limit. The site also falls with the Laganside North and Docks Character Area (Ref CC015) and Belfast City Core Area of Parking Restraint (CC 025). Within the BUAP and the site is unzoned land within the City Centre and within the main office area.
<b>5.2.5</b>	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until

	such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.
<b>5.3</b>	<b>Background</b>
<b>5.3.1</b>	This proposal was the subject of extensive PAD discussions with the agent/applicant prior to submission of the planning application. Advice was provided from the Urban Design Officer, HED, DFI Roads and Planning Service during the PAD process.
<b>5.4</b>	<b>Principle of Development/Proposed Use</b>
<b>5.4.1</b>	The site is located within Belfast City Centre and the proposal includes residential and commercial uses (A1: Shops /A2: Financial, Professional and Other Services). The proposed development is considered to meet the core principles of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and objectives of the Belfast Agenda. The proposed uses do not conflict with the development plan context. The proposed uses are considered acceptable in principle and compatible with surrounding uses. Further assessment of the proposed development is set out below.
<b>5.5</b>	<b>Scale, Height, Massing, Design and Layout</b>
<b>5.5.1</b>	The proposed development comprises 4 blocks laid out around a central courtyard which is accessed at street level from Corporation Street and Tomb Street. The site is bounded to the west by Corporation Street and to the east by Tomb Street. The blocks vary in height, design and materials across the development. Two blocks front onto Tomb Street which are 7 storeys (max. height c.24.5m including roof plant/lift overrun) and 9 storeys (max. height c.31.8m including roof plant/lift overrun) high and two blocks front onto Corporation Street which are 11 storeys (max. height c.37.6m including roof plant/lift overrun) and 19 storeys (max. height c.62.2m including roof plant/lift overrun).
<b>5.5.2</b>	The tallest 19 storey block is located at the north-western portion of the site fronting onto Corporation Street. The development steps down along Corporation Street to 11 storeys. Along Tomb Street the development is 9 storeys at the south-eastern corner stepping down to 7 storeys. The proposed internal courtyard allows for pedestrian flow from Corporation Street and Tomb Street and incorporates both public and private amenity space (the latter at first floor level).
<b>5.5.3</b>	The proposed building is taller than its immediate neighbours to the north and south which include the adjacent 5 storey office block, 4-6 storey residential development to the south and 1 -3 storey nightclub to the immediate south. A vacant site is located immediately to the south of the site on Corporation Street which is currently used as a surface level car park. Within the wider area building heights vary and include taller buildings to the east including the Royal Mail building on Tomb Street which extends from 6-10 storeys high and the Obel building which is 27 storeys (85m high). The Obel building provides a backdrop of a tall building to the proposed development when viewed from Dunbar Link as shown in the VUCITY image below. Planning permission was previously granted on part of the site for a 12 storey hotel (37m high) which established the principle of a taller building on the site.

Proposed View along Dunbar Link extracted from VUCITY



- 5.5.4** The proposal comprises 298 apartments on floors 1 to 19. A commercial unit (393 sqm GFA) is proposed at ground floor level fronting onto Corporation Street. Ancillary facilities including bike/bin storage, an Amazon Parcel Hub and utility services are also provided at ground floor level. Two residential amenity lounges are proposed along Corporation Street and along Tomb Street frontage. These uses provide welcome active frontage at street level.
- 5.5.5** The primary (western) elevation fronting Corporation Street comprises two distinct elements;- i.e. the 19 storey tower proposed to be finished in mid bronze coloured panels and an adjacent 11 storey block which is proposed to be finished in buff coloured facing brick. A recessed link setback by three bays, incorporates a darker bronze-coloured panel finish between these blocks helps break up the massing of the development and adds visual interest. The Urban Design Officer considers that the materials will result in a contrasting element between the tower and the buff facing brick of its 11 storey neighbour giving the tower a slender appearance. The recessed link allows for the provision of projecting balconies. The upper two floors of the 11 storey buff brick element includes a degree of chamfering to the brick detailing which helps define a two storey 'top' element which is a welcomed design detail.
- 5.5.6** A ground floor uniform base with continuous strong horizontal banding above ground floor level brings cohesion to the development along Corporation Street. The predominant finish at ground floor level along Corporation Street is stone effect cladding with a dark stone effect base. The stone effect cladding continues on the vertical piers on the 19 storey tower elevation which provides a primary frame with mid bronze coloured panels proposed between the piers surrounding window frames.
- 5.5.7** The northern elevation of the 19 storey element proposes artwork in the form of fret cut panelling which is also proposed along part of the Tomb Street ground floor frontage and along part of the southern elevation ground floor.
- 5.5.8** A variety of Juliette, recessed and projecting balconies are proposed along Corporation Street which will add visual interest whilst also providing private amenity space to individual apartments. The applicant has advised that window reveal depths will be determined following detailed engagement with the Mechanical Engineer and the

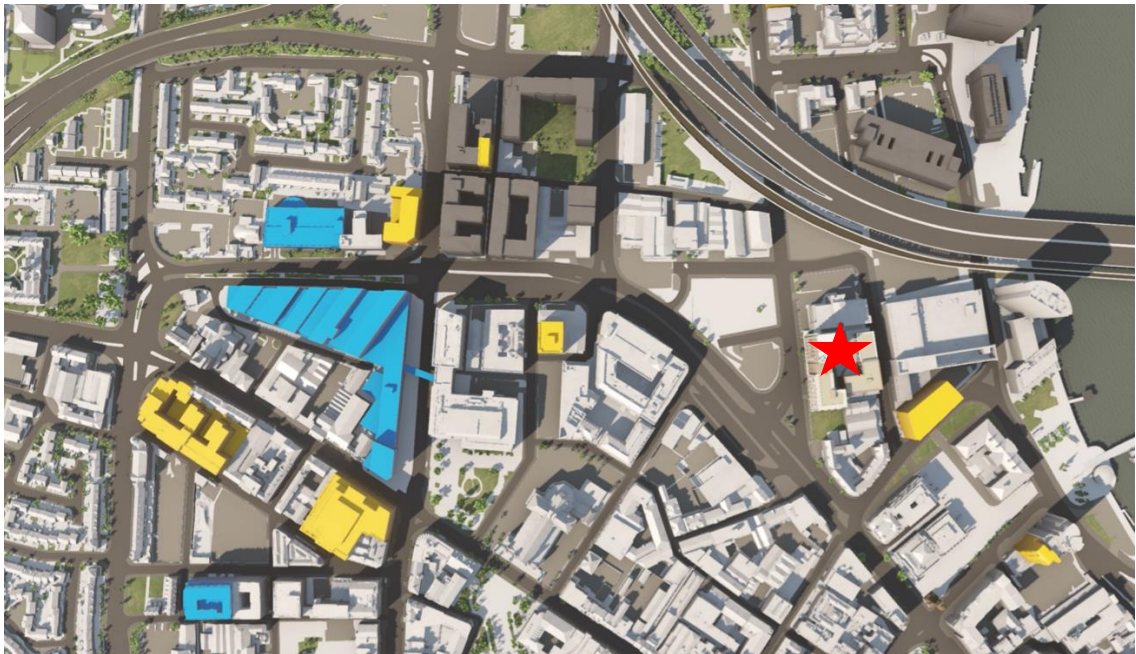
	vent/window/curtain walling contractors later in the construction process. A planning condition is recommended to ensure that such details are submitted to and agreed by the Council prior to commencement of the development.
<b>5.5.9</b>	Along Tomb Street the proposed 9 storey block is to be predominantly finished in red coloured facing brick and the 7 storey block to be finished in self-coloured render. The red brick picks up on the finished of existing buildings on the lower end of Tomb Street whilst contrasting with the 7 and 11 storey lighter coloured finishes. The 9 storey block also includes detailing of the upper floors which provides a smoother transition to the height of the lower 7 storey element and is welcomed by the Urban Design Officer. As with the Corporation Street elevation stone effect banding at ground level and vertical piers brings cohesion to the base of the building.
<b>5.5.10</b>	The Urban Design Officer considers that the proposed development has the potential to positively contribute to the skyline particularly when viewed from Queen's Quay and the Lagan footbridge. The Urban Design Officer welcomes the concentration of building height to the northern portion of the site which will create a taller focal point within the cityscape at this location which is emphasised by the notable drop from 19 storeys to the 7-11 storeys height of the remaining three component and allows for a more slender and elegant form to be applied to the tower element that begins to cluster with adjacent buildings and positively to the legibility of the city, assisting with long distance orientation.
<b>5.5.11</b>	The Urban Design Officer also considers that the drop in height enables the building to step down to respect the scale of existing development to the south, along the lower end of Tomb Street/Waring Street.
<b>5.5.12</b>	The Urban Design Officer advises that consideration has been made across the scheme in the detailing and application of materials to relate these elements to the scale, height and massing in a meaningful way.
<b>5.5.13</b>	Parking is proposed at ground floor level with access from Tomb Street. Part of the Tomb Street ground floor frontage is proposed to be finished in a perforated metal screen (along with the Northern elevation of the 19 storey block and part of the southern elevation (ground floor)). The applicant has proposed that the perforated metal screening be linked to the historical Sailortown context, playing a role both during the day and night and mitigating against the visual impact of ground floor parking. The historic references to the area are considered appropriate. Details of the artwork will require to be submitted prior to commencement and a condition is set out below. The backlit copper screen along the front elevation of the proposed car park will screen the car parking and provide visual interest particularly at night-time.
<b>5.5.14</b>	BCC Landscape Planning and Development Team has assessed the Landscape and Visual Impact Assessment (LVIA) accompanying the application and consider that currently the site would be categorised as a landscape of low sensitivity, quality and value and therefore capable of accommodating change in landscape and visual terms. They also consider that the visual setting demonstrates a capability to accommodate a notable change based on the existing site character and nature of adjacent landscape character. Furthermore, they advise that the LVIA demonstrates predicted landscape and visual effects that will not be significant and can be successfully absorbed into the character and views of this part of Belfast.
	<b>Laganside North and Docks Character Area Urban Design Criteria</b>
<b>5.5.15</b>	The site falls within Laganside North and Docks Character Area as set out in Draft BMAP 2015 which states that the following design criteria be applied within the area:

5.5.16	<p>1. The density of development in the area shall be maintained and increased where appropriate, including around the transport nodes, through high site coverage and high plot ratio;</p> <p>2. Development proposals shall take account of the height of adjoining buildings;</p> <p><b>Street Frontages</b></p> <p>3. That part of any development which fronts onto York Street shall be a minimum building height of 5 storeys, or 17 metres to building shoulder height, and a maximum height of 7 storeys;</p> <p>4. That part of any development which fronts onto Frederick Street, Great Patrick Street or Dunbar Link shall be a minimum building height of 4 storeys, or 12 metres to building shoulder height, and a maximum height of 6 storeys;</p> <p>5. Development which fronts onto Frederick Street, Great Patrick Street or Dunbar Link shall be set back 1.5 metres from the footway to allow for a privacy zone for residential development;</p> <p>6. That part of any development which fronts onto Victoria Street shall be a minimum building height of 6 storeys, or 18 metres to building shoulder height, and a maximum height of 7 storeys;</p> <p><b>Intersections</b></p> <p>7. On the key gateway site at the intersection of Corporation Street and Dunbar Link, as identified on Map No. 2/001- Belfast City Centre, building height shall be a minimum of 6 storeys and a maximum of 8 storeys;</p> <p>8. On the key gateway site at the intersection of Albertbridge Road / Albert Bridge with Short Strand, as identified on Map No. 2/001- Belfast City Centre, building height shall be a minimum of 4 storeys and a maximum of 5 storeys;</p> <p>9. On the key gateway site at the intersection of Newtownards Road / Bridge End and Short Strand, as identified on Map No. 2/001 - Belfast City Centre, building height shall be a minimum of 4 storeys and a maximum of 6 storeys;</p> <p>10. On the key gateway site at the intersection of Queen's Bridge / Ann Street and Oxford Street, as identified on Map No. 2/001 - Belfast City Centre, building height shall be a minimum of 6 storeys and a maximum of 8 storeys;</p> <p><b>Elsewhere</b></p> <p>11. New development shall respect the established building line. Exceptions may only be permitted where development creates significant public open space;</p> <p>12. In the area bounded by York Street, M3 Bridge, Queen's Square and Dunbar Link, building heights shall be a minimum of 3 storeys and a maximum of 5 or 6 storeys with a setback upper floor. Development proposals shall provide for a landmark building up to 10 storeys in height on the north of Great Patrick Street, east of Nelson Street. New development shall be positioned with development of quarter to half block scale;</p> <p>13. In the area east of the River Lagan (including the Sirocco Works / Bridge End / Short Strand Development Opportunity Ref. CC 020) building height shall be a minimum of 3 storeys and a maximum of 5 storeys or 6 storeys with setback upper floors. Development proposals shall provide for a landmark building, up to 12 storeys in height, between Queen Elizabeth and Queen's Bridges. New development shall be positioned with development of quarter to half block scale; and</p> <p>14. Large block coarse grain shall be permitted along the river. In other locations, development shall be fine grain in nature, and aim to reflect traditional plot widths</p> <p>The density of the proposed development equates to 596 per hectare which is high density and is considered to comply with criterion 1 set out above. The proposed development takes account of the height of surrounding buildings and meets the second criterion. Criterion 3 – 10 do not apply given the location of the site. The site</p>
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respects the established building line along Corporation Street and Tomb Street and complies with criterion 11. Criterion 12 sets a minimum (3 storeys) and maximum building height (5/6 storeys). Since the publication of BMAP planning permission was also granted on part of the site for a 12 storey hotel (37m high) on 12.02.2019 and this permission remains live which exceeds the maximum height set out in the urban design criteria above and is an important material consideration in the assessment of the proposed development. In addition, building heights within the area vary with a number of taller buildings (The Obel and recent development around the re-located University of Ulster including Student accommodation) in close proximity to the site i.e. the northern edge of the city centre. The aerial image below shows the changing landscape in the vicinity of the site. As a result the height of the proposed development is considered appropriate at this location given the existing and emerging urban context. Criterion 13 does not apply.

**5.5.17**

The proposed design of the development has four distinct blocks. The variation in heights, materials and fenestration/elevation detail across the development seeks to respect the traditional plot widths/urban grain and the development is considered to comply with criterion 14.



This aerial view extracted from the VUCITY model demonstrates approvals in yellow, development under construction in blue and recently completed development in dark grey. The coloured developments include taller buildings e.g. Graham House, Albert Square, 35-41 Queen's Square, Student accommodation at York Street/Great Patrick Street/Little Patrick Street/Nelson Street, residential development at Academy Street, Ulster University, York Street/Frederick Street, Student accommodation at Little Donegall Street, Kent Street/North Street. The application site is identified by the red star.

**5.5.18**

BUAP Tall Buildings Policy CC 12 states that high buildings must be sympathetic in scale to the traditional height of buildings in the City Centre. The policy seeks to ensure that high buildings:-

- Do not mar or dominate the surrounding hills or the scale of attractive Belfast views;
- Relate sympathetically in design to the urban structure of the city;
- Relate sympathetically to their immediate surroundings;



	<ul style="list-style-type: none"> <li>Relate sympathetically to buildings or groups of buildings of architectural and historic interest</li> </ul>
<b>5.5.19</b>	The BUAP states that <i>'Belfast does not have the tradition of high point or slab blocks, commercial or residential, normally associated with large urban areas. The centre has been built to a traditional height of mainly 4 to 6 storeys. The City has a unique hill setting and consequently tall buildings can be incongruous as well as blocking out sections of the hills, particularly as viewed from the approaches to the City Centre'</i> .
<b>5.5.20</b>	The BUAP was published in 1990 and over the intervening three decades buildings higher than 6 storeys have been approved and built in the city centre. As indicated above in recent years in the vicinity of the site a number of student blocks have been constructed which are 11/12 storeys high and a 16 storey development has been granted approval on Academy Street. The Obel building at 27 storeys (85m high) sits to the north east of the site. When viewed from north/north west the Obel building provides an existing backdrop of a taller building to the proposed development. The development of the University of Ulster site on York Street has resulted in a grouping of taller buildings in the vicinity of the site.
<b>5.5.21</b>	As a result the urban context is quite different to that at the time when the statutory BUAP was published. Notwithstanding, it is considered that the proposed development is sufficiently removed from the surrounding hills so as not to mar or dominate them. Views into the site will be short to medium range and will not adversely impact on attractive views of Belfast. BCC Landscape Planning and Development Team having assessed the Landscape Visual Impact Assessment, agree that the baseline and visual setting demonstrates a capability to accommodate a notable change based on the existing site character and nature of adjacent landscape character and agree that the assessment demonstrates predicted landscape and visual effects that will not be significant and can be successfully absorbed into the character and views of this part of Belfast.
<b>5.5.22</b>	The height, scale and massing of the proposed development has been assessed above and it considered that the proposed development satisfactorily relates to the immediate context and the urban structure of the city. In conclusion it is considered on balance the proposed development does not conflict with Policy CC 12 of the BUAP.
<b>5.5.23</b>	The Urban Design officer considers that the proposed scale, height and massing is acceptable given the existing context and has a considered approach to the distribution of scale, height and massing across the site. On balance the scale, proportions, height and massing of the proposed development are considered acceptable taking account of the factors set out above and the proposed development is considered to be in compliance with the SPPS and criterion (a) (g), (h) and (i) of Policy QD1 of PPS 7.
<b>5.6</b>	<b>Materials</b>
<b>5.6.1</b>	The development proposes a variety of materials including include buff coloured facing brick (on the exterior of the lower block on Corporation Street) stone effect cladding on horizontal banding and vertical piers along with mid-bronze coloured panels on the 19 storey element and dark bronze panels on the recessed element. On Tomb Street primary materials include red coloured facing brick on the 9 storey element and self-coloured render on the 7 storey element with stone effect cladding at ground level. Artwork within the development is proposed to be finished in copper and will be backlit. The Urban Design Officer considers that the palette of materials is appropriate to the context and reflects the industrial character of the neighbouring Sailortown/Docklands.

5.6.2	During the processing of the application, the materials on elevations fronting onto the internal courtyard have been amended to include a lighter palette of materials (i.e. from red brick to self – coloured render). These changes will help increase light levels and in combination with the buff brick and metallic panels also proposed will assist in optimising reflective light within the courtyard. Officers have assessed the proposal in VUCITY and are satisfied that adequate levels of natural light will be achieved in the internal courtyard and within apartments facing onto the courtyard.
5.6.3	The external finishes of the block vary across the site bringing individuality and distinctiveness to the four blocks creating variety in the development and are found in the locality and are considered acceptable and compliant with the SPPS and criterion (g) of Policy QD 1 of PPs 7.
5.7	<b>Amenity/Open Space Provision</b>
5.7.1	The proposed development has been assessed against the SPPS, Policy QD 1 of PPS7, Policy OS 2 of PPS 8 (Open Space, Sport and Recreation) and Creating Places. Communal and private amenity space solely for the use of residents is provided throughout the development at a number of locations including ground floor residential lounges, raised amenity space in the internal courtyard, rooftop terraces and private balconies.
5.7.2	The internal courtyard proposes an external amenity area. At ground floor level public access is available. Access to the upper (first floor) level is controlled by a gate on the stair and access is restricted to residents only. A water feature (water cascading over a textured wall) is proposed between the ground and first floor amenity areas which will provide visual interest within the courtyard. Defensible/buffer planting is located around the perimeter of the first floor amenity area. This is welcomed by the Urban Design Officer and will assist in protecting the amenity/privacy of first floor apartments fronting onto the external amenity area.
5.7.3	Balconies are provided for 123 of the 298 apartments. Overall an average of 10 sqm of amenity provision per apartment has been proposed which accords with the lower limit (10 and 30 sqm) as recommended in Creating Places guidance. The level of amenity provision is considered satisfactory for an inner city location and is commensurate with other recent development proposals.
5.7.4	Environmental Health response advises that the Noise consultant has stated that residents have access to external communal areas within the range of 50-55db LAeq16hr.
5.7.5	Acoustic barriers are proposed around the 9 <sup>th</sup> and 11 <sup>th</sup> Floor communal roof terraces and comprise Environmental Health recommend a condition securing the installation of acoustic barriers around the 9 <sup>th</sup> and 11 <sup>th</sup> Floor roof terraces. These barriers comprise of a 0.7m high parapet wall and a 1.2 m glazed acoustic barrier. These measures are required to mitigate external noise which is predicted to exceed the World Health Organisation (WHO) recommended external noise thresholds (50-55dB LAeq16hr). A condition is recommended requiring details of the acoustic barriers to be submitted for approval prior to commencement of the development. The Urban Design Officer considers that the inclusion of these measures will not result in a material difference from a visual impact perspective.



5.7.6	The 18 <sup>th</sup> floor roof terrace does not include an acoustic barrier. The Noise information submitted confirms that predicted noise levels within the 18 <sup>th</sup> Floor and Ground floor terrace are within the WHO recommended external noise thresholds.
5.7.7	The Noise Information submitted advises that the primary noise sources impacting the external areas are associated with the adjacent night club beer garden and patron dispersal which will have the most impact at night when residential occupiers are not using the external amenity areas.
5.7.8	Environmental Health has referred officers to the British Standard BS8233:2014 guidance which states the following: <i>'the acoustic environment of external amenity areas that are an intrinsic part of the overall design should always be assessed and noise levels should ideally not be above the range 50-55dBL<sub>Aeq,16hr</sub>.'</i> The standard continues... <i>"these guideline values may not be achievable in all circumstances where development might be desirable. In such a situation development should be designed to achieve the lowest practicable noise levels in these external amenity spaces <b>but should not be prohibited.</b>"</i> The Noise report submitted by the applicant states that individual balcony areas are not considered an intrinsic feature of the development and no mitigation has been recommended and that typically barriers at balcony areas provide minimal mitigation.
5.7.9	Officers acknowledge the guidance as set out above and consider that the proposed mitigation measures on the 9 <sup>th</sup> and 11 <sup>th</sup> floor will seek to achieve the lowest practicable noise levels in these external amenity areas. Officers also consider that in this urban context close to existing businesses and roads infrastructure a degree of external noise is unavoidable. Furthermore, officers are of the view that there are a number of external communal amenity areas on the 18 <sup>th</sup> and ground/first floor level which are within the WHO thresholds. In addition, there are several internal amenity areas providing amenity space for residents in the form of residential lounges. In summary, there are a number of communal amenity areas within the development providing prospective occupiers with a variety of useable amenity spaces which are within the WHO noise thresholds and this is on balance considered acceptable.
5.7.10	Policy OS 2 of PPS 8 states that proposals for new residential development of 25 or more units will only be permitted where public open space is provided as an integral part of the development. Policy OS 2 of PPS 8 goes on to state that an exception to the requirement of providing public open space will be permitted in the case of apartment developments where a reasonable level of private communal open space is provided. In this case a reasonable level of amenity space has been provided and it is considered that the exemption test is met.
5.7.11	The proposal is considered to comply with criterion (c) of Policy QD1 of PPS 7 and Policy OS 2 of PPS 8.
5.8	<b>Space Standards/Living Standards</b>
5.8.1	The development proposes 298 apartments in total which comprise of the following:- <ul style="list-style-type: none"> <li>• 8 studio apartments,</li> <li>• 160 1 bed apartments 1 person apartments,</li> <li>• 10 - 1 bed, 2 person apartments,</li> <li>• 90 - 2 person, 3 bed apartments,</li> <li>• 12 - 2 bed, 4 person apartments and</li> <li>• 18 - 3 bed, 6 person apartments.</li> </ul>

5.8.2	<p>Whilst the space standards set out in the Addendum to PPS 7 do not apply to this proposal the recommended space standards are nevertheless a useful guide in ensuring the provision of good quality residential accommodation. The proposed units comply with the space standards as set out in the Addendum to PPS 7. The majority of units are 1 bed, 1 person apartments thereby limiting occupation to a single person. During the processing of the application the applicant was encouraged to amend the unit sizes to provide a better balance of unit sizes and, in particular, to increase the number of 1 bed, 2 person units as smaller units are considered inflexible. As a result the applicant submitted a viability report which assessed an alternative mix which included 18 studio apartments, 215 - 1 bed, 2 person apartments and 65 - 2 bed 4person apartments. The Viability Report concluded that an alternative mix of units as set out above would not be financially viable whereas the scheme as submitted is considered financially viable. The Viability Report indicated that market testing of the proposed scheme had taken place which had attracted both operator and investor interest in the scheme and neither raised any issues regarding the developers proposed unit mix. The Viability Report further states that one of the interested operator investors has a completely contrary view to Belfast City Council planners in that they are seeking a weighting towards 1 bed, 1 person units which provide for a more efficient scheme in terms of both occupier interest and financial viability.</p>
5.8.3	<p>The Plans and Policy team has assessed the Viability Report and advises that the <i>'assumptions used within the viability report submitted by the applicant look reasonable and they have no reason to question the conclusions drawn, as they align with the emerging conclusions from the Council's own viability work'</i>. The Plans and Policy team advise that it should however be possible for the applicant to design a scheme that provides a more sustainable mix of unit sizes than the original proposal that is viable to deliver and we would recommend further discussion with the applicant in relation to this.'</p>
5.8.4	<p>Following assessment of the Viability Report and receipt of the Plans and Policy team response the applicant's team was provided with the opportunity to make amendments to adjust the scheme to create a more balanced development given the comments set out in the Plans and Policy team response. No further amendments have been received.</p>
5.8.5	<p>Restricting occupancy of individual apartments via condition would not be appropriate in enforcement terms as it would be difficult to monitor and would require an excessive degree of supervision. The predominance of 1 bed 1 person apartments does not of itself justify a refusal of the proposal and there is no policy basis on which to do so. On balance the mix of unit sizes is considered acceptable.</p>
5.8.6	<p>The applicant has also voluntarily submitted an Addendum to the initial Viability Assessment which considers the financial viability of Social and Affordable Housing if incorporated into the proposed scheme and amended scheme considering a differing unit mix based on the Belfast City Council Local Development Plan 2035 (Draft Plan Strategy). Policy HOU 5 of the Draft Plan Strategy states that 'Planning permission will be granted for residential development on sites greater than 0.1 hectares and/or containing 5 or more dwelling units where a minimum of 20% of units are provided as affordable housing.' As set out at paragraph 5.25 above the Draft Plan Strategy is a material consideration but has limited weight until it is adopted. Until such times as the Plan is adopted existing policies will be applied including the SPPS and relevant PPSs. The response from NIHE advises that they would support a 10% social housing scheme on this site however the existing policy context does not require the provision</p>

	of social and/or affordable housing and therefore it is not being sought for this development. The proposal remains for private, build-to-rent accommodation.
<b>5.8.7</b>	The Plans and Policy team has assessed the Addendum Viability Assessment and agree with the conclusion that tested schemes at 20% Social/Affordable Housing are considered unviable.
<b>5.9</b>	<b>Impact on the surrounding context</b>
<b>5.9.1</b>	The site is located in close proximity to a number of listed buildings of special architectural or historic interest as protected under Section 80 of the Planning Act (NI) 2011, including: the Head Line Building, 10-14 Victoria Street Belfast (HB26/50/053 - Grade B1), the Former First Trust Bank, 4 Queen's Square, Belfast (HB26/50/056 - Grade B+) and Custom House Custom House Square Belfast (HB26/50/062 - Grade A).
<b>5.9.2</b>	HED notes that the Townscape and Visual Impact Assessment information shows the visual impact of the proposal from significant nodes around the city and advises that whilst the tower element of the design is largely visible across the Belfast skyline, the proposal does not appear to detract from designated views of or from listed buildings in the vicinity. HED considers the proposal complies with paragraph 6.12 of the SPPS 6.12 (Development proposals impacting on Setting of Listed Buildings) and Policy BH11 (Development affecting the Setting of a Listed Building).
<b>5.9.3</b>	The proposed development will sit adjacent to a 5 storey office block to the immediate north. The southern elevation of the office block comprises large areas of blank gable along with centrally located windows. The proposed 19 storey block fronting onto Corporation Street will be juxtaposed next to blank sections of the adjacent office building's southern elevation and surface level car parking. The 7 storey block fronting onto Tomb Street will also be juxtaposed next to a large section of blank gable. A right of way is located between the 7 storey block and the adjacent office building creating a separation buffer. Above first level there is gap of c. 22m between the 19 storey and 7 storey blocks which will allow light to penetrate into the centrally located windows located on the southern elevation of the office block. The primary outlook from the office block is towards Corporation Street, Tomb Street and Gamble Street. It is considered that the proposed development will have minimal impact on the existing office block and the proposed relationship is considered acceptable.
<b>5.9.4</b>	A nightclub is located to the immediate south of the site and there is a right of way along part of the southern boundary between the site and the nightclub creating a degree of separation. Environmental Health has assessed the proposed relationship with the nightclub and are satisfied that the glazing specifications (containing an element of laminated glass which is superior to standard glass in terms of acoustic performance) presented in the accompanying Noise Information supporting the application demonstrate that the proposed glazing will meet required glazing sound reduction requirements. The Noise Information supporting the application also confirms that the proposed glazing will ensure night time noise on Tomb Street is adequately mitigated.
<b>5.9.5</b>	Tomb Street Post Office is located directly across from the site on Tomb Street. Concerns have been raised regarding the impact of the proposed development on the existing operations of the Post Office. The most recent objection on behalf of Royal Mail requests that if an approval of planning permission is recommended, that planning conditions are included to protect future occupiers to avoid any future complaints and

	<p>protect Royal Mail operations. Environmental Health has considered the objections received on behalf of Royal Mail and advise in their response that the Noise Information supporting the application advises that the assessment carried out captures the worst case noise levels from all sources in the locality and applied these to demonstrate the worst case impact on the development and that noise levels measured at the Tomb Street façade represents the highest levels measured from all sources through the survey including the operation of the post office premises. Environmental Health advise that the assessment carried out presents mitigation incorporated to ensure internal noise target levels will be met and will ensure that noise levels are significantly lower than any levels identified in the industry standard BS 4142 (Methods for Rating and Assessing Industrial and Commercial Sound). Environmental Health recommend a number of noise related conditions to ensure that proposed noise mitigation measures such as glazing, alternative means of ventilation, acoustic specification of each façade, and acoustic barriers are carried out in accordance with the Noise Information submitted and that prior to installation, further details of e.g. glazing, alternative means of ventilation and acoustic specification of facades are submitted for approval by the Council. Furthermore, Environmental Health also recommend such mitigation measures (glazing, alternative means of ventilation) are verified prior to occupation. The proposed conditions are considered appropriate and address the issues raised by Royal Mail, as set out in their most recent objection letter.</p>
<b>5.9.6</b>	<p>Centenary House and Calder Fountain Lifehouse supported housing development is located to the south of the site. It is considered that there is adequate separation between these existing buildings and the proposed development to ensure no adverse impact on existing residential amenity.</p>
<b>5.9.7</b>	<p>It is considered that the design and layout of the proposed development will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. The proposal is considered compliant with the SPPS and PPS 7.</p>
<b>5.10</b>	<p><b>Access Parking and Traffic Management</b></p>
<b>5.10.1</b>	<p>The development proposes a car park accessed from Tomb Street to serve the development. The car park at ground floor level proposes 14 car parking spaces and 2 spaces for motor cycles. The car parking spaces comprise comprising 7 disabled spaces, 2 car clubs space and 5 standard car parking spaces. In addition, 216 Bicycle racks are proposed within the development. The site is located in Belfast City Core Area of Parking Restraint as set out in dBMAP (v 2014). Policy TRAN 1 states that reductions in standards will be considered in appropriate circumstances where evidence of alternative transport arrangements can be clearly demonstrated, or other material considerations exist that justify an exception to the policy. In this case the reduction in parking is proposed to be supported by the following green travel measures which will be secured through a Section 76 Planning Agreement.</p> <ul style="list-style-type: none"> <li>• Travel cards for each apartment for 3 years/Travel Plan Fund</li> <li>• Discounted membership of a car club for a period of 3 years</li> <li>• Discounted membership of Belfast Bike Scheme for 3 years</li> </ul>
<b>5.10.2</b>	<p>Pedestrian access to the building will be provided from Corporation Street and Tomb Street and from within the internal courtyard which will provide a movement pattern that supports walking and cycling. The proposed commercial unit fronting Corporation Street will be accessed and serviced from Corporation Street.</p>

5.10.3	<p>Servicing of the site is proposed from Corporation Street and Tomb Street. The Service Management Plan states that <i>'A representative from the development management company will be responsible for setting up the initial delivery times of any regular vehicle deliveries to the premises'</i> and that <i>'In keeping with other city centre sites and the existing behaviours of other developments on Tomb Street, servicing for the proposed development will take place on-street. For any servicing needs along Corporation Street, the development site benefits from an extant planning approval (Z/20115/0176/F) for the provision of a lay-by, which will allow service vehicles to stop clear of the carriageway without causing any delay to traffic flow. This lay-by includes the extension of existing double yellow lines to ensure the area is not abused as parking. All efforts will be made to co-ordinate and confirm initial delivery times to avoid any detrimental effects on the public roads, this includes clashes with other deliveries or peak traffic times.'</i></p>
5.10.4	<p>It is proposed that waste including recycling will be stored in dedicated bin areas on the ground floor. The Service Management plan advises that <i>'Bins will be provided in the bin store of the apartment block and the management company will organise that these are brought on-street (Tomb Street) and returned to the bin storage area on bin collection days.'</i></p>
5.10.5	<p>A number of the apartments fall outside the recommended 30m travel distance from bin storage to apartments which is set out in Building Control Regulations. During the processing of the application discussions took place with the applicant, Waste Management Unit (WMU) and Building Control (BC). The applicant presented mitigating measures and both WMU and BC are satisfied with the proposed arrangements.</p>
5.10.6	<p>DFI Roads has no objections to the proposed development subject to conditions which are set out below. The proposal is considered to comply with the SPPS, Policy AMP 7 of PPS 3 Criteria (e) and (f) of Policy QD 1 of PPS 7 and Policy TRAN 1 of dBMAP.</p>
5.11	<p><b>Environmental Considerations - Drainage, Contamination, Noise, Air Quality</b></p> <p><b>Drainage</b></p>
5.11.1	<p>The proposal has been considered against policies FLD 1-5 of Revised PPS15. DFI Rivers have raised no objections under FLD 1, 2, 3, 4 and 5, subject to a condition requiring a final drainage assessment to be submitted prior to commencement.</p>
5.11.2	<p>NI Water has objected to the proposal on the basis that there is insufficient waste water treatment capacity available to service the proposed development. They have also advised that the foul sewer network cannot presently serve this development proposal without significant risk of environmental harm and detrimental impact on existing properties. Importantly, NI Water makes allowance for existing significant committed development across the city including extant planning permissions such as the extant hotel approval on the site. Such development, which includes un-implemented permissions across the city, will not all come forward at once.</p>
5.11.3	<p>In practical terms it is considered unreasonable for the Council to withhold planning permission for the proposed development given NI Water's pre-existing commitments to connect to significant levels of un-implemented development across the city including the extant permission on part of the site. Moreover, NI Water has not provided evidence that the proposed development would have a direct and detrimental</p>

	<p>impact on waste-water infrastructure or environment, particularly in the context of impacts over and above what has already been committed across the city. NI Water confirms that it has a programme for WWTW improvements which will increase capacity over the coming years. Whilst NI Water advises that it cannot support the proposal at this time, some additional capacity will be available from July 2023 as a result of the completion of initial upgrade work, subject to an Impact Assessment. NI Water therefore recommends negative planning conditions to permit the proposed development to be constructed but not occupied until 01 July 2023 and until such times as an extension to the existing surface water network to serve the development is provided.</p>
<b>5.11.4</b>	<p>Shared Environmental Service (SES) has carried out a Habitats Regulation Assessment (see reference below) on behalf of the Council and advise that the development would not have an adverse effect on the integrity of any European site, either alone or in combination with other plans or projects subject to mitigation measures which are recommended as conditions and would require consent for surface water and foul sewage connections to be secured prior to occupation. On this basis, this condition is considered appropriate and necessary in this particular case.</p>
<b>5.11.5</b>	<p><b>Noise</b></p> <p>The application is supported by a Noise Impact Assessment and accompanying addendums. Environmental Health has considered the proposal along with the objections received (as referred to above) and have recommended appropriate conditions.</p>
<b>5.11.6</b>	<p><b>Contamination</b></p> <p>The application is supported by a Preliminary Risk Assessment which has been considered by both DAERA: NIEA and Environmental Health. Neither has raised objections and both have provided conditions/informatives if permission is granted.</p>
<b>5.11.7</b>	<p><b>Air Quality</b></p> <p>Environmental Health has reviewed the proposal and has advised that they have no concerns regarding air quality.</p>
<b>5.12</b>	<p><b>Habitats Regulation Assessment</b></p>
<b>5.12.1</b>	<p>In accordance with Regulation 43(1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended) Shared Environmental Services (SES) on behalf of the Council has carried out an appropriate assessment and having considered the nature, scale, timing, duration and location of the project, SES advises that the development would not have an adverse effect on the integrity of any European site, either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including mitigation measures. This conclusion is subject to mitigation measures being conditioned in any approval which require consent for surface water and foul sewage connections to be secured prior to occupation. The recommended condition is set out in full below.</p>
<b>5.12.2</b>	<p>Belfast City Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 02/11/2021. This found that the project would not have an adverse effect on the integrity of any European site.</p>

<b>5.13</b>	<b>Developer Obligations</b>
<b>5.13.1</b>	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.
<b>5.13.2</b>	Green Travel Measures in the form of a travel card for each apartment for a period of 3 years, provision of 2 car club spaces within the building, provision of discounted membership of a car club (50%) for a period of 3 years and membership of a bike scheme for a period of 3 years are proposed to support the proposed development. In addition, the developer has agreed to provide a financial contribution of £400k towards improving public realm and connectivity to the city centre which will include a contribution towards the pedestrian junction on Corporation Street/Dunbar Link.
<b>5.13.3</b>	BCC Economic Development Unit has advised that given the scale of the employment to be created, the high rates of unemployment, current sectoral growth and reported shortages in specific skilled trades, it is likely that the development will give rise to skills or labour shortages within the construction sector and conclude that Employability and skills related Developer Contributions Section 76 clauses will be required for the construction phase of the development.
<b>5.13.4</b>	BCC CRD highlight that the significance of the immediate and wider setting of the proposal is reflected in the suite of DfC documents, regarding the ongoing regeneration of Greater Clarendon and Sailortown and consider that the scheme should contribute to the improvement of the public realm to both integrate the proposed development and enhance local streetscape quality/character, and to enable safe and sustainable movement within this part of the city centre.
<b>5.13.5</b>	CRD advise that in order to ensure a fully integrated approach to the design and delivery of public realm within the streets immediately adjacent to the proposed development and within the wider area as set out in existing regeneration strategy and guidance, it is considered that a developer contribution in the form of a commuted sum paid to the council is appropriate in this instance. This approach would enable the delivery of necessary improvements associated with the proposal as part of a strategic programme of public realm investment that reflects the joint Council, DfC and DfI ambition set out in 'A Bolder Vision'.
<b>5.13.6</b>	Furthermore, CRD consider that the proposal should also contribute to (and benefit from) enhanced pedestrian and cycle links to/from the city centre. Such improvements should be designed alongside the development of public realm proposals, and contribute to permeability and ease of movement by providing enhanced crossings to address the severance caused by Corporation St / Dunbar Link. A contribution towards enhanced pedestrian crossings is considered appropriate.
<b>5.13.7</b>	Officers consider that public realm works are necessary to mitigate the impacts of this major development. In addition, the site's location, somewhat disconnected from the city centre due to the surrounding dominant roads infrastructure necessitates the requirement for improved connectivity to the city centre. The applicant has agreed to provide a financial contribution of £400,000 towards public realm improvements/improved connectivity to the city centre. Such improvements will include pedestrian crossing improvements at Corporation Street and Dunbar Link and upgrades to the walking/cycling environment surrounding the site.

5.13.8	The planning obligations will be included as part of the planning permission by means of a Section 76 planning agreement and comply with the adopted Developer Contributions Framework and the SPPS. Delegated authority is requested to finalise the S76.
5.14	<b>Pre-Application Community Consultation</b>
5.14.1	In accordance with the requirements of Section 27 of the Planning Act (NI) 2011, the applicant served a Proposal of Application Notice (PAN) on Belfast City Council on 09 October 2018 (LA04/2018/2433/PAN). Belfast City Council responded confirming that the PAN and associated approach met the requirements of Section 27 of the Planning Act and was acceptable subject to additional consultation with Inner North Belfast Neighbourhood Partnership. The response also advised that a leaflet drop should take place with businesses and residents which directly abut the proposed full application site.
5.14.2	Given the passage of time between the initial public consultation events and submission of the planning application officers recommended during the PAD process that the applicant undertake an updated public consultation exercise. Whilst there is no legislative requirement to undertake additional public consultation events it is considered good practice and the applicant undertook an updated consultation exercise. Furthermore, during the period between the initial community consultation exercise and the updated consultation exercise the Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020 was enacted in response to COVID19 restrictions. This Regulation temporarily suspended the requirement for a public event and facilitated alternative consultation measures such as web based engagement, use of social media, community surveys and use of information sheets and newsletters in place of public events.
5.14.3	A Pre-Application Community Consultation Report has been produced to comply with the statutory requirement laid out in Section 28 of the Planning Act (Northern Ireland) 2011. The purpose of a PACC report is to confirm that pre-application community consultation has taken place in line with statutory minimum requirements. The report has confirmed advertising for the public event and that the initial public event took place in accordance with section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015. The report also confirmed that an online community consultation magazine was available on the Clyde Shanks Ltd website on the 1 <sup>st</sup> July 2021 until the 15 <sup>th</sup> July 2021. The report also confirmed that a leaflet drop to businesses and residents which directly abut the application site took place in 2018.
5.14.4	The report states that 2 feedback forms were returned during the initial public consultation event and that <i>'The majority of the comments received at the public event were positive and supportive of the project, with particular emphasis on the quality of design and articulation of the elevations.'</i> No feedback was received during the most recent round of consultation.
5.14.5	The Pre-Community Consultation Report submitted satisfactorily demonstrates that the applicant has complied with the requirements of Sections 27 and 28 of the Planning Act (NI) 2011 and Section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015 and has adhered to Council recommendations during the PAN process. The PACC report is considered acceptable.



<b>Neighbour Notification Checked</b>	<b>Yes</b>
<p><b>Summary of Recommendation:</b></p> <p>Having regard to the development plan, relevant policy context and other material considerations including the representation, the proposed development is considered acceptable and it is recommended that full planning permission is granted subject to conditions and a Section 76 to secure an Employability and Skills Plan, green travel measures and a financial contribution towards improving public realm and connectivity to the city centre.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 and to deal any other issues which might arise.</p>	
<p><b>Draft Conditions:</b></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. No external finishes shall applied unless in accordance with a written specification and a physical sample panel, details of which shall have first been submitted to and approved in writing by the Council.</p> <p>The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works.</p> <p>The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external finishes.</p> <p>Reason: In the interests of the character and appearance of the area.</p> <p>3. Notwithstanding the submitted details, no development (other than site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence on site unless the detailed design of the recesses to the windows and external doors have been submitted to and approved in writing by the Council. The details shall include detailed scaled section drawings. The development shall not be carried out unless in accordance with the details so approved.</p> <p>Reason: In the interests of the character and appearance of the area. Approval is required in advance because the design of the recesses is fundamental to the overall design of the building.</p> <p>4. Prior to installation details of the Artwork to be erected along the Tomb Street elevation (ground floor), Northern Elevation of the 19 storey block and the Southern Elevation (ground floor) shall be submitted to and agreed in writing by the Council. The development shall be carried out in accordance with the agreed details and retained thereafter.</p> <p>Reason: In the interests of the character and appearance of the area.</p> <p>5. The development shall not be occupied unless the visibility splays and any forward sight distance have been provided in accordance with the Private Streets Determination drawing No.19-059-P-101 Rev.P01 uploaded to the Planning Portal 15th February 2022. The access and visibility splays shall be retained in accordance with the approved plans at all times.</p> <p>Reason: To ensure safe and convenient access to the development.</p>	

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

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

7. The vehicular access hereby permitted shall be formed by lowered kerbs at the carriageway edge and associated re-grading of the footway to the satisfaction of the Council.

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

8. 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.19-059-P-101 Rev.P01 bearing the Department for Infrastructure Determination date stamp 10th June 2022.

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

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

No part of the development hereby permitted shall be occupied until the works necessary for the improvement of the public road have been completed in accordance with the details outlined in blue on drawing No.19-059-P-101 Rev.P01 bearing the Department for Infrastructure Determination date stamp 10th June 2022. The Department hereby attaches to the determination a requirement under Article 3(4)A of the above Order that such works shall be carried out in Accordance with an agreement under Article 3(4)C.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

10. The development hereby approved shall not be occupied or operated until the hard surfaced areas have been provided in accordance with the Private Streets Determination drawing No.19-059-P-101 Rev.P01 uploaded to the Planning Portal 15th February 2022. Such areas shall not be used for any purpose other than the parking and movement of vehicles and such areas shall remain free of obstruction for such use at all times.

Reason: To ensure adequate car parking within the site

11. The development hereby approved shall not be occupied or operated unless covered bicycle storage has been provided in accordance with the with Private Streets Determination drawing No.19-059-P-101 Rev.P01 uploaded to the Planning Portal 15th February 2022. The covered bicycle storage shall be retained in accordance with the approved plans at all times.

Reason: To ensure adequate provision and availability of cycle parking and encourage sustainable travel.

12. The development hereby permitted shall not be occupied or operated unless in accordance with the Service Management Plan Rev.B uploaded to the Planning Portal 2nd September 2021.

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

13. Prior to the commencement of any of the approved development on site, a final drainage assessment, compliant with FLD 3 & Annex D of PPS 15, and Sewers for Adoption Northern Ireland 1st Edition, including a detailed drainage network design and a demonstration of how out of sewer flooding due to exceedance of the drainage network will be managed, must be submitted to the Planning Authority for its consideration and approval.

Reason: To safeguard against flood risk to the development and from the development to elsewhere.

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

Reason: To ensure appropriate foul and surface water drainage of the site is in place for the operational phase of the proposal that will ensure no impacts to European Sites. Approval is required upfront because the design of drainage is an integral part of the development and its acceptability.

15. Prior to the occupation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the RSK Environment Ltd report entitled 'ES Corporation Street, Remedial Strategy, Lands at 21 to 29 Corporation Street, Belfast' (referenced 603571\_R2(01) and dated July 2021) 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 potential contaminant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. In particular, this Verification Report must demonstrate that:

- a) Gas protection measures commensurate with the site's Characteristic Situation 2 classification have been provided to the buildings in accordance with BS 8485:2015+A1:2019 (minimum gas protection score of 3.5). Gas protection measures must be verified in line with the requirements of CIRIA C735.

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

16. 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.

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

17. Prior to the installation of the glazing units to the façade of the habitable rooms of the hereby permitted development a noise report detailing the proposed glazing unit to the habitable rooms on each floor and on each façade, shall be submitted to and approved in writing by the Council. The report shall include the glazing units acoustic data sheets and shall demonstrate that the proposed glazing units acoustic performance meet the required glazing sound reduction as detailed in table 12 of the Irwin Carr Consulting Additional Information entitled "21-29 Corporation Street Belfast & 18-24 Tomb Street" dated 30<sup>th</sup> November 2022 report reference LT001N 2022077. The development shall be carried out in accordance with the approved details.

Reason: Protection of residential amenity.

18. Prior to the construction of the hereby approved development the acoustic specification of the walls of each façade of the residential units shall be submitted to and approved in writing by the Council. The entire façade structure must meet as a minimum the acoustic specification as detailed in table 12 of the Irwin Carr Consulting Additional Information entitled "21-29 Corporation Street Belfast & 18-24 Tomb Street" dated 30<sup>th</sup> November 2022 report reference LT001N2022077. The approved façade wall structure shall be constructed as approved.

Reason: Protection of residential amenity.

19. Prior to the construction of the hereby approved development, the applicant shall submit a noise report shall be submitted to and approved in writing by the Council. The noise report shall confirm the final specification of the mechanical Ventilation Heat Recovery system (MVHR) proposed to the residential units including the operation noise levels, and details of any necessary acoustic mitigation measures. The report shall demonstrate that the operation noise associated with the MVHR system shall not exceed the night time internal noise guidelines of 30dB LAeq British Standard BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' in line with section 3.2.4 of the Irwin Carr Additional Information dated 30<sup>th</sup> November, letter reference LT001N 2022077.

The noise report shall confirm the location of the external inlet and outlet vents serving the MVHR system. The report shall provide details of the proposed acoustic mitigation measures and shall demonstrate by way of calculation that noise break in via the externally located inlet and outlet vents and the façade shall not exceed the BS8233 internal noise targets and the Irwin Carr Consulting design target of NR 20 over each octave band. The development shall be carried out in accordance with the approved details.

Reason: Protection of residential amenity

20. Prior to occupation of the hereby approved residential units, the window schedule and alternative means of ventilation, as approved, shall be installed so as to achieve suitable

internal noise levels in all habitable rooms in accordance with British Standard BS8233:2014 'Guidance on sound insulation and noise reduction for buildings', and so that the residential units are not impacted by music break in from entertainment venues and can achieve NR 20 over each octave band, with the windows closed and the alternative ventilation provided in accordance with building control regulations. The approved windows and alternative means of ventilation shall be retained within the development thereafter.

Reason: Protection of residential amenity

21. Prior to occupation of any residential unit hereby permitted, a report verifying that the window schedule and alternative means of ventilation as approved have been installed shall be submitted to and approved in writing by the Council. The report shall comprise a written declaration from the suppliers and installers of the glazing and alternative means of ventilation confirming that the scheme of windows and alternative means of ventilation have been installed as approved.

Reason: Protection of residential amenity

22. Prior to commencement details of the proposed 0.7m parapet wall and 1.2m glazed acoustic barrier shall be submitted to and approved in writing by the Council. The glazed acoustic barrier shall be at least 1.2m in height, with no gaps and a mass of at least 15kg/m<sup>2</sup> and prior to occupation shall be installed in the external roof terraces to the 9<sup>th</sup> and 11<sup>th</sup> as detailed in appendix B of the Irwin Carr Consulting Additional Information entitled '21-29 Corporation Street Belfast & 18-24 Tomb Street' dated 30<sup>th</sup> November 2022 report reference LT001N2022077' and agreed details. The parapet wall and acoustic barrier shall be retained thereafter.

Reason: Protection of residential amenity

23. No development shall commence on site (including demolition, site clearance and site preparation) unless a Final Environmental Construction Management Plan has been submitted to and approved in writing by the Council. The Final Environmental Construction Management Plan shall include measures to control noise, dust, vibration and other nuisance during the demolition/construction phase and ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment. No development (including demolition, site clearance and site preparation) shall be carried out unless in accordance with the approved Final Environmental Construction Management Plan.

Reason: To safeguard the amenities of the area and to ensure effective avoidance and mitigation measures have been planned for the protection of the water environment. Approval is required upfront because construction works have the potential to harm the amenities of the area.

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

Date of Notification to Department: N/A

Response of Department: N/A

**Representations from Elected Members:** None

<b>ANNEX</b>	
<b>Date Valid</b>	26th August 2021
<b>Date First Advertised</b>	10th September 2021
<b>Date Last Advertised</b>	17th December 2021
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 10-14 ,Tomb Street,Belfast,Antrim,BT1 3AS The Owner/Occupier, 11-17 ,Corporation Street,Belfast,Antrim,BT1 3BA The Owner/Occupier, 18a ,Tomb Street,Belfast,Antrim,BT1 3AS The Owner/Occupier, 19 Corporation Street,Belfast,Antrim,BT1 3BA The Owner/Occupier, 2 Victoria Street,Belfast,Antrim,BT1 3GE The Owner/Occupier, 24-42 Corporation Street, Belfast, BT13DP The Owner/Occupier, 26-36 ,Tomb Street,Belfast,Antrim,BT1 3AS The Owner/Occupier, 6 Tomb Street, Belfast, BT1 3AS Clare Lucey Cushman & Wakefield,1 Colmore Square,Birmingham,B4 6AJ The Owner/Occupier, Design Centre, 39 Corporation Street, Belfast, BT1 3BA The Owner/Occupier, Graham House, 1 Albert Square, Belfast, BT1 3EQ The Owner/Occupier, Royal Mail Delivery Office, 7-13 Tomb Street, Belfast, BT1 1AA	
<b>Date of Last Neighbour Notification</b>	6th December 2022
<b>Date of EIA Determination</b>	6th September 2021
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b>	

Drawing Nos.

- 01 – Site Location Plan – Published 02.09.21
- 02A– Block Plan – Published 13.10.22
- 03B - Ground Floor Plan – Published 07.12.21
- 04a - First Floor Plan – Published 25.11.21
- 05a - Second to Fourth Floor Plan – Published 25.11.21
- 26 - Fifth and Sixth Floor Plan – Published 25.11.21
- 06a - Seventh to Eighth Floor Plan – Published 25.11.21
- 07a - Ninth to Tenth Floor Plan – Published 25.11.21
- 08a - Eleventh Floor Plan – Published 25.11.21
- 09a - Twelfth to Seventeenth Floor Plan – Published 25.11.21
- 10a - Eighteenth Floor and Roof Plan – Published 25.11.21
- 11a - Context Elevations – Published 25.11.21
- 12a - Elevation A Rev A (Corporation St) – Published 25.11.21
- 13a - Elevation B Rev A (Southern Elevation) – Published 25.11.21
- 14a - Elevation C Rev A (Tomb St) – Published 25.11.21
- 15b - Elevation D Rev B (Northern Elevation) – Published 20.06.22
- 16a - Elevation E Rev A – Published 25.11.21
- 17a - Elevation F Rev A – Published 25.11.21
- 18b - Elevation G Rev C (Courtyard Elevation) – Published 30.06.22
- 19a - Landscape Proposals Ground Floor Rev B – Published 26.11.21
- 20A - Landscape Proposals Level 11 - Roof Terrace – Published 09.11.21
- 21A - Landscape Proposals Level 18 - Roof Terrace – Published 09.11.21
- 22 - Landscape Details-Planters, Benches – Published 02.09.21
- 23 - Landscape Proposals-Concept – 02.09.21
- 24 - Landscape Details-Paving Published 02.09.21
- 25 - Section DD – Published 02.09.21
- 27 - Landscape Proposals – Level 9 Roof Terrace – Published 26.11.21
- 28 - General Arrangement Plan – Published 07.12.21
- 30 - Construction Details – Published 07.12.21
- 19-059-P-101 - Private Streets Determination – Stamped Drawing Published 22/06/22
- 31 – Coloured Elevation A (Corporation Street) Published 07.07.22
- 32 – Coloured Elevation B (Southern Elevation) Published 07.07.22
- 33 – Coloured Elevation C (Tomb Street) Published 07.07.22
- 34 – Coloured Elevation D (Northern Elevation) Published 07.07.22
- 35 – Coloured Elevation E (Internal Courtyard) Published 07.07.22
- 36 – Coloured Elevation F (Internal Courtyard) Published 08.07.22
- 37 – Coloured Elevation G (Internal Courtyard) Published 08.07.22

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## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 19 <sup>th</sup> December 2022	
<b>Application ID:</b> LA04/2021/2815/F	<b>Target Date:</b>
<b>Proposal:</b> Erection of Discount supermarket, drive through cafe, landscaping, car parking, and associated site works.	<b>Location:</b> Vacant lands at access road to Olympia Leisure Centre directly opposite and approx. 70m East of Nos. 9-15 Boucher Road, Belfast.
<b>Referral Route:</b> Major development	
<b>Recommendation:</b>	<b>Approve subject to conditions</b>
<b>Applicant Name and Address:</b> Lidl Northern Ireland Nutts Corner Dundrod Road Crumlin BT29 4SR	<b>Agent Name and Address:</b> MBA Planning College House City Link Business Park Belfast BT12 4HQ
<p><b>Executive Summary</b></p> <p>This application seeks full planning permission for the erection of a discount supermarket, drive through cafe, landscaping, car parking, and associated site works.</p> <p>The site comprises the site of the former Olympia Leisure Centre and is currently vacant land.</p> <p>The key issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> <li>• The principle of the proposed use at this location</li> <li>• Retail Impact of the proposal</li> <li>• Impact on the character and appearance of the area</li> <li>• Compatibility with adjacent uses</li> <li>• Access, parking and traffic management</li> <li>• Environmental Considerations – Drainage, Contamination, Noise, Impact on Designated Sites/Natural Heritage Assets</li> </ul> <p>The proposed supermarket proposes a gross internal floor area of 2,223sqm, a net sales area of 1,425sqm of which 1,140sqm is for the sale of convenience goods and 285sqm for the sale of comparison goods. The site is outside any designated retail centres identified within both the BUAP and dBMAP.</p> <p>The Retail Impact Assessment, Sequential Test and supporting information accompanying the application has been reviewed by the Planning Service's Plans and Policy team, which has no objections to the proposed uses and considers that the proposal meets the sequential test, will not prejudice protected centres, or result in an unacceptable cumulative impact. Conditions are recommended to enable the Council to retain control of the nature of retailing at this location.</p> <p>NI Water has objected to the application on grounds of insufficient waste-water drainage infrastructure capacity and foul sewage network capacity issues. NIEA has recommended a condition seeking agreement of sewage disposal arrangements prior to commencement. These issues are dealt with in detail in the main report.</p>	

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

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

**Recommendation**

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

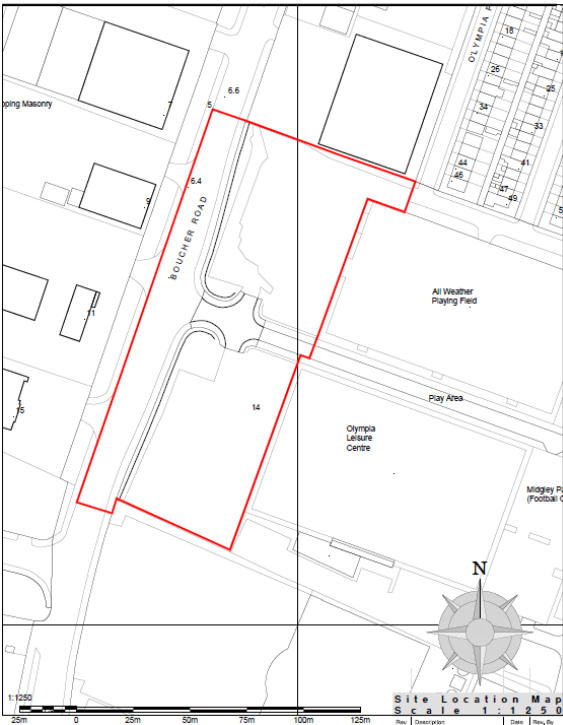
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and to deal with any other matters which may arise.

**Signature(s):**

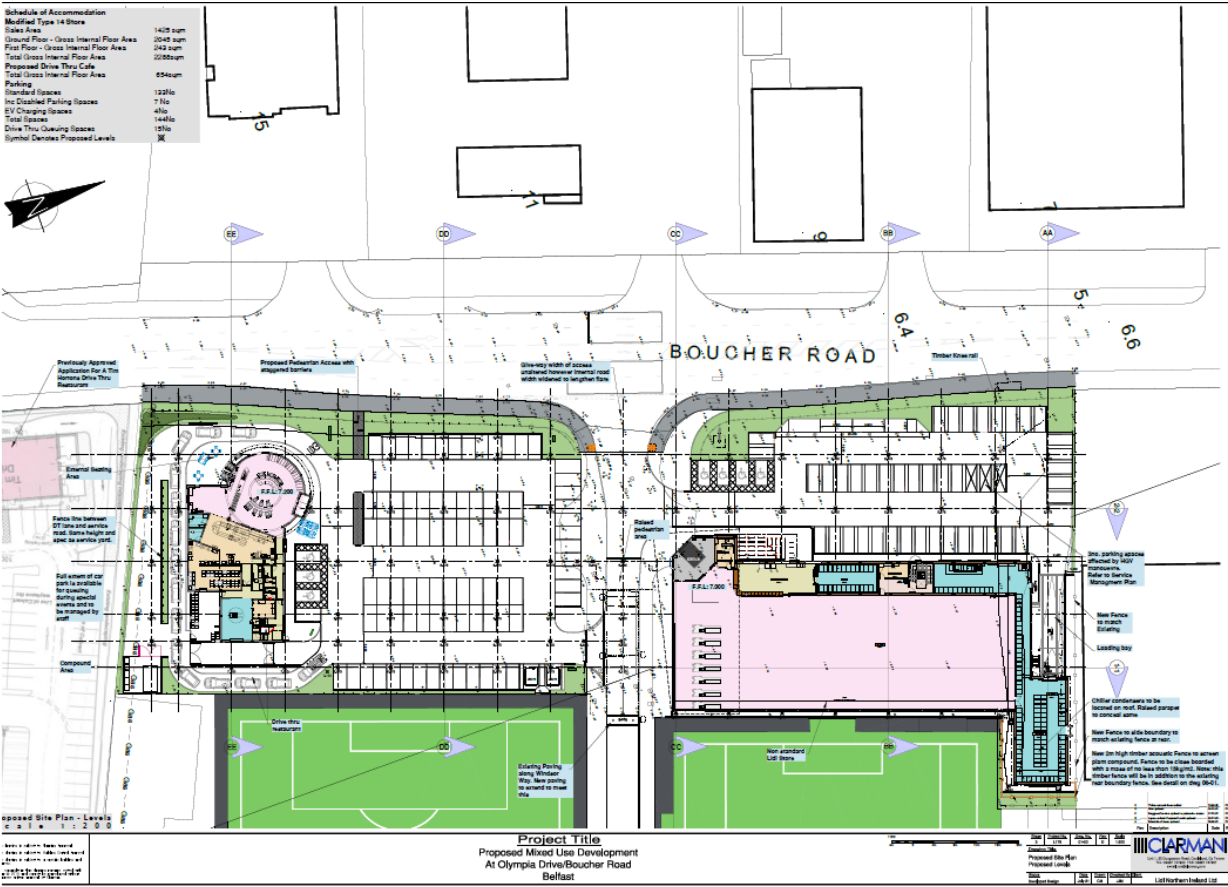
Case Officer Report

1.0 Site Location Plan

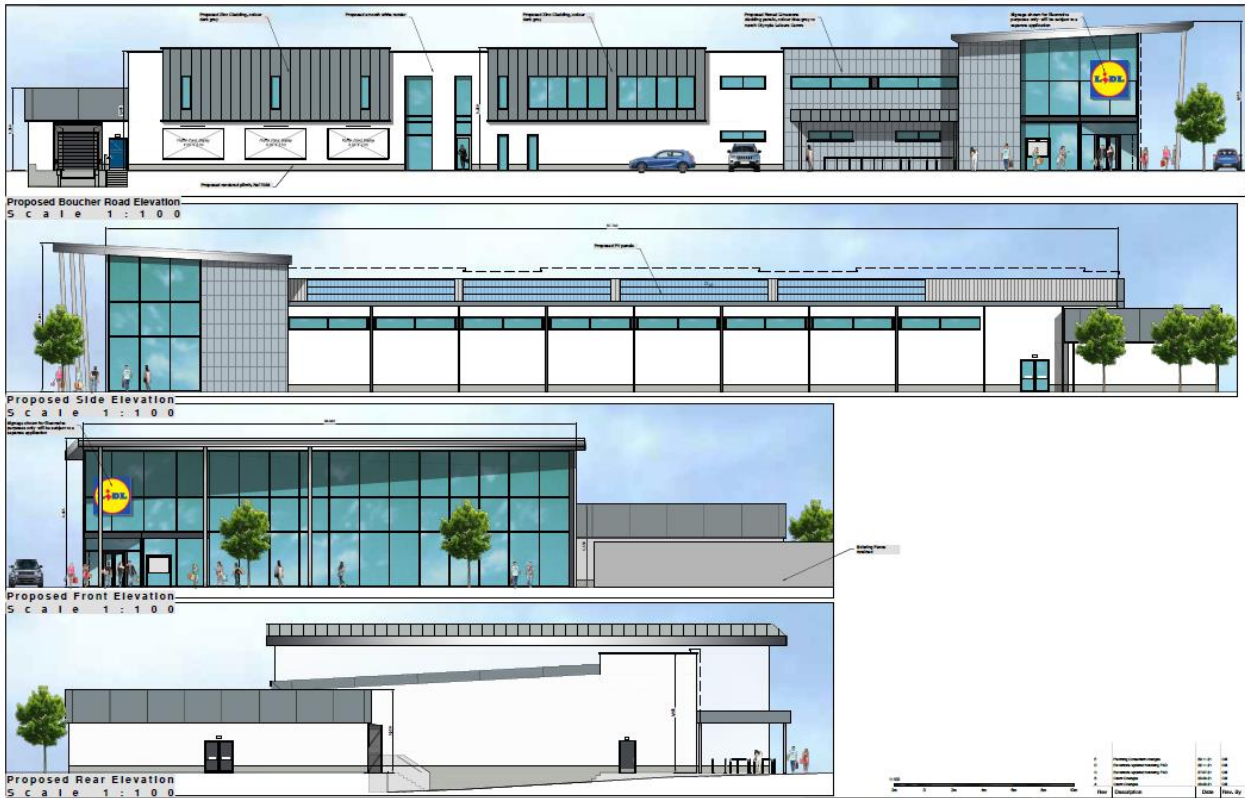
Site Location Plan



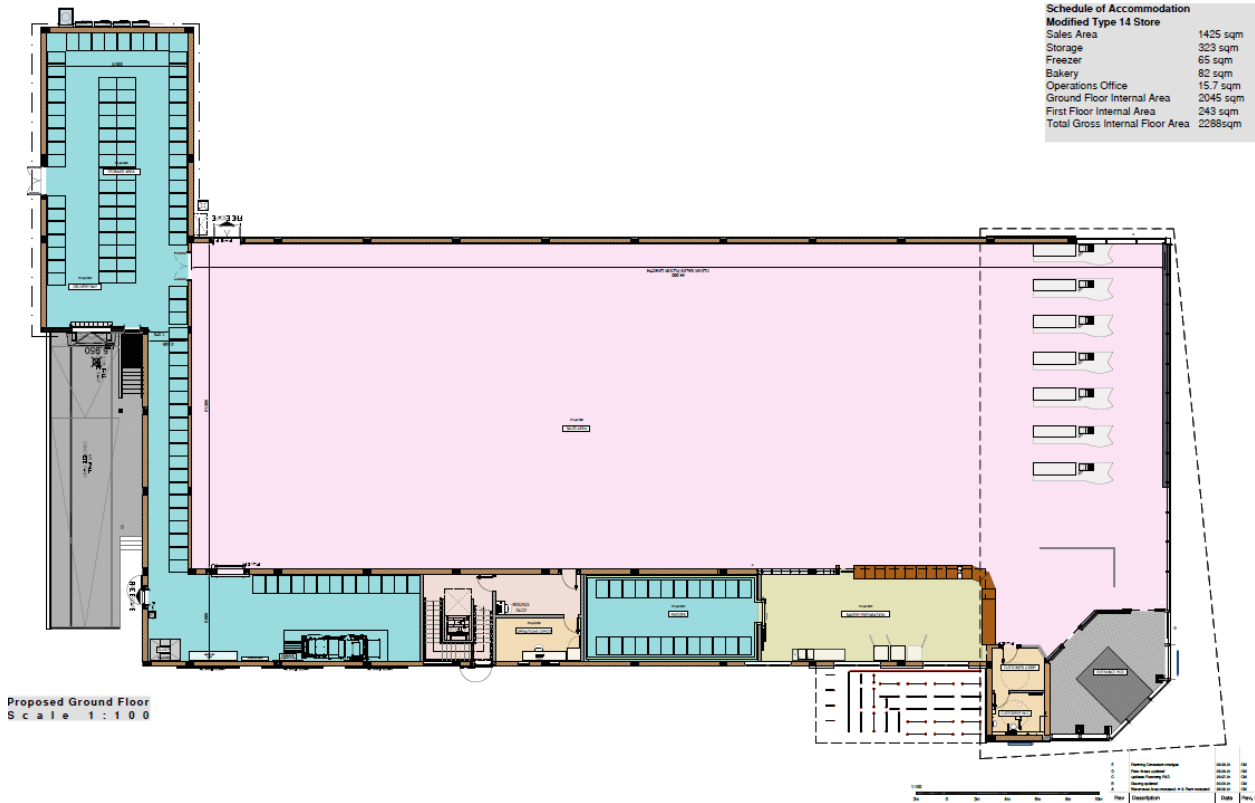
Site Layout Plan

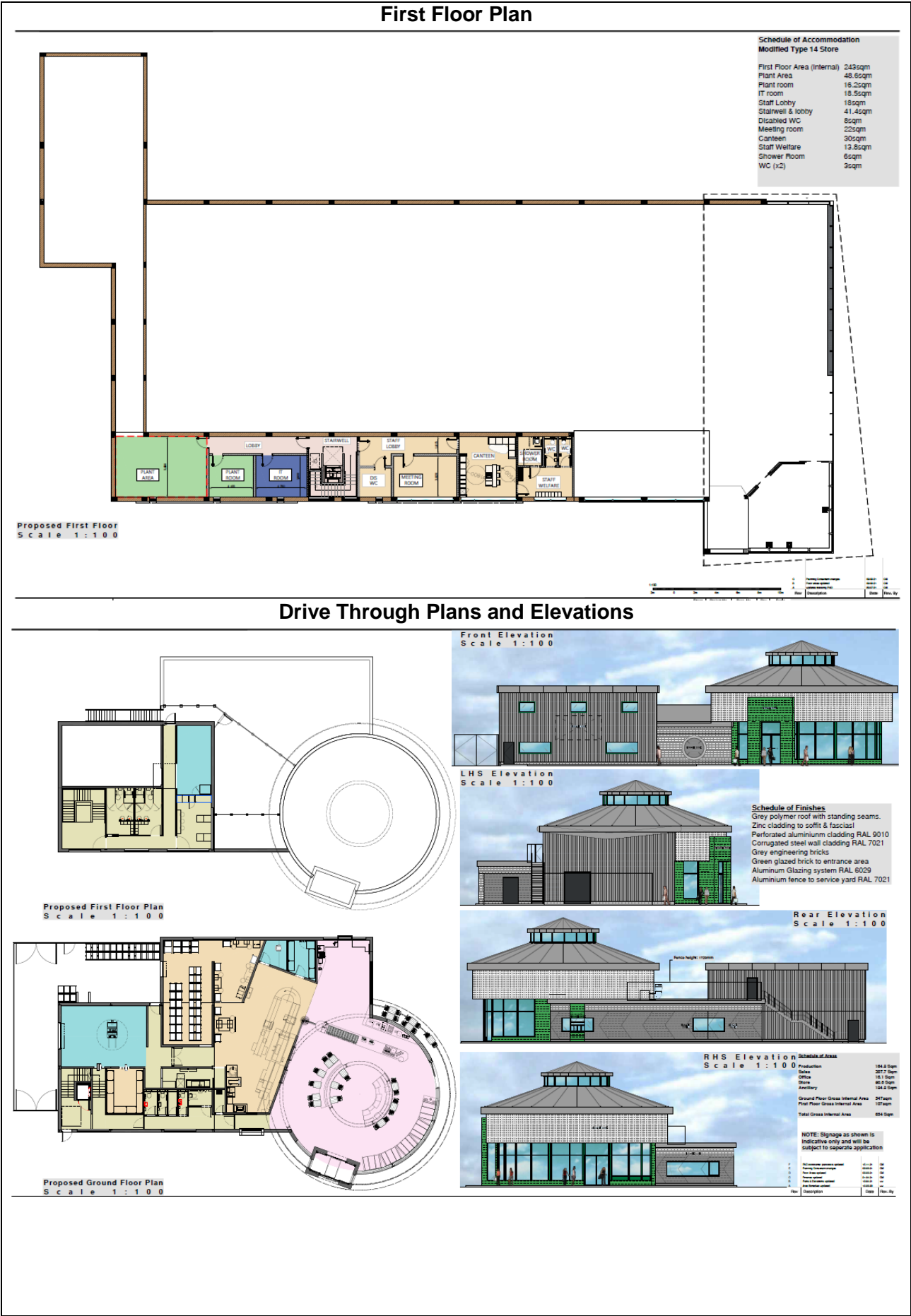


Discount Supermarket Elevations and Floor Plans



Ground Floor Plan















<b>2.0</b>	<b>Characteristics of the Site and Area</b>
<b>2.1</b>	The application site is located along the east side of Boucher Road. The area is predominantly characterised by a mix of uses, mostly commercial/retail uses.
<b>2.2</b>	Windsor Park football stadium, Olympia Leisure Centre and associated playing fields are located to the immediate east. Existing residential development is located to the north-east of the site. Commercial uses are located to the north, south and to the other side of Boucher Road to the west.
<b>3.0</b>	<b>Description of Proposal</b>
<b>3.1</b>	The application seeks full planning permission for the erection of a discount supermarket (LIDL), drive through cafe, landscaping, car parking, and associated site works.
<b>3.2</b>	The application follows a Pre-Application Discussion (PAD) with officers.
<b>4.0</b>	<b>Planning Assessment of Policy and Other Material Considerations</b>
<b>4.1</b>	<p><b>Policy Context</b></p> <p><b>Regional Planning Policy</b></p> <ul style="list-style-type: none"> <li>• Regional Development Strategy 2035 (RDS)</li> <li>• Strategic Planning Policy Statement for Northern Ireland (SPPS)</li> <li>• Planning Policy Statement 3 (PPS 3) - Access, Parking and Movement</li> <li>• Planning Policy Statement 8 (PPS 8) - Open Space, Sport and Outdoor Recreation</li> <li>• Planning Policy Statement 15 (PPS 15) - Flood Risk</li> </ul> <p><b>Local Planning Policy Context</b></p> <ul style="list-style-type: none"> <li>• Belfast Urban Area Plan (2001) BUAP</li> <li>• Draft Belfast Metropolitan Area Plan 2015 (v 2004)</li> <li>• Draft Belfast Metropolitan Area Plan 2015 (v 2014)</li> <li>• Belfast Local Development Plan Draft Plan Strategy 2035</li> </ul>



	<p><b>Other Material Considerations</b></p> <ul style="list-style-type: none"> <li>• Belfast Agenda Community Plan</li> <li>• Developer Contribution Framework</li> </ul> <p><b>4.2 Planning History</b></p> <p><b>4.2.1 Relevant Planning History on the site</b></p> <p><b>LA04/2020/2045/PAN</b> - Erection of discount supermarket, drive thru cafe, landscaping, car parking, and associated site works, Boucher Road, Belfast. PAN Acceptable 27.10.2020.</p> <p><b>LA04/2020/2007/PAD</b> - Erection of discount supermarket, drive thru cafe, landscaping, car parking, and associated site works, vacant lands at access road to Olympia Leisure Centre - directly opposite and approx. 70m east of nos. 9-15 Boucher Road, Belfast, BT12 6HR.</p> <p><b>Z/2014/0587/O</b> - A masterplan for the redevelopment/regeneration of the Olympia Leisure complex comprising the demolition of the existing Olympia Leisure Centre and the redevelopment of: 2no 3G playing fields (with associated spectator stand and changing facilities); a children's play area: car parking; extension of existing access to new leisure facilities (in west stand of the National Football Stadium); floodlighting: landscaping and boundary treatments; hotel and commercial units, Lands at Olympia Leisure Centre, Boucher Road, Belfast, BT12 6HR. Permission granted 31.03.2015</p> <p><b>4.2.2 Relevant Planning History adjacent to the site</b></p> <p><b>LA04/2020/0828/F</b> - Single storey drive thru cafe with an associated cold room, service area, outdoor seating and general ancillary site works, Balmoral Plaza Retail Park, Boucher Road, Belfast, BT12 6HR. Permission granted 10.11.2020.</p> <p><b>Z/2014/0594/F</b> - Redevelopment / regeneration of the Olympia Leisure Complex comprising of the demolition of the existing Olympia Leisure Centre and the development of: 2no. 3G playing fields (with associated spectator stand and changing facilities): a children's play area: relocation of the car parking, extension of existing access to serve new leisure facilities approved in west stand of National Football Stadium under Z/2013/1437/F: floodlighting: landscaping and boundary treatments, Lands at Olympia Leisure Centre, Boucher Road, Belfast, BT12 6HR. Permission granted 31.03.2015</p> <p><b>Z/2012/1359/F</b> - Re-development of Windsor Park to provide an 18,000 seated capacity National Football Stadium, comprising: demolition of the south and east stands and erection of replacement south and east stands; refurbishment and extension of north and west stands; replacement flood lighting; coach and car parking; player accommodation and welfare facilities; ground support facilities including electronic display installations; hard and soft landscaping and storage facilities associated with ground maintenance; development of ancillary office accommodation, conference, training and community facilities; temporary construction access; upgrade of pedestrian access points and boundary fencing, Windsor Park, Donegall Avenue, Belfast, BT12 6LW. Permission granted 15.03.2013.</p>
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4.3	<b>Consultations</b>
4.3.1	<p><b>Statutory Consultations</b></p> <p><b>DFI Roads</b> – No objection subject to conditions.  <b>DFI Rivers</b> – No objection.  <b>NI Water</b> – Objection.  <b>DAERA NIEA</b> – <i>Water Management Unit</i> – proposal has the potential to adversely affect the surface water environment therefore conditions proposed to mitigate.  <i>Drinking Water Inspectorate</i> – No objection, <i>Regulation Unit</i> – No objection, <i>Natural Environment Unit</i> – No objection.</p>
4.3.2	<p><b>Non-Statutory Consultations</b></p> <p><b>Environmental Health</b> – No objection subject to conditions.  <b>Shared Environmental Services</b> – No objection. Proposal not likely have a significant effect on any European site, either alone or in combination with any other plan or project and appropriate assessment is not required.  <b>Economic Development Unit</b> - No objection. Employability and skills related Developer Contributions Section 76 clauses do not need to be applied to the development.  <b>BCC Urban Design Officer</b> – No objection subject to condition.  <b>BCC Policy and Plans team</b> – No objections subject to conditions.  <b>BCC Waste Management Team</b> – No objection.  <b>BCC Landscape Planning and Development Team</b> – No objection.</p>
4.4	<b>Representations</b>
4.4.1	<p>The application has been advertised and neighbours notified. Thirty-two third party representations have been received, thirty of which support the development and two raise objections. The representations received raise the following issues.</p> <p><u>Letters of Support</u></p> <ul style="list-style-type: none"> <li>• Proposal will be a very much welcomed addition to the local area</li> <li>• Employment generated will help sustain the Northern Ireland Economy and bring much needed employment to the area</li> <li>• Design proposals will enhance the Boucher Road and add to an extended shopping area</li> <li>• Support for investment in the area/Botanic Ward</li> <li>• Proposal will have a positive impact in an area of deprivation and high unemployment</li> <li>• Supported by Blackstaff Residents Association</li> <li>• Well needed supermarket for the area. The land at the minute looks deserted and this will bring a welcome boost both visually and with regards to jobs in the local area.</li> <li>• Much needed jobs in the area</li> <li>• Benefit the local area</li> <li>• Much needed provision in an area that is lacking in supermarket/food stores.</li> <li>• Provides a convenient supermarket and job opportunities for the locality. Also, it can be accessed without having to cross at a busy junction such as Broadway Roundabout or crossing steep steepes or bridges such as at Tate's Avenue or Windsor Park.</li> <li>• More choice in the area</li> </ul>

	<ul style="list-style-type: none"> <li>• Great asset for the community</li> <li>• Community don't have enough up to date shops for grocery shopping</li> <li>• Request to process the application urgently, so that local people can avail of what would be an essential shopping facility to help them through the cost of living crisis.</li> </ul>
4.4.2	<u>Objections</u>
4.4.3	The two objections received are from Midgely Park and the IFA.
4.4.4	Representatives from Midgely Park requested a 2m high fencing along the length of the boundary fence with Midgely Park to prevent litter from entering the park and provide screening from car lights. Midgely Park is content following the submission of amended plans.
4.4.5	<p>The IFA raises the following concerns:</p> <ul style="list-style-type: none"> <li>• Impact of major events/international football matches – i.e. closure of Windsor Way</li> <li>• If permitted, the proposed development will create a conflict of uses on major event days.</li> <li>• Concerns that the proposal will result in a conflict between patrons attending major events at the National Football Stadium (NFS) and customers accessing the proposed development. The resulting effect will expose the patrons accessing the NFS to unacceptable risks to their personal safety.</li> <li>• Potential to cause traffic congestion in or around the access from Boucher Road to the Boulevard, on major event days this access is closed to all vehicular traffic.</li> <li>• Pre-match arrangements are likely to impact the ability of customers/users and staff to access the proposed development during such major events at the NFS so the Applicant should consider specific arrangements for such occasions. No alternative arrangements or indeed any acknowledgement or understanding of the existing major event day environment in the area has been put forward as part of the application or been presented to the IFA.</li> <li>• To ensure that the issue of a safety certificate is not compromised on major event days, access to the Applicant's premises by vehicles for a limited period prior to each major event, during the major event and also for a limited period following the major event must be prohibited so that the NFS can comply with stadium safety requirements.</li> <li>• Concerns that the proposed development will create a conflict during major events at the NFS, thereby limiting the ability of PSNI and IFA to properly implement the necessary crowd management measures, risking the safety of pedestrians and obstructing emergency access to the NFS.</li> <li>• IFA considers that the requirements for the Safety Certificate could not be met where there is a conflict between vehicles and pedestrians using the Boucher Road access and the Boulevard, placing in jeopardy the ability to use this as an access point to the site.</li> <li>• Where the NFS is unable to host major events, this would not only jeopardise the ability of the IFA to meet the terms of the DfC funding for the NFS, but would also undermine the rationale for the NFS, which was to create a venue capable of showcasing Northern Ireland football on an international stage.</li> </ul>
4.4.7	The matters raised in the representation are considered in the report.

4.5	<b>Planning Assessment</b>
4.5.1	<p><b>Key Issues</b></p> <p>The key issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> <li>• The principle of the proposed use at this location</li> <li>• Retail Impact of the proposal</li> <li>• Impact on the character and appearance of the area</li> <li>• Compatibility with adjacent uses</li> <li>• Access, parking and traffic management</li> <li>• Environmental Considerations – Drainage, Contamination, Noise, Impact on Designated Sites/Natural Heritage Assets</li> </ul>
4.6	<b>Background</b>
4.6.1	The proposed development was the subject of a PAD process which included input from BCC Senior Urban Design Officer, DFI Roads, BCC Landscape Planning and Development Team and Environmental Health.
4.7	<b>Development Plan Context</b>
4.7.1	Section 6(4) of the Planning Act (Northern Ireland) 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4.7.2	The adoption of the Belfast Metropolitan Area Plan (BMAP) in 2014 was declared unlawful as a result of a judgement in the court of appeal delivered on 18 May 2017. This means that the Belfast Urban Area Plan 2001 (BUAP) provides the statutory plan context for the area.
4.7.3	Draft BMAP 2015 (dBMAP v2014), in its most recent, post-examination form remains a significant material consideration when making planning decisions. It was at the most advanced stage possible prior to adoption. However, in assessing this application regard is also had to the provisions of draft BMAP which was published in 2004 (dBMAP 2004).
4.7.4	In dBMAP (v2004) the site is identified as an area of existing open space within the Belfast Metropolitan/Settlement Development Limit. In dBMAP (v2014) the site is also identified as an area of existing open space within the Belfast Metropolitan/Settlement Development Limit. Within the BUAP the site is un-zoned land within the development limit of Belfast.
4.7.5	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is

	adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.
4.8	<b>Policy Considerations</b>
4.8.1	Policy SFG3 of the RDS seeks to enhance the role of Belfast City Centre as the regional capital and focus of administration, commerce, specialised services and cultural amenities. This policy states <i>'Belfast City Centre has developed its regional shopping offer. A precautionary approach needs to be continued in relation to future major retail development proposals based on the likely risk of out of centre shopping developments having an adverse impact on the city centre shopping area'</i> .
4.8.2	The SPPS sets out five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. The SPPS states at paragraph 1.13 (page 7) that a number of policy statements, including PPS3 and PPS 8, remain applicable under 'transitional arrangements.
4.8.3	Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraph 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported.
4.9	<b>Principle of Proposed Uses</b>
4.9.1	The proposed uses comprise retail (discount supermarket) and a drive-through café (suis generis use). Both are considered compatible with surrounding uses in this primarily commercial location. The main issues when considering the acceptability of the uses in principle are retail impact and loss of open space, discussed below.
4.10	<b>Retail Policy Considerations</b>
4.10.1	The SPPS introduces new retail policy under 'town centres and retailing' at pages 101-105, replacing previous considerations within Planning Policy Statement 5. Paragraph 6.270 states that <i>'the aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS.'</i>
4.10.2	Paragraph 6.273 states planning authorities must adopt a <b>town centre first approach</b> for retail and main town centre uses. Paragraph 6.280 states that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date LDP. Where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused.
4.10.3	Paragraph 6.281 requires applications for main town centre uses to be considered in the following order of preference (and consider all of the proposal's catchment): <ul style="list-style-type: none"> <li>• primary retail core;</li> <li>• town centres;</li> <li>• edge of centre; and</li> </ul>

	<ul style="list-style-type: none"> <li>• out of centre locations, only where sites are accessible by a choice of good public transport modes.</li> </ul>
4.10.4	No guidance has been published to date by DFI to assist in interpretation and application of SPPS policy.
4.10.5	Relevant retail Policy in the BUAP is set out in Policy S2 (Shopping development outside the City Centre) and Policy S5 (Assessment of Proposed Shopping Schemes). Policy S2 states that <i>'New shopping schemes in the rest of the Belfast Urban Area should be located in or near existing shopping centres and be of an appropriate scale.'</i> This policy seeks to protect the city centre and existing centres and to ensure that new retail developments are located where they support the continued viability of established shopping centres. The Policy further states that <i>'New shopping schemes away from existing centres will be permitted only in exceptional circumstances where:- they meet the genuine needs of large residential neighbourhoods; especially of they are currently under-shopped; or an area is in need of new investment and requires an element of retailing to secure regeneration.'</i>
4.10.6	Policy S5 states that <i>'All new major shopping schemes will be subject to assessment against criteria relating to impact, car parking, traffic generation and access; relationships to adjoining development (especially residential); and design and appearance (including materials, finishes and signs).'</i> The policy further directs that the following matters be considered:- the effect on the vitality and viability of existing shopping centres as a whole; the effect on local amenity; traffic generation; the availability of public transport and accessibility for car owners and the benefits to the public from the proposed development. No guidance is included within the BUAP on how the effect on the vitality and viability of existing shopping centres is to be assessed. It is the view of officers that the assessment carried out in accordance with the SPPS is an appropriate assessment to determine the impact of the proposed development on the vitality and viability of existing shopping centres. These matters are considered in the assessment below.
4.10.7	<p>Draft BMAP strategic retail policy for Belfast is set out at pages 54-58 Part 3 volume 1 and page 28 of Part 4 Volume 2. The BMA retail strategy seeks to:</p> <ul style="list-style-type: none"> <li>• promote Belfast City Centre as the leading shopping centre in the Plan Area and Northern Ireland;</li> <li>• Outside City and Town Centres the nature and scale of retail development is to be controlled in order to protect the vitality and viability of the city and town centres and retail development to be focused on designated District Centres, Shopping / Commercial Areas and Designated Commercial Nodes on designated Arterial Routes and designated Local Centres.</li> </ul>
4.10.8	Two other elements are cited, however, these relate to areas outside of Belfast and are therefore not applicable.
4.10.9	Policy R1 states that <i>'primary retail cores will be the preferred location for new comparison and mixed retail development...(and)...outside designated Primary Retail Cores, planning permission will only be granted for comparison and mixed retail development where it can be demonstrated that there is no suitable site within the primary retail core'</i> . The supplementary note goes on to say that <i>'the plan seeks to support the vitality and viability of city and town centres by ensuring that they are the main focus for all retail developments including convenience, non-bulky comparison and bulky comparison retailing.'</i>

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

	other Lidl stores. The RIA advises that that there is one Lidl store with the catchment area at the Westwood Centre, West Belfast.
4.11.7	The applicant's catchment is smaller than the 15-minute catchment calculated by the Plans and Policy team in their assessment and excludes parts of South Belfast including Finaghy and Upper Malone
4.11.8	The Plans and Policy team has considered a wider catchment (15-minute drive time) and is of the opinion that the potential retail impact on protected centres would not be significant.
	<b>Sequential Test/Availability of Alternative Sites</b>
4.11.9	The SPPS sets out a town centre first approach to the location of retail development and a sequential assessment of town centre uses that are not in an existing designated centres, taking account of the catchment area of the proposal. Accordingly, primary retail core, city centre, edge of city centre vacant sites must be considered for suitability followed by those in other designated centres i.e. district and local centres designated in dBMAP, before out of centre locations. The SPPS advises that out of centre locations must also be accessible by a choice of good public transport modes.
4.11.10	<p>Paragraph 6.289 require applicants to '<i>...identify and fully demonstrate why alternative site are not suitable, available and viable</i>'. There is no further direction or discussion within the SPPS as to the definition or interpretation of <i>suitable, available and viable</i>. To date no guidance has been published by DFI to assist in the interpretation and implementation of the sequential test and associated policies within the 'Town Centres and Retailing' section. Accordingly, consideration of practice / guidance in England has been taken into account. The document 'Planning for Town Centres - Guidance on need, impact, and the sequential approach' (Department for Communities and Local Government, December 2009) sets out three criteria in the assessment of the sequential testing of sites:</p> <ul style="list-style-type: none"> <li>• Suitable: When judging the suitability of a site it is necessary to have a proper understanding of scale and form of development needed, and what aspect(s) of the need are intended to be met by the site(s). It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make, either individually or collectively, to meeting the same requirements.</li> <li>• Available: A site is considered available for development, when, on the best information available, there is confidence that there are no insurmountable legal or ownership problems, such as multiple ownerships, ransom strips, tenancies or operational requirements of landowners.</li> <li>• Viable: whether there is a reasonable prospect that development will occur on the site at a particular point in time.</li> </ul>
4.11.11	A degree of caution also must be taken in regard to the above, as these predate the new National Planning Policy Framework (in effect the English equivalent to the SPPS) published in December 2012. This retains application of the sequential test, but now reads as follows (paragraph 24):

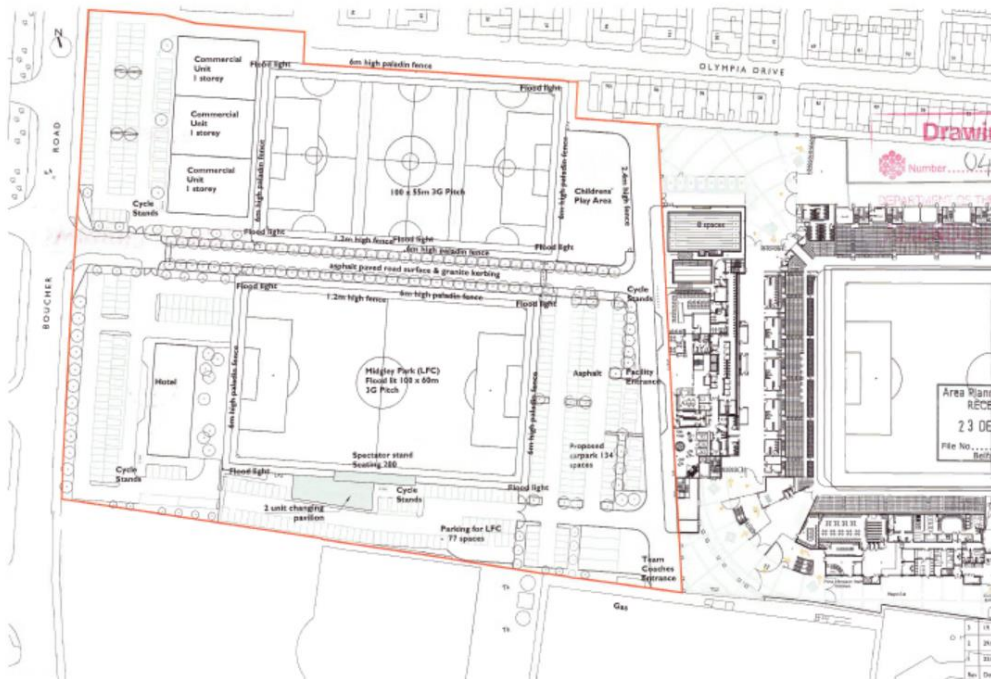


	<p><i>“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then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

4.12	<b>Retail Impact</b>
4.12.1	<p>With the introduction of the SPPS in September 2015, paragraph 6.283 stipulates that a full assessment of retail impact is required for development exceeding 1,000sqm not proposed in a town centre. Paragraph 6.290 of the SPPS sets out factors to be addressed in the assessment of need as set out below and advises that where an impact on one or more of these criteria is considered significantly adverse or where in balancing the overall impacts of each of the criteria the proposed development is judged to be harmful, then it should be refused.</p> <ul style="list-style-type: none"> <li>• <i>the impact of the proposal on trade and turnover for both convenience and comparison goods traders, and the impact on town centre turnover overall for all centres within the catchment of the proposal;</i></li> <li>• <i>the impact of the proposal on existing committed and planned public and private sector investment and investor confidence in the town centre/s;</i></li> <li>• <i>the impact of the proposals on the delivery of the planned/allocated sites and the LDP strategy;</i></li> <li>• <i>the impact on the vitality and viability of existing centres including consideration of the local context. This should take into account existing retail mix and the diversity of other facilities and activities.</i></li> <li>• <i>Cumulative impact taking account of committed and planned development, including plan commitments within the town centre and wider area; and,</i></li> <li>• <i>a review of local economic impacts.</i></li> </ul>
4.12.2	<p>Each of these criteria has been considered by the Plans and Policy team and an assessment is set out below.</p> <p><b><i>The impact of the proposal on trade and turnover for both convenience and comparison goods traders, and the impact on town centre turnover overall for all centres within the catchment of the proposal</i></b></p>
4.12.3	<p>The Plans and Policy team's response states that '<i>Included in the reduced catchment drawn by the applicant there are five protected centres: part of Belfast City Centre, Park Centre, Westwood Centre, Kennedy and Dunmurry Local Centres. The nearest centre to the proposed site is Park Centre district centre. Having carried out sensitivity testing on the RIA submitted by the applicant it is concluded that the retail impact of the proposal on Park Centre would not be significant (less than 4%). Whilst some individual stores within the centre may be impacted to a higher degree by the proposal, the policy clearly states that it is the whole centre that retail impact must be considered against not individual stores contained within it. Within the 0–5-minute catchment of the application site there are several stores selling similar offerings (Tesco, Lisburn Rd, Eurospar, Donegall Road, Home Bargains and the Range/Iceland, Boucher Road) which will be the most affected due to their proximity. But given their out of centre location these are not afforded policy protection. Whilst the council's own sensitivity testing has produced slightly different impacts than those quoted in the applicant RIA, it is considered that the impact on protected centres within the proposals whole catchment are not significant.</i></p> <p><b><i>The impact of the proposal on existing committed and planned public and private sector investment and investor confidence in the town centre/s</i></b></p>
4.12.4	<p>The Plans and Policy team's response advises that '<i>The Council is actively seeking ways to address pockets of strategic vacancy in the city centre and also working to attract first to the NI market brands. However, there is no empirical evidence to</i></p>

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

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

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

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

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

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



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

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

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

4.25.5	<p>the sites that affect pedestrian accessibility and mobility impaired persons; proposal would not resolve existing waste and anti-social behaviour issues.</p> <p><i>In response to the above issues the report states that ‘In relation to traffic congestion, surveys have been undertaken by the applicant and the impact of the proposal has been assessed in a Transport Assessment. This shows that the proposal will have a very low impact on the local road network. It is proposed that the existing accesses to the site will be altered. They will be maintained by the applicant and it will ensure that they are kept clear – it would not be in its interests to have the vehicular accesses to its car parks obstructed. Pedestrian crossings over the accesses and across Windsor Way are also proposed and this will aid pedestrian movement. In relation to waste, the applicant will have its waste collected every day – it will be taken back to Nutts Corner and recycled in the same HGVs that deliver goods. The applicant has excellent environmental sustainability credentials and employs a number of measures including high levels of recycling. Anti-social behaviour is not a noted issue with Lidl stores.’</i></p> <p>The Pre-Community Consultation Report submitted satisfactorily demonstrates that the applicant has complied with the requirements of Sections 27 and 28 of the Planning Act (NI) 2011 and Section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015 and has adhered to Council recommendations during the PAN process. The PACC report is considered acceptable.</p>
<b>Neighbour Notification Checked</b> <span style="float: right;"><b>Yes</b></span>	
<p><b>Summary of Recommendation:</b></p> <p>Having regard to the development plan, relevant policy context and other material considerations including the representations received the proposed development is considered acceptable and it is recommended that full planning permission is granted subject to conditions.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and to deal with any other matters which may arise.</p>	
<p>Draft Conditions:</p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</li> </ol> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <ol style="list-style-type: none"> <li>2. No external finishes shall be applied unless in accordance with a written specification and a physical sample panel, details of which shall have first been submitted to and approved in writing by the Council.</li> </ol> <p style="padding-left: 40px;">The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works.</p> <p style="padding-left: 40px;">The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of all external finishes.</p> <p>Reason: In the interests of the character and appearance of the area.</p> <ol style="list-style-type: none"> <li>3. The gross retail floor space pf the store hereby approved shall not exceed 2,223sqm.</li> </ol>	

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

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

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

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

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

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

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

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

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

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

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

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

9. All hard and soft landscaping works shall be carried out in accordance with the approved details as set out in Drawing No. 10B – Landscape Proposal published by the Council on 12<sup>th</sup> September 2022 and as agreed by the Council under condition 7. The landscaping works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the

approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the approved details.

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

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

Reason: Protection of residential amenity against adverse noise.

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

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

Reason: Protection of residential amenity against adverse noise.

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

Reason: Protection of residential amenity against adverse noise.

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

Reason: Protection of residential amenity against adverse noise.

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

Reason: Protection of residential amenity against adverse noise.

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

Reason: Protection of residential amenity against adverse noise.

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

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

Reason: Protection of residential amenity against adverse noise.

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

Reason: protection of amenity against adverse odour impact.

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

Reason: Protection of the amenity of nearby premises.

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

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

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

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

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

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

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

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

Reason: To ensure protection of the aquatic environment.

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

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

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

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

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

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

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

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

25. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the



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

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

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

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

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

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

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

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

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

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

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

Date of Notification to Department: N/A

Response of Department: N/A

**Representations from Elected Members: Yes**

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

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

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

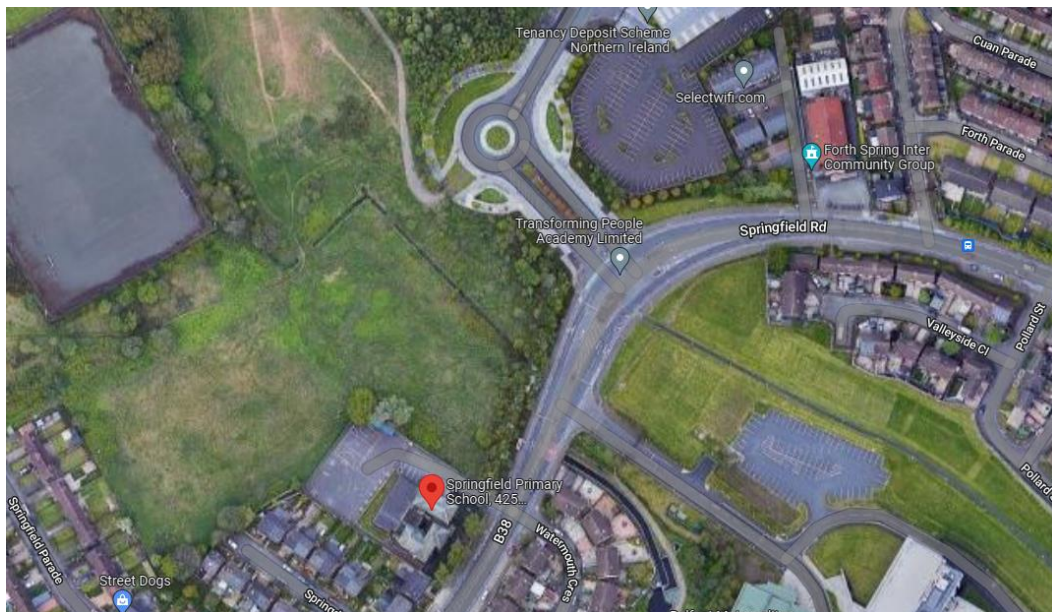
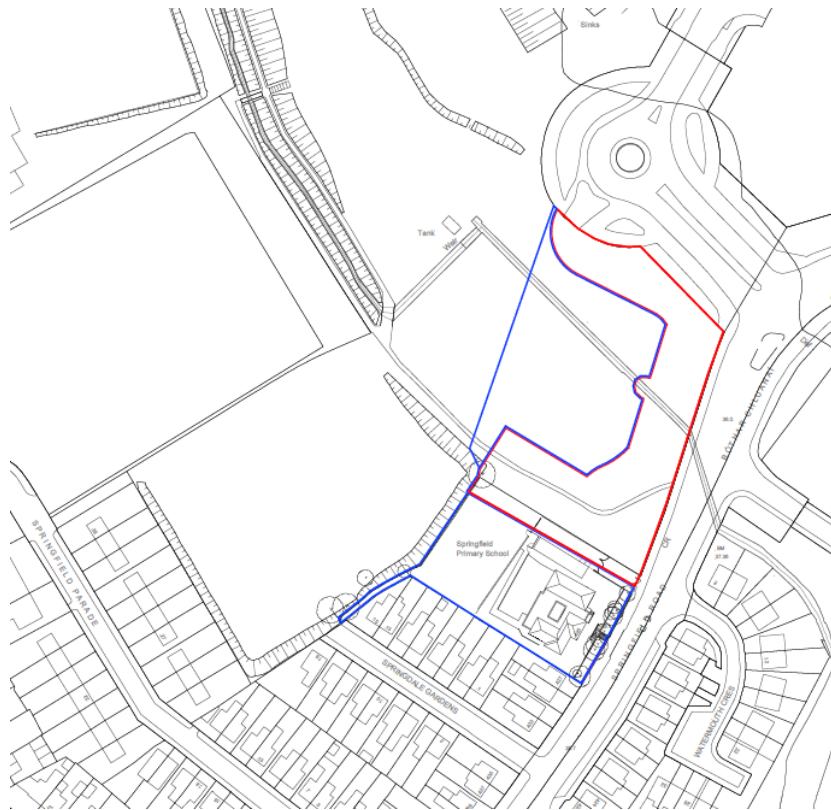
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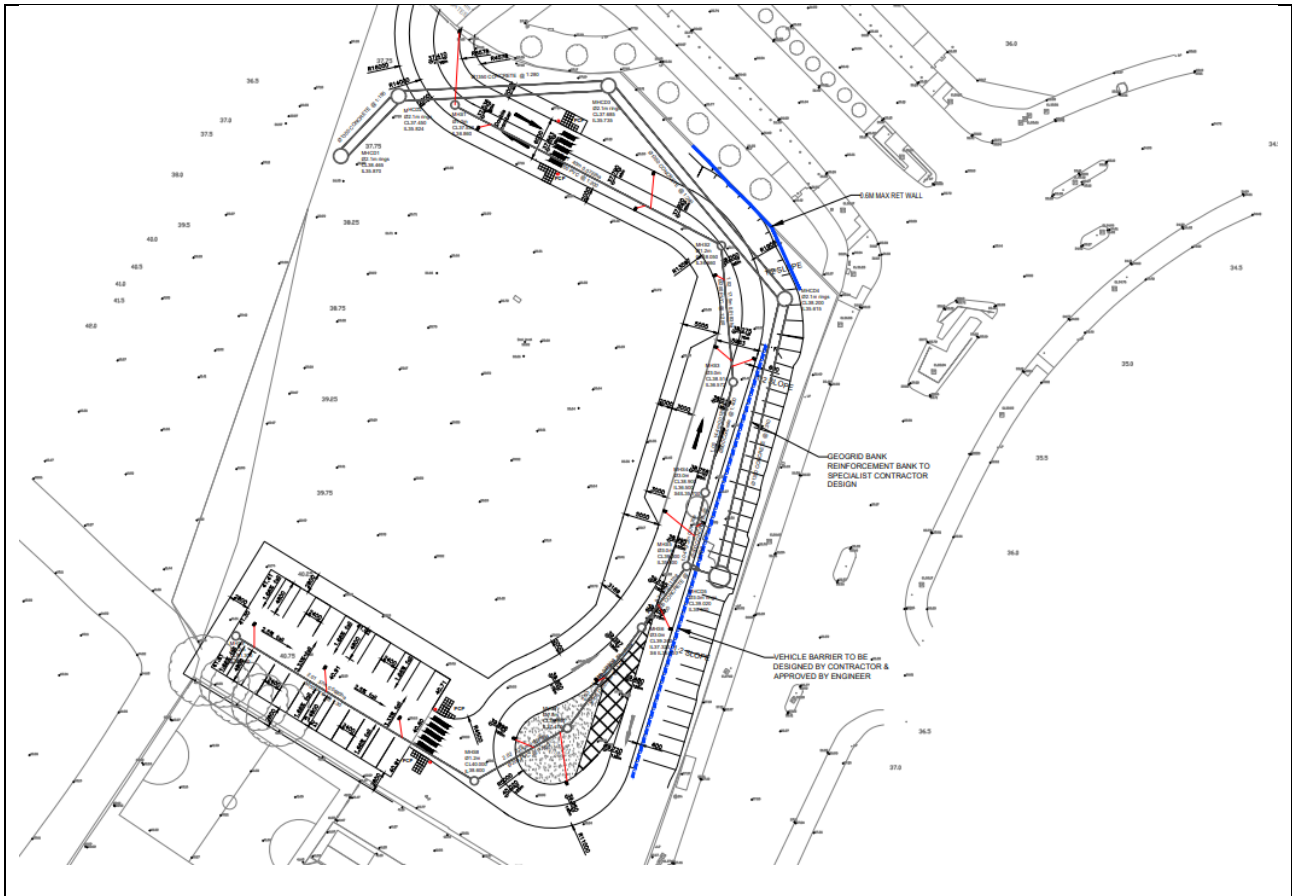
## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 19 <sup>th</sup> December 2022	<b>Item Number:</b>
<b>Application ID:</b> LA04/2021/1188/F	<b>Target Date:</b>
<b>Proposal:</b> Provision for a 24 no. space car park, access road with lay-by and turning head. 2.4m Perimeter Fence	<b>Location:</b> 425 Springfield Road Belfast BT12 7DJ
<b>Referral Route:</b> At the discretion of the Director of Planning and Building Control in accordance with paragraph 3.8.7 of the Scheme of Delegation for Planning	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Colin Bingham Education Authority 3 Charlemont place Armagh BT61 9AX	<b>Agent Name and Address:</b> Gregory Architects 4 Crescent Gardens Belfast BT25 1TH
<p><b>Executive Summary:</b></p> <p>The application seeks full planning permission for the provision of a car park with 24 spaces for Springfield Primary School, including access road and fencing.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> <li>• Loss of zoned economic land</li> <li>• Loss of open space</li> <li>• Access, Movement and Parking</li> <li>• Drainage and flood risk</li> </ul> <p>The proposal would result in the loss of land zoned for employment in both the BUAP and dBMAP. The proposal is contrary to Policy IND6 of the BUAP, employment zonings in dBMAP, PPS 4 and the SPPS. However, the loss of employment land is relatively small and there is ample supply of employment land in the area. The loss of employment land is considered to be outweighed by the benefits of the scheme in terms of improving highway safety for children, parents and staff, and reducing congestion during peak hours. In the planning balance, the proposal is considered acceptable.</p> <p>DFI Roads and DFI Rivers offer no objection to the proposal subject to conditions.</p> <p>No third-party objections were received in relation to the proposal and a total of 235 representations have been made in support of the proposal.</p> <p><b>Recommendation</b></p> <p>It is recommended that the application is approved subject to conditions. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of the 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 provision of a 24 no. space car park for Springfield Primary School, including new access road, lay-by, turning head and 2.4m perimeter fence.
- 1.2 The application follows a Pre-Application Discussion (LA04/2017/1292/PAD).

#### 2.0 Description of Site

- 2.1 The application site is located to the north side of Springfield Primary School off the Springfield Road, an arterial route in the west of the city. Springfield Primary School comprises a single building which fronts onto Springfield Road with a hard surface play area at the rear and car parking space for 8 cars along the northern side of the building. There is a single access to the school grounds from the Springfield Road.
- 2.2 The surrounding area is of mixed character. The Springfield Road adjacent to the site mostly comprises residential properties. The Springvale campus of Belfast Met is located to the east of the site on the opposite side of the Springfield Road. The Innovation Factory is located to the north east of the site which has been developed on lands formerly accommodating the Mackie's International Factory and now provides office space and conference facilities. The land to the immediate north and west is undeveloped grassland and open space.
- 3.3 The site forms part of this undeveloped grassland.

<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Relevant Site History</b>
	<i>Application site:</i>
3.1	Z/2014/0219/F – single-storey extension to existing school building (Amended plans and information). Permission granted 18.09.2014
	<i>Adjacent land:</i>
3.2	LA04/2020/1959/F – planning permission granted in September 2022 for the land to the north to be used as new parkland (Section 2 Forthmeadow Community Greenway). The permission includes foot and cycle pathways, lighting columns, new entrances and street furniture.
<b>4.0</b>	<b>Policy Framework</b>
	<u>Development Plans</u>
4.1	Belfast Urban Area Plan (BUAP) 2001
4.2	Draft Belfast Metropolitan Area Plan (dBMAP v2004)
4.3	Draft Belfast Metropolitan Area Plan (dBMAP v2014)
4.4	Draft Belfast Local Development Plan 2035 – Draft Plan Strategy
	<u>Regional Planning Policy</u>
4.5	Regional Development Strategy (RDS) 2035
4.6	Strategic Planning Policy Statement (SPPS)
4.7	Planning Policy Statement 2 (PPS 2): Natural Heritage
4.8	Planning Policy Statement 3 (PPS 3): Access, Movement and Parking
4.9	Planning Policy Statement 4 (PPS 4): Planning and Economic Development
4.10	Planning Policy Statement 8 (PPS 8): Open Space, Sport and Outdoor Recreation
4.11	Planning Policy Statement 15 (PPS 15): Planning and Flood Risk
<b>5.0</b>	<b>Consultations:</b>
<b>5.1</b>	<b>Statutory Consultee Responses</b>
5.1.1	DFI Roads – no objections and recommends conditions.
5.1.2	DFI Rivers – no objections and recommends conditions.
<b>5.2</b>	<b>Non-Statutory Consultee Responses</b>
5.2.1	None
<b>6.0</b>	<b>Representations</b>
6.1	The application has been neighbour notified and advertised in the local press. 235 letters of support have been received which include 26 letters from members of staff, individual letters from pupils and parents, 2 emails from parents to the headmaster raising concerns with safety, a group letter from the pupils council, a letter from the governor of Springfield Primary School and a letter from family support groups. There have been no objections.
6.2	The letters of support are summarised below: <ul style="list-style-type: none"> <li>Springfield Road as a main arterial route experiences a large volume of accidents, speeding cars and car crashes which is exacerbated by the neighbour police and fire stations and College.</li> <li>Children's safety should override zoning issues.</li> </ul>



	<ul style="list-style-type: none"> <li>On-going complaints from neighbours regarding parking – the off-road parking should be favourably considered.</li> <li>Between December 2010 and November 2020, 186 road casualties took place between Isadore Avenue and Mill Race (PSNI statistics)</li> <li>Lack of parking forces cars to park along the road which forces prams and wheelchairs off the footpath onto the road.</li> <li>This proposal creates a safe drop off/ pick up area for children.</li> </ul>
<b>7.0</b>	<b>Assessment</b>  <u>Policy Context</u>
7.1	Section 6(4) of the Planning Act (Northern Ireland) 2011 states that: <i>'Where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.'</i>
7.2	Section 45(1) of the Act states that the council must <i>'...have regard to the local development plan, so far as material to the application, and to any other material considerations...'</i>
7.3	Following the Court of Appeal decision on BMAP, the extant development plan is the BUAP. However, dBMAP remains an important material consideration. Given the stage at which the draft BMAP (v2014) had reached pre-adoption through a period of independent examination, it is considered to hold significant weight, save for retail policies relating to Sprucefield, Lisburn, which remain contentious.
7.4	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.
	<u>Key Issues</u>
7.5	<p>The key issues relevant to consideration of the application are:</p> <ul style="list-style-type: none"> <li>Loss of zoned economic land</li> <li>Loss of open space</li> <li>Access, Movement and Parking</li> <li>Drainage and flood risk</li> </ul>
	<u>Loss of employment land</u>
7.6	The application site is partially zoned for employment land within the BUAP and is zoned for employment land in both versions of draft BMAP.
7.7	In considering the relevant policies, officers have been mindful of the local and regional policy presumptions against the loss of industrial, commercial or employment lands.

*Belfast Urban Area Plan 2001:*

7.8

In the BUAP, the application site forms part of a wider zoning for Industry and Commerce land, shown in purple in the map at Figure 1, below. The site lies underneath and beside the black square which indicates a potential Simplified Planning Zone. It is also beside the black triangle which indicates Areas of Business Development Potential.



**Figure 1: BUAP zoning of Industry and Commerce Land (purple)**

7.9

Policy IND 1 of the BUAP zones approximately 375 acres of land across Belfast to meet the expansion needs of existing industry and commerce and to provide for new industries and enterprises. The BUAP states that this will provide employment land to help meet the Industrial Development Board's target-based job predictions up to 2001.

7.10

Policy IND 6 of the BUAP seeks '*To ensure that land zoned for Industrial and Commercial use is reserved for appropriate types of development.*'

7.11

Recognising that '*...it is necessary to allow flexibility in the use of industrial and commercial land...*', the policy states that the following additional uses will normally be acceptable in industrial estates:

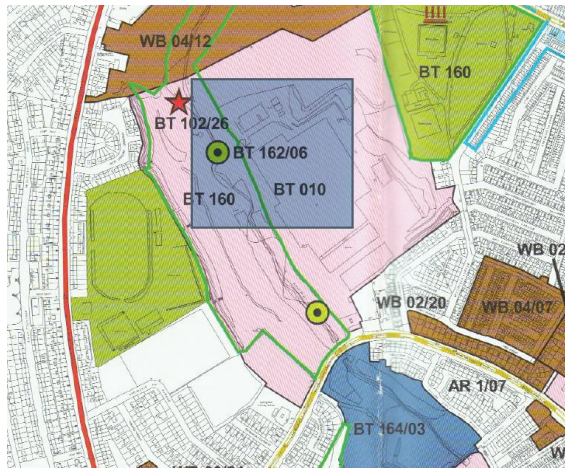
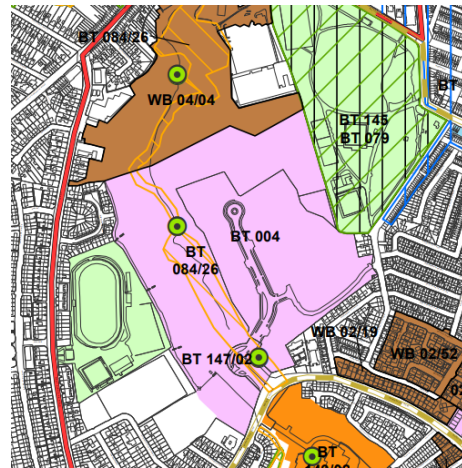
- light and industrial manufacturing;
- warehousing or stock-housing;
- car and commercial vehicle sales including showrooms, servicing, storage (stock-piling), but excluding breaking and scrap/dismantling;
- repair businesses;
- builders suppliers with their associated open storage;
- training centres, vehicle inspection and driving test centres;
- ancillary local needs, e.g. banks, cafes.

7.12

The proposal does not fall under an industrial or commercial use or any of the uses listed above. It is therefore contrary to Policy IND 6 of the BUAP.

*Draft Belfast Metropolitan Area Plan (v2004):*

- 7.13 In draft BMAP (version 2004), the application site is zoned for employment land under Zoning BT 010, as indicated in the proposals map at Figures 2, below. Key site requirements include that development of this land shall only include light industrial, general industrial and storage and distribution uses. In addition, development of the site shall only be permitted in accordance with an overall comprehensive masterplan for the site to be agreed with the Department. The proposal for a school car park is therefore in conflict with this zoning.

**Figure 2: Draft BMAP v2004 zonings****Figure 3: Draft BMAP v2014 zonings***Draft Belfast Metropolitan Area Plan (v2014):*

- 7.14 In draft BMAP (v2014), the site is similarly zoned for employment land, but under Zoning BT 004 as shown in Figure 3, above. Key site requirements include that development shall only include Classes B1 (b) and (c), B2, B3 and B4. Development shall only be permitted in accordance with an overall comprehensive masterplan for the site to be agreed with the Department. The proposal is therefore in conflict with this zoning.

*Planning Policy Statement 4:*

- 7.15 Policy PED7 of PPS 4: Retention of Zoned Land and Economic Development Uses is relevant in the consideration of this development proposal. The policy states that:

*“Development that would result in the loss of land zoned for economic development use to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.*

*An exception will be permitted for the development of a sui generis employment use within an existing or proposed industrial/employment area where it can be demonstrated that: the proposal is compatible with the predominant industrial use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution of the industrial/employment land resource in the locality and the plan area generally. Retailing or commercial leisure development will not be permitted except where justified as acceptable ancillary development.”*

7.16	The exceptions outlined in Policy PED 7 do not apply in that the zoned land has not been substantially developed for alternative uses and the proposal does not involve a <i>sui generis</i> employment use. The proposal is therefore contrary to Policy PED 7.
7.17	<p>However, Planning Advice Note to PPS 4, published in November 2015, accepts that there can be “special circumstances” in which a departure from the development plan zoning may be acceptable. Paragraph 16 of the Planning Advice Note reads:</p> <p><i>‘In the case of planning applications involving a departure from a development plan zoning, for example from light industrial use to a mixed use development, planning officers should be fully satisfied that it has been clearly demonstrated how the special circumstances of a particular case outweigh the preferred option of retaining the land for economic development use.’</i></p>
7.18	<p>“Special circumstances” are not defined in the Planning Advice Note and there is no definitive list of what those special circumstances might be. In this case, Officers consider that the special circumstances that justify a departure from Policy PED 7 are that the proposal would:</p> <ul style="list-style-type: none"> <li>- address Springfield Primary School’s existing poor access and parking arrangements, which result in congestion during peak hours and compromise highway safety;</li> <li>- enable the school to provide a car park that meets educational standards;</li> <li>- there is no other obvious alternative land to provide the proposed car park;</li> <li>- improve the wellbeing and safety of pupils, guardians, staff and visitors to the primary school;</li> <li>- the loss of employment land would be minimal and the proposal would not prejudice the development of the adjacent land for employment purposes;</li> <li>- there is ample supply of employment land as is demonstrated by the evidence base for the Belfast LDP Draft Plan Strategy.</li> </ul> <p><i>Strategic Planning Policy Statement:</i></p>
7.19	<p>The Strategic Planning Policy Statement for Northern Ireland was published in September 2015. It is the most recent articulation of regional planning policy relating to economic development and protection of employment land. Paragraph 6.89 states:</p> <p><i>‘It is important that economic development land and buildings which are well located and suited to such purposes are retained so as to ensure a sufficient ongoing supply. Accordingly, planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. Any decision to reallocate such zoned land to other uses ought to be made through the LDP process. While the same principle should also apply generally to unzoned land in settlements in current economic development use (or land last used for these purposes); councils may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits, that are considered to outweigh the loss of land for economic development use.’</i></p>
7.20	<p>The proposal is in conflict with paragraph 6.89 of the SPPS.</p> <p><i>Belfast Local Development Plan 2035 - Draft plan strategy:</i></p>
7.21	<p>Whilst the Draft Plan Strategy is considered to hold minimal weight at this stage in the development plan process, it is still a material consideration which the Committee should have regard to. Policy EC4 of the Draft Plan Strategy relates to the loss of zoned employment land. The policy reads:</p>

	<p><i>'Zoned employment areas will be retained in employment use and will be the focus of economic regeneration and development opportunities likely to come forward during the plan period. Only in exceptional circumstances as outlined below will the loss of zoned employment land be considered acceptable.</i></p> <p><i>Proposals for the use of zoned employment land or buildings, for other purposes, should clearly demonstrate that:</i></p> <p><i>a) The proposed use is complementary to the primary employment use of the area, providing a small scale-ancillary service to meet the day-to-day needs of local employees, subject to compliance with other plan policies; <b>or</b></i></p> <p><i>b) The proposal would not prejudice the long term development of the wider employment area primarily for industrial and business development. In such cases alternative uses should:</i></p> <ol style="list-style-type: none"> <li><i>1. Not adversely affect the city's overall capacity to meet future demand for employment land;</i></li> <li><i>2. Be compatible with existing retained employment uses within their vicinity; and</i></li> <li><i>3. Demonstrate that there is no likely future demand for employment use on the site. This would require evidence that it had been actively marketed for B1(b), B1(c), B2, B3 and B4 uses for a minimum of 18 months. In instances where the loss of employment land has been deemed acceptable further information will be necessary as per the council's contribution framework.'</i></li> </ol>
7.22	It is considered that scenario b) applies as the proposal would not prejudice the long-term development of the wider employment area primarily for industrial and business development.
7.23	Evidence of the substantial oversupply of employment land within the Council Area is demonstrated at paragraph 4.23 of Technical Supplement 3 of the draft Plan Strategy <i>which identifies a need for 550,000 sqm of employment space for B Use Classes between 2020 and 2035.</i> Paragraph 4.25 states that there is an indicative capacity of 1.16 million sqm of gross employment floorspace available from committed and new sites. The proposal would result in only a very modest loss of employment land and this has to be assessed in the context of the wider availability of employment land in the area.
7.24	The proposed car park would be compatible with adjacent employment development.
7.25	The Council does not have direct evidence that the site has been actively marketed for the specified employment uses for a minimum of 18 months.
	<i>Justification for the proposal:</i>
7.26	<p>The applicant acknowledges that the proposal is in conflict with employment zonings, but advances special justification for the proposal as follows:</p> <ul style="list-style-type: none"> <li>• Springfield Road is an arterial route and the current access to the school does not permit a drop off area. This results in parents parking along the roadside during peak hours which is causing major congestion on the road;</li> </ul>



	<ul style="list-style-type: none"> <li>• The existing access is narrow and steep, contributing to congestion and creating a highway safety hazard for children, parents and staff;</li> <li>• School management are currently having to supervise drop off and pick-ups, due to the congestion and highway safety concerns;</li> <li>• The School Meals department also has major concerns as they have issues making deliveries to the school with insufficient parking space;</li> <li>• These issues are contributing to severe risk to health and safety of all users of the existing access route. The School and Board of Governors are seriously concerned that a major accident/incident is going to occur;</li> <li>• The proposed new access and car park are compliant with the DE Handbook for a 6-class base school.</li> </ul>
7.27	It is considered that the safety of children, parents and staff is paramount. It is evident that the school currently has inadequate access and parking facilities. The proposal would help redress this. Following a site meeting, an amended site layout has been submitted which reduces the size of the application site and degree of encroachment of the proposal into the zoned employment land. The application now proposes development of a small section of the overall zoning, approximately 2% of the total area.
7.28	DFI Roads has confirmed that the proposed access off the roundabout entrance would not prejudice access to the remainder of the zoned land.
7.29	It is considered that there are no obvious alternative locations for the school to provide alternative access and additional parking.
7.30	A significant number of representations from the community have been received in support of the proposal, citing concerns about the existing arrangement.
7.31	Having regard to the factors, it is considered that the benefits of the proposal in terms of providing satisfactory access and parking to the school, including the positive benefit that would have on highway safety, outweigh the conflict with the Development Plan, employment zonings in dBMAP, PPS 4 and SPPS. In the planning balance, these benefits outweigh the relatively small loss of zoned employment land.
	<u>Loss of open space</u>
7.32	Policy OS 1 of PPS 8 states that development that would result in the loss of existing open space or land zoned for the provision of open space will not be permitted. The presumption against the loss of existing open space applies irrespective of its physical condition and appearance, however, an exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.
7.33	Paragraph 5.5 of PPS 8 states that ' <i>an exception to the presumption against loss of open space will be permitted where development would produce such community benefit that this would decisively outweigh its loss. In such cases, applicants will generally be expected to demonstrate that their proposals are supported by the local community.</i> ' The proposal would result in a relatively small loss of open space. This is also framed in the context of the recent planning permission for section 2 of the Forth Meadow Community Greenway on the adjacent land, which would provide parkland and enhanced space for the wider community. There are 235 representations in support of the proposal and it is considered that it would result in substantial community benefits for the school and wider community for the reasons previously stated, principally concerning safe access and parking for Springfield School.

	<u>Environmental constraints</u>
7.34	Part of the site is also designated as a Local Landscape Policy Area (LLPA) under Zoning BT 160 Woodvale / Springfield Road. Policy ENV 3 of draft BMAP (v2004) applies and states that, within an LLPA, planning permission will not be granted for development that would be liable to adversely affect those features, or in combination of features, that contribute to environmental quality, integrity or character. Draft BMAP (v2004) was subject to an Independent Examination by the PAC. The PAC subsequently issued a report, noting two objections relating to these lands. One objection was made in respect of the LLPA designation. The PAC recommended that the LLPA designation under Zoning BT160 be removed.
7.35	In the later version of draft BMAP (v2014), the LLPA was subsequently removed on the recommendation of the PAC. This most recent version of dBMAP is considered to hold greater weight and the site is no longer subject to a LLPA.
7.36	The site is located outside the Site of Local Nature Conservation Importance (SLNCI) designation remained under Zoning BT 084/26.
	<u>Access, Movement and Parking</u>
7.37	At present, there is a single access to the school grounds directly from Springfield Road, which is used by both vehicles and pedestrians. This access is limited to a single, steep laneway with no footpath. Due to the constrained nature of the site, there is no parking space for visitors or parents and as a result the parking spaces at the site are reserved for staff members only. There is limited space for the manoeuvring of vehicles within the school grounds which results in the busy Springfield Road, an arterial route, being the main drop off location for pupils. The applicant's Planning Statement states that this causes significant congestion issues as the parking of cars on either side of the road restricts space within the carriageway for passing. In addition to this, cars mounting the footpath restrict the width of the footpath for pedestrians.
7.39	The proposed access and new parking area would have a positive impact in reducing congestion and improving highway safety over the current situation. DFI Roads offers no objection to the proposal, which is considered compliant with the relevant provisions of PPS 3 and the SPPS.
7.40	There is no current access to the application site, however the roundabout to the north of the site which was constructed to serve the wider zoned area would be used to facilitate the proposed development. DFI Roads were contacted on 26 <sup>th</sup> October 2022, to seek clarification on whether the development of this site area would interfere with future development of the zoned employment land. DFI Roads confirmed via email on the same day that the proposal would not prohibit future development of the remainder of the land to the north west of the site. The DFI Roads states that the application site <i>'...does not cut off development to the lands [to the north]. Furthermore, this portion of the Springfield Road is the B38 and is not Protected under PPS3 AMP 3 Annex A. The roundabout seems well capable to having an access into the [remaining zoned] lands, following a satisfactory design.'</i>
	<u>Drainage and Flood Risk</u>
7.41	The planning application is supported by a Drainage Assessment. This demonstrates that the site is not within any fluvial or coastal floodplain (Policy FLD 1 of PPS 15), that there are no flood defences or drainage infrastructure affected by the proposal (Policy FLD 2) and that the site is not in proximity to an uncontrolled reservoir (Policy FLD 5).

7.42	The proposal complies with the exception test set out in Policy FLD4 of PPS 15 in that the culverting is for a short section of the watercourse and that the works are necessary to provide access to the main body of the development site.
7.43	DFI Rivers were consulted in relation to the proposal and having assessed the drainage assessment, offer no objection subject to conditions.
8.0	<b>Conclusion</b>
8.1	Having regard to the factors set out in the assessment above, and in the planning balance, the development of the site as an ancillary car park to the primary school is considered acceptable.
8.2	It is recommended that planning permission is granted. Delegated authority is requested for the Director of Place and Economy to finalise the wording of the planning conditions.
9.0	<b>Draft Conditions</b>
9.1	<p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>
9.2	<p>The parking area hereby approved shall not be laid out unless in accordance with the approved plans and shall not be used other than as parking ancillary to the use of Springfield Primary School.</p> <p>Reason: To ensure acceptable parking facilities on the site. The car park has only be permitted because of the special circumstances of the case.</p>
9.3	<p>The access gradient shall not exceed 4% (1 in 25) over the first 10m as measured from the public road. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>
9.4	<p>The car park hereby approved shall not be used unless pedestrian crossing points including tactile paving shall be provided in accordance with the DETR / Scottish Office publication "Guidance on the use of Tactile Paving Surfaces".</p> <p>Reason: In the interests of pedestrian safety.</p>
9.5	<p>No development shall commence on site until a detailed drainage strategy for managing surface water emanating from the surface water drainage network in a 1 in 100 year flood event has been submitted to and approved in writing by the Council. Such details shall include a programme for implementation. The development shall not be carried out unless in accordance with the approved details.</p> <p>Reason: In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to the surrounding area.</p>



<b>ANNEX</b>	
<b>Date Valid</b>	14th September 2021
<b>Date First Advertised</b>	24th September 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Springdale Gardens,Belfast,Antrim,BT13 3QT The Owner/Occupier, 11 Springdale Gardens,Belfast,Antrim,BT13 3QT The Owner/Occupier, 13 Springdale Gardens,Belfast,Antrim,BT13 3QT The Owner/Occupier, 15 Springdale Gardens,Belfast,Antrim,BT13 3QT The Owner/Occupier, 2 Watermouth Crescent,Belfast,Antrim,BT12 7FH The Owner/Occupier, 3 Springdale Gardens,Belfast,Antrim,BT13 3QT The Owner/Occupier, 5 Springdale Gardens,Belfast,Antrim,BT13 3QT The Owner/Occupier, 7 Springdale Gardens,Belfast,Antrim,BT13 3QT The Owner/Occupier, 9 Springdale Gardens,Belfast,Antrim,BT13 3QT The Owner/Occupier, Springfield Primary School,425 Springfield Road,Belfast,Antrim,BT12 7DJ	
<b>Date of Last Neighbour Notification</b>	27th September 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA04/2019/1869/PAN Proposal: New 3m wide asphalt shared footpath & cycleway with landscaping strip (with tbd), linking the roundabout at the Innovation Factory, with Paisley Park, The Invest NI Business through to Woodvale Avenue, and through a Third Party Developers lands (Braidwater) to Woodvale Park & the West Circular Road. The network will be continuously branded ie through lighting, public art, use of colour/common materials in paving and consistent orientation and interpretation signage. Paths to have associated street lighting, beacon signage, waymaker signage & information boards, path markers, bench seating and rubbish bins.	

Address: Walking and Cycle Paths, Section 2, Ballygomartin Road to, Springfield Road, Belfast.,  
Decision: PANACC  
Decision Date:

Ref ID: Z/2002/1547/O

Proposal: New Springvale Educational Village (comprising a main street of campus buildings, car parking, sports pitches, a linear park, maintenance of the "Glen" area along the Forth River to the North of the site, plus access off the Springfield Road and Ballygomartin Road).

Address: Lands between Springfield Road & Ballygomartin Rd, including lands adjoining Springfield Parade, ex Mackies Complex and Tesco Shopping Centre, and lands at Forth River and Woodvale Park Belfast

Decision:

Decision Date: 02.02.2005

Ref ID: LA04/2019/0568/PAD

Proposal: New 4m wide asphalt footpath and cycleway with landscaping strip (width tbd), linking the roundabout at the Innovation Factory, with Paisley Park, The invest NI Business Park, a Third party Developers land (Braidwater), Woodvale Park and Woodvale Avenue. The network will be continuously branded ie through lighting, public art, use of colour / common materials in paving and consistent orientation and interpretation signage. Paths to have associated street lighting, beacon signage, way marker signage & information boards, path markers, bench seating and rubbish bins.

Address: Peace IV shared spaces, walking and cycle paths Section 2-, Ballygomartin Road To, Springfield Road, Belfast,,

Decision:

Decision Date:

Ref ID: LA04/2020/1959/F

Proposal: Proposed new parkland (Section 2 Forthmeadow Community Greenway) - foot and cycle pathways, lighting columns, new entrances and street furniture.

Address: Site to be developed includes vacant land bounded by the Forthriver Industrial Park in the east, Springfield Road to the South, and Paisley Park & West Circular Road & Crescent to the West. Area also includes links through the Forthriver In

Decision: PG

Decision Date:

Ref ID: LA04/2021/1188/F

Proposal: Provision for a 24 no. space car park, access road with lay-by and turning head. 2.4m Perimeter Fence

Address: 425 Springfield Road, Belfast, BT12 7DJ,

Decision:

Decision Date:

Ref ID: LA04/2018/2437/PAD

Proposal: Routeways from Springfield Road to Belfast Transit Hub

Address: Springfield Road to Belfast Transport Hub,

Decision:

Decision Date:

Ref ID: LA04/2017/1292/PAD

Proposal: Develop a new access road, footpath and parking for the existing Springfield Road Primary School. The school currently has unsuitable vehicle access and parking provision. The access is unsuitable due to its location as it meets the Springfield Road, vision splay and its gradient. The vehicle access is currently shared with pedestrians and as such presents numerous health and safety issues for the school to manage due to cross over with vehicles. The new access will be the recently constructed business park access road and roundabout. the site is currently vacant.

Address: Vacant site adjacent to (North-East): Springfield Road Primary School, 425 Springfield Road, Belfast, BT12 7DJ,

Decision:

Decision Date:

Ref ID: Z/2014/0219/F

Proposal: Single-storey extension to existing school building (Amended plans and information).

Address: 425 Springfield Road, Belfast, BT127DJ,

Decision: PG

Decision Date: 18.09.2014

Ref ID: Z/1990/2635

Proposal: Proposed DIY retail unit,builders yard & Transfer station for skips

Address: 415-423 SPRINGFIELD RD

Decision:

Decision Date:

Ref ID: Z/1993/6029

Proposal: INDUSTRIAL,COMMERCIAL ETC 415/417 SPRINGFIELD ROAD

Address: 415/417 SPRINGFIELD ROAD

Decision:

Decision Date:

Ref ID: Z/1983/0219

Proposal: CHANGE OF USE TO JOINERS SHOP, STORE AND OFFICES AND EXTENSION

Address: 411/413 SPRINGFIELD ROAD, BT12

Decision:

Decision Date:

Ref ID: Z/2001/0188/O

Proposal: Construction of road junction to service the future development of the upper and lower sites onto the Springfield Road

Address: Lands at Springvale, Springfield Road, Belfast

Decision:

Decision Date: 29.03.2001

Ref ID: Z/1999/3441/Q

Proposal: Proposed Springvale Educational Campus

Address: Springfield Road,Belfast,BT12

Decision:  
Decision Date:

Ref ID: Z/2002/1332/F

Proposal: New junction and vehicular access to include extension of existing culvert

Address: Land Adjoining Ex Mackies Complex, Springfield Road, Belfast.

Decision:

Decision Date: 14.04.2003

**Drawing Numbers and Title**

01A – Site location plan

03A – Proposed site plan

04 – Lighting layout

05A – Drainage layout

06 – Road layout

**Notification to Department (if relevant)**

Date of Notification to Department:

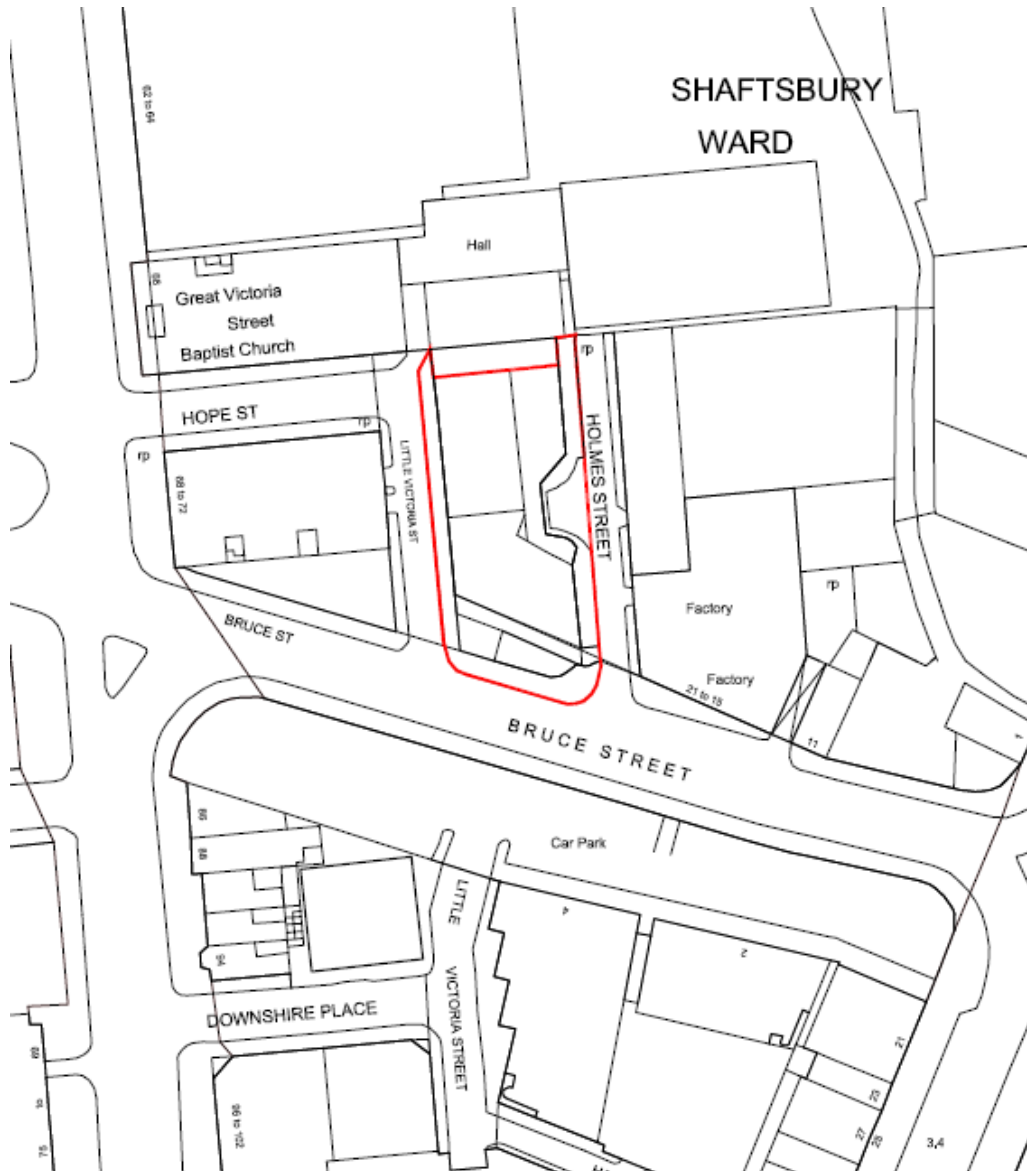
Response of Department:

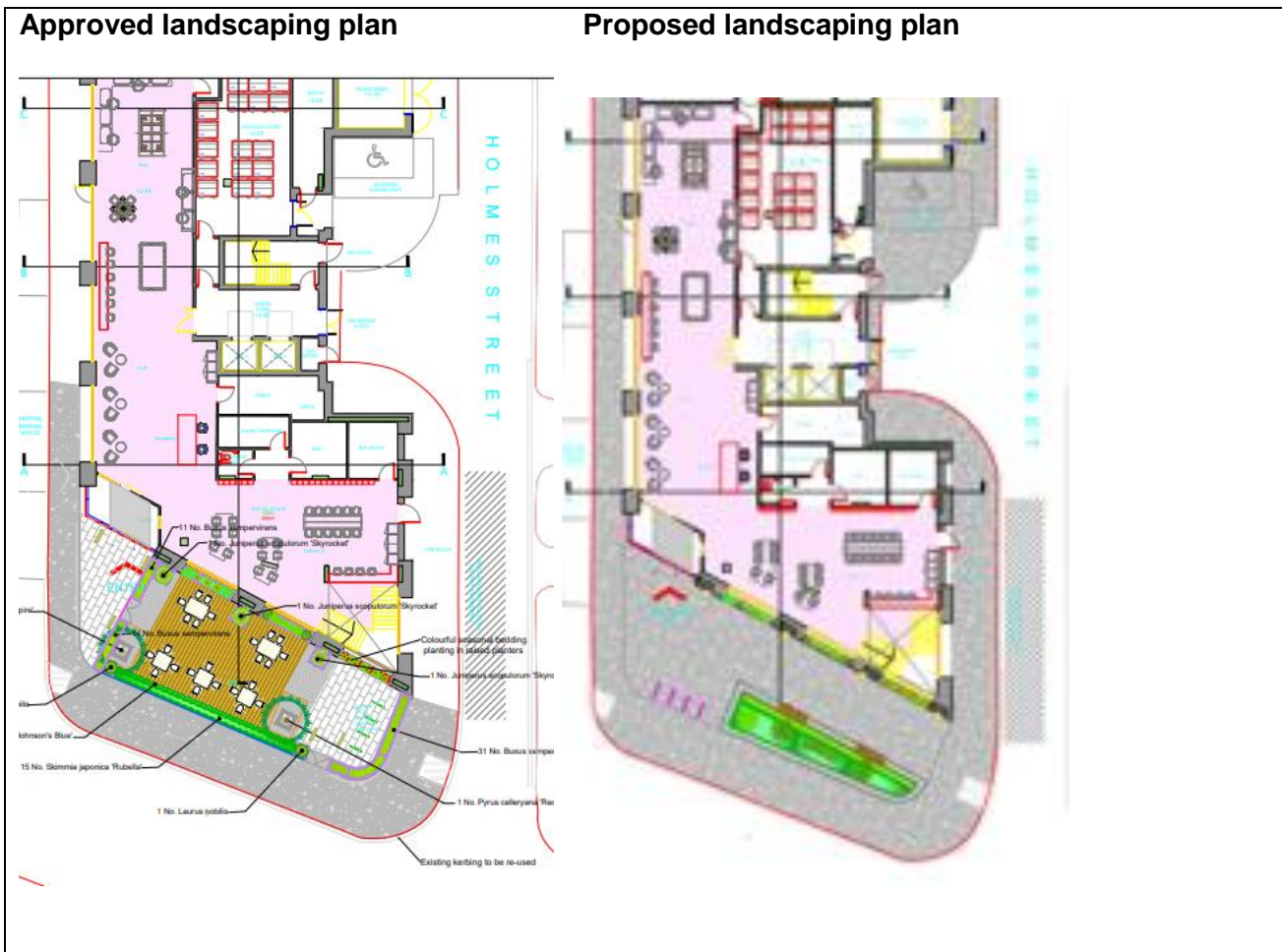
## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 19/12/22	<b>Item Number:</b>
<b>Application ID:</b> LA04/2022/1856/F	<b>Target Date:</b>
<b>Proposal:</b> Section 54 application to vary condition no.12 of planning permission LA04/2021/2242/F relating to landscaping and planting works.	<b>Location:</b> Lands bounded by Little Victoria Street, Bruce Street, and Holmes Street, Belfast
<b>Referral Route:</b> Varying Condition relating to Major development	
<b>Recommendation:</b> Approval subject to Conditions	
<b>Applicant Name and Address:</b> ES Little Victoria Street Ltd 17-19 Dungannon Road Cookstown BT80 8TL	<b>Agent Name and Address:</b> Clyde Shanks Ltd 2nd Floor 7 Exchange Place Belfast BT1 2NA
<p><b>Executive Summary:</b> This application seeks to vary Condition 12 of planning permission LA04/2021/2242/F under Section 54 of the Planning Act (Northern Ireland) 2011. Condition 12 relates to landscaping and planting works. The original application granted planning permission for the “Erection of new 15no storey purpose-built student accommodation building and associated development (amended scheme from that previously approved under application reference LA04/2018/2602/F)”. Permission was granted 18<sup>th</sup> March 2022.</p> <p>The approved landscaping scheme includes decking and landscaping along the Bruce Street frontage on land owned by DfI Roads. The delivery of the approved landscaping as detailed within existing condition 12 is undeliverable since it is in conflict with DfI Roads’ adoptable standards and is not acceptable to DfI Roads. The proposed amended landscaping scheme has been agreed with DfI Roads and is deliverable.</p> <p>The amended wording of Condition 12 seeks to regularise this. DfI Roads was consulted and has no objections to the proposed variation to the amended wording of condition 12 and is content with the proposed landscaping scheme.</p> <p>This Section 54 application to vary condition 12 will create a new stand-alone planning permission and it will be necessary to repeat the conditions on the original permission, subject to the variation granted by this decision. Conditions already discharged will not however be repeated. The original permission was also subject to a Section 76 Planning Agreement to secure the management of the student accommodation and community apprenticeships. A Section 76 will also be required for this new permission. 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 wording of conditions and the Section 76 agreement.</p>	

## Case Officer Report

### Site Location 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

## 1.0 Description of Proposed Development

1.1 This is a Section 54 application to vary Condition 12, relating to the landscaping and planting works, of planning permission reference LA04/2021/2242/F. The approved development was for the erection of new 15 no storey purpose-built student accommodation building and associated development (an amended scheme from that previously approved under application reference LA04/2018/2602/F). The development has commenced and construction is well underway.

1.2 Condition 12 of the previously approved application LA04/2021/2242/F reads, "All proposed planting and landscaping works shall be carried out in accordance with the approved details as shown on David Clarke drawing Nos 0628-02F and 0628-01H landscape plans/proposals as published on the planning portal on 09/11/21 and 03/12/21. No part of the development hereby approved shall be occupied until the planting has been completed, or within the first available planting season after the occupation of the building, whichever is the sooner or unless otherwise agreed in writing by the Council." It is proposed to introduce a new landscaping drawing for the ground level, accurately reflecting those landscaping works which have been agreed with DfI Roads. The wording of condition 12 is proposed to read as, " All proposed planting and landscaping works shall be carried out in accordance with the approved details as shown on

David Clarke drawing no 03E ground floor landscape layout dated 26<sup>th</sup> September 2022. No part of the development hereby approved shall be occupied until the planting has been completed, or within the first available planting season after the occupation of the building, whichever is the sooner or unless otherwise agreed in writing by the Council”.

## 2.0 Description of Site

2.1 The application site measures approximately 0.1ha and is located at lands bounded by Little Victoria Street, Bruce Street, and Holmes Street, Belfast. The approved development is currently under construction on site. It originally accommodated a two storey L-shaped building with a pitched roof and predominantly red bricked finish. A number of commercial units occupied the ground floor of the building.

2.2 The site is within the development limits of Belfast in BUAP, and both versions of Draft BMAP (2004 and 2014). The site is unzoned whiteland within BUAP; unzoned whiteland but also within the main office area/ Commercial District Character Area in dBMAP (2004); and unzoned whiteland but also within the Commercial District Character Area in dBMAP (2015). The site is in the vicinity of Linen Conservation Area.

## Planning Assessment of Policy and Other Material Considerations

### 3.0 Site History

3.1 Applicable planning history on the site relates to the full application to which this Section 54 application seeks to vary:

- LA04/2021/2242/F for “Erection of new 15no storey purpose-built student accommodation building and associated development (amended scheme from that previously approved under application reference LA04/2018/2602/F)”. Permission was granted 18<sup>th</sup> March 2022.
- LA04/2018/2602/F for “Demolition of existing building at lands bound by Little Victoria Street, Bruce Street & Holmes Street and erection of new 15No. storey purpose-built student accommodation building” which was granted permission on 12/03/21.

3.2 Planning history also exists on the site for the following:

- LA04/2022/1833/NMC – Non-material change to LA04/2021/2242/F - Approved
- LA04/2022/1186/NMC – Non-material change to LA04/2021/2242/F - Approved
- LA04/2022/0695/NMC – Non-material change to LA04/2021/2242/F – Approved

3.3 Condition 11 of LA04/2021/2242/F has been successfully discharged under LA04/2022/0607/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

5.1 DFI Roads – No objection

### 6.0 Non Statutory Consultees

6.1 BCC Landscape and Development - No objection

### 7.0 Representations

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



## 8.0 Other Material Considerations

### 8.1 Parking Standards

### 8.2 Creating Places (former DoE)

### 8.3 HMO Subject Plan 2015

### 8.4 Purpose Built Managed Student Accommodation in Belfast – Planning and Place Advice Note

### 8.5 Belfast: A Framework for student housing and purpose-built student accommodation

### 8.6 The Belfast Agenda

## 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 in BUAP, and both versions of Draft BMAP (v2004 and v2014).

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 existing policies will be applied including the SPPS and relevant PPSs.

9.4 This application seeks to vary Condition 12 of planning permission LA04/2021/2242/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 12 of LA04/2021/2242/F reads as follows:

*"All proposed planting and landscaping works shall be carried out in accordance with the approved details as shown on David Clarke drawing Nos 0628-02F and 0628-01H landscape plans/proposals as published on the planning portal on 09/11/21 and 03/12/21. No part of the development hereby approved shall be occupied until the planting has been completed, or within the first available planting season after the occupation of the building, whichever is the sooner or unless otherwise agreed in writing by the Council."*

*Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape."*

9.5 The approved development includes approved landscaping plan no's 0628-02F and 0628-01H, showing lands to the front of Bruce Street with enclosed decking and planting, as well as a roof terrace. Supporting information submitted stated discussions between the applicant and DfI Roads had been ongoing to reach a solution with regards to landscaping, since the approved scheme was undeliverable due to its conflict with DfI Roads' adoptable standards. The proposed scheme shows an area of planting with two backless bench seats, as well as four stainless steel bicycle stands for visitors and all decking has been omitted.

9.6 Communal recreational space is provided within a roof terrace of approximately 60 sqm, and whilst the amenity area to the front has decreased there remains a communal ground floor space of 319 sqm. Given the inner urban context of the site, this level of amenity is considered acceptable. BCC Landscape, Planning and Development Team was consulted and whilst they acknowledged it was unfortunate that the ground floor terrace is not now feasible., they have raised no objection to the amended landscaping proposals.

9.7 The approved scheme showed an area of paving on either side of the decking which is now proposed as asphalt with silver granite chippings. 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 Bruce Street. DFI Roads responded with no objection to the proposal on 04/11/22. The proposal is considered acceptable with regard to access, movement, parking and transportation issues having regard to PPS 3 and relevant policy.

9.8 The proposed changes to the landscaping are, on balance, considered acceptable. The amended wording for Condition 12 is proposed as follows:

*“All proposed planting and landscaping works shall be carried out in accordance with the approved details as shown on David Clarke drawing no 03E ground floor landscape layout dated 26<sup>th</sup> September 2022. No part of the development hereby approved shall be occupied until the planting has been completed, or within the first available planting season after the occupation of the building, whichever is the sooner or unless otherwise agreed in writing by the Council. Any proposed trees or plants indicated on the approved plan which, within a period of 5 years from date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.*

*Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.”*

## 10. Conclusion

The proposal to vary condition 12 to allow for an amended landscaping 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 to vary condition 12 will create a new stand-alone planning permission and it will be necessary to repeat the conditions on the original permission, subject to the variation granted by this decision. Conditions already discharged will not however be repeated. The original permission was also subject to a Section 76 Planning Agreement to secure the management of the student accommodation and community apprenticeships. A Section 76 will also be required for this new permission. 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 wording of conditions and the Section 76 agreement.

**Neighbour Notification Checked:** Yes

## Conditions:

1.As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before 18<sup>th</sup> March 2027.

Reason: Time Limit.

2. In the event that any substantial centralised combustion sources (generators, boilers,

CHP or biomass) are proposed as part of this development and there is a risk of impact at relevant receptor human health locations as per the criteria detailed within the Environmental Protection UK and Institute of Air Quality Management, Land-use Planning & Development Control: Planning For Air Quality (January 2017), this Service would request that an updated Air Quality Impact Assessment be submitted to and approved in writing by the Planning Authority prior to the installation of the plant. The assessment shall include details of the combustion plant to be installed, to include emission rates and flue termination heights of the proposed combustion systems and it must demonstrate that there will be no exceedances of Air Quality Strategy objectives at relevant human receptor locations.

Reason: Protection against adverse air quality impacts

3. Prior to installation, the applicant shall submit to the planning authority, for review and approval in writing, the final 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 in line with the specifications presented in the table on page 13 and at the various facades and floor levels indicated in figure 5 and 6 of the FR Mark & Associates NIA dated October 2021 NIA, titled: "Proposed Student Accommodation Building, Little Victoria Street.

Reason: In the interests of residential amenity

4. Prior to installation, the applicant shall submit to the planning authority, for review and approval in writing, confirmation of the specification of alternative mechanical means of ventilation. The specification shall be in accordance with the recommendations on page 13 of the October 2021 FR Mark NIA titled: 'Proposed Student Accommodation Building, Little Victoria Street, Belfast.' The specification for the alternative means of ventilation shall demonstrate that the operation of the system or installation of the proposed vents, when open, will not compromise the recommended internal noise levels of habitable rooms as outlined in British Standard BS8233:2014.

Reason: In the interests of residential amenity

5. Prior to occupation of the hereby permitted development, the windows and alternative means of ventilation, as approved, shall be installed and thereafter retained throughout the development so as to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the windows closed and the alternative ventilation provided in compliance with building control requirements.

Reason: In the interests of residential amenity

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

Reason: In the interests of residential amenity

7. The rating level (dBLAr,T) associated with the operation of all combined plant and equipment shall not exceed the existing daytime and night-time background noise level dBLA90,T of at the nearest noise sensitive premises, when measured or determined in accordance with BS4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.

Reason: In the interests of residential amenity.

8. Within the first year of commencement of operation of the development the Applicant

must submit to the Council evidence to demonstrate that the development has obtained accreditation under a government approved accreditation scheme for purpose-built student accommodation such as the ANUK/UNIPOL National Code of standards or the Universities UK/HE Guild Management Code. Continued operation of the development thereafter will be subject to accreditation under a government approved accreditation scheme being maintained.

Reason: Protection of the amenity of surrounding uses.

9. No service deliveries to or collections from the hereby permitted development shall take place between the hours of 23:00-07:00hrs Monday to Friday or between the hours of 23:00-09:00hrs on a Saturday and Sunday.

Reason: Protection of residential amenity of future occupants

10. Prior to installation of external lighting and signage, a detailed layout plan with accompanying key and samples of fittings shall be submitted to and agreed in writing by the Council, and the development shall be carried out in accordance with the approved details.

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

11. All proposed planting and landscaping works shall be carried out in accordance with the approved details as shown on David Clarke drawing no 03E ground floor landscape layout dated 26th September 2022. No part of the development hereby approved shall be occupied until the planting has been completed, or within the first available planting season after the occupation of the building, whichever is the sooner or unless otherwise agreed in writing by the Council. Any proposed trees or plants indicated on the approved plan which, within a period of 5 years from date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

12. No works or construction shall take place unless in strict accordance with the McAleer & Rushe Construction Environmental Management Plan (CEMP), dated March 2021, version 4 (amended 14.12.21), including the environmental controls, monitoring and operational hours contained in this document, unless the Council grants its prior written approval to any variation.

Reason: In the interest of the amenities of the area.

ANNEX	
<b>Date Valid</b>	30 <sup>th</sup> September 2022
<b>Date First Advertised</b>	21 <sup>st</sup> October 2022
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Little Victoria Street,Belfast,Antrim,BT2 7JH The Owner/Occupier, 2 Little Victoria Street,Belfast,Antrim,BT2 7JH The Owner/Occupier, 2nd Floor Office,68-72 ,Great Victoria Street,Belfast,Antrim,BT2 7BB The Owner/Occupier, 3rd Floor Offices,31 Bruce Street,Belfast,Antrim,BT2 7JD The Owner/Occupier, 3rd Floor Store,31 Bruce Street,Belfast,Antrim,BT2 7JD The Owner/Occupier, 40-42 ,Little Victoria Street,Belfast,Antrim,BT2 7JH The Owner/Occupier, 4th Floor Offices,31 Bruce Street,Belfast,Antrim,BT2 7JD The Owner/Occupier, 5-6 ,Hope Street,Belfast,Antrim,BT12 5EE The Owner/Occupier, 66a Great Victoria Street Baptist Church,Great Victoria Street,Belfast,Antrim,BT2 7BB The Owner/Occupier, Great Victoria Street Baptist,1 Hope Street,Belfast,Antrim,BT12 5EE The Owner/Occupier, Ground & 1st Floor,68-72 ,Great Victoria Street,Belfast,Antrim,BT2 7BB The Owner/Occupier, Ground Floor,68-72 ,Great Victoria Street,Belfast,Antrim,BT2 7BB	
<b>Date of Last Neighbour Notification</b>	19th October 2022
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: Z/1985/2099 Proposal: DEMOLITION OF 23-31 BRUCE STREET, 10-14 LITTLE VICTORIA STREET, 12-30 Address: LITTLE VICTORIA STREET, BRUCE STREET, HOLMES STREET Decision: Decision Date:  Ref ID: Z/1989/2272 Proposal: Change of use from showroom to retail use Address: UNIT 7,BRUCES HOUSE LITTLE VICTORIA STREET BELFAST BT2	

Decision:  
Decision Date:

Ref ID: Z/1987/1073  
Proposal: Construction of showroom premises  
Address: 8 LITTLE VICTORIA STREET, BELFAST BT2 7JH  
Decision:  
Decision Date:

Ref ID: Z/1986/2315  
Proposal: Erection of restaurant premises  
Address: 4-6 LITTLE VICTORIA STREET, BELFAST BT2 7JH  
Decision:  
Decision Date:

Ref ID: Z/2005/0930/F  
Proposal: Change of use from shop to hot food carryout.  
Address: 2 Little Victoria Street, Belfast, BT2 7JH  
Decision:  
Decision Date: 22.07.2005

Ref ID: Z/1987/0557  
Proposal: Erection of showroom premises  
Address: 2 LITTLE VICTORIA STREET BELFAST BT2  
Decision:  
Decision Date:

Ref ID: Z/1986/2319  
Proposal: Erection of shop premises  
Address: 8 LITTLE VICTORIA STREET, BELFAST BT2 7JH  
Decision:  
Decision Date:

Ref ID: Z/1988/2314  
Proposal: Conversion and extension of existing dwellings into self contained flats  
Address: 213,215,217,219,221 CRUMLIN ROAD BT14  
Decision:  
Decision Date:

Ref ID: Z/1988/2563  
Proposal: Erection of garage to house mini-bus  
Address: BAPTIST CHURCH LITTLE VICTORIA STREET BELFAST BT  
Decision:  
Decision Date:

Ref ID: Z/1985/0399  
Proposal: CHANGE OF USE TO TURF ACCOUNTANTS OFFICE  
Address: 369 NEWTOWNARDS ROAD  
Decision:  
Decision Date:

Ref ID: LA04/2021/1424/PAN

Proposal: Demolition of existing property and erection of purpose built multi-storey managed student accommodation and associated shared/ancillary spaces (amended scheme that includes re-configuration of proposed student accommodation).

Address: 5-7 Little Victoria Street + 28-29 Bruce Street, Belfast.,

Decision: PANACC

Decision Date:

Ref ID: LA04/2021/2242/F

Proposal: Erection of new 15no storey purpose built student accommodation building and associated development (amended scheme from that previously approved under application reference LA04/2018/2602/f)

Address: Lands bounded by Little Victoria Street, Bruce Street, and Holmes Street, Belfast,

Decision:

Decision Date:

Ref ID: LA04/2021/1157/F

Proposal: Construction of replacement Church with provision of in-curtilage parking and all associated site works.

Address: Great Victoria Street Baptist Church, 1 Hope Street, Belfast, BT12 5EE.,

Decision:

Decision Date:

Ref ID: Z/2014/0005/F

Proposal: Variation of condition no1 of part 1 temporary planning permission for Z/2011/1499/F

Address: Great Victoria Street Baptist Church , 66 Great Victoria Street, Belfast, BT12 5EE,

Decision: PG

Decision Date: 16.04.2014

Ref ID: LA04/2018/1716/F

Proposal: Retention of existing temporary surface car park for a period of 2 years.

Address: Great Victoria Street Baptist Church, 66 Great Victoria Street, Belfast, BT12 5EE.,

Decision: PG

Decision Date: 04.04.2019

Ref ID: LA04/2018/1240/PAN

Proposal: Demolition of existing property and erection of purpose built multi storey managed student accommodation and associated shared/ancillary spaces.

Address: 5-7 Little Victoria Street &, 28-29 Bruce Street, Belfast,

Decision: PANACC

Decision Date:

Ref ID: LA04/2018/2602/F

Proposal: Demolition of existing building at lands bound by Little Victoria Street, Bruce Street & Holmes Street and erection of new 15No. storey purpose built student accommodation building.

Address: Lands bounded by, Little Victoria Street, Bruce Street & Holmes Street, Belfast.,

Decision: PG

Decision Date: 30.03.2021

Ref ID: Z/2008/1019

Proposal: Road Scheme.

Address: Belfast City Centre Ring - Southern Section, Belfast.

Decision: EOLI

Decision Date:

Ref ID: Z/2000/0620/O

Proposal: Proposed mixed use comprising a new church with associated facilities, office space, residential units and basement car-parking.

Address: Great Victoria Street Baptist Church, 66 Great Victoria Street, Belfast BT2 7BB

Decision:

Decision Date: 23.11.2000

Ref ID: Z/2011/1499/F

Proposal: Demolition of Great Victoria Street Baptist Church, refurbishment of church facade and incorporating the construction of a small entrance porch with creation of temporary surface level private car park for church use (amended description).

Address: Great Victoria Street Baptist Church, 66 Great Victoria Street, Belfast, BT12 5EE,

Decision: PG

Decision Date: 31.08.2012

Ref ID: Z/2008/0858/F

Proposal: Demolition of existing church and erection of new development comprising basement carparking, church and ancillary halls to ground and first floor with offices on floors 2-10 above.

Address: 66a Great Victoria Street, 2 Little Victoria Street and 1 Holmes Street, Belfast, BT2 7BB.

Decision:

Decision Date: 04.03.2010

Ref ID: Z/2008/2205/F

Proposal: Proposed office and retail development over 12 floors. Associated siteworks and roadworks. (Amended scheme reduced by two storeys)

Address: 5, 6, 7 Little Victoria Street, BT2 7JH and 23-29 Bruce Street, BT2 7JD

Decision: PG

Decision Date: 13.10.2014

Ref ID: Z/1987/0614

Proposal: Showroom premises

Address: HOLMES STREET, BELFAST BT2

Decision:

Decision Date:

Ref ID: Z/2000/0027/F

Proposal: Shop Front.

Address: Bruce House, Bruce Street, Belfast BT2 7JD

Decision:

Decision Date: 23.02.2000

Ref ID: Z/2000/0028/A

Proposal: Fascia, projecting and wall signs

Address: Bruce House, Bruce Street, Belfast BT2 7JD

Decision:

Decision Date: 19.02.2000

Ref ID: Z/1985/2358

Proposal: DEMOLITION OF 23-31 BRUCE STREET AND 10-14 LITTLE VICTORIA STREET FOR

Address: AREA BOUNDED BY LITTLE VICTORIA STREET, BRUCE STREET AND HOLMES STREET

Decision:

Decision Date:



Ref ID: Z/1987/1798

Proposal: Alterations to facade

Address: UNITS 2-4 BRUCE HOUSE, HOLMES STREET BELFAST BT2

Decision:

Decision Date:

Ref ID: Z/1988/2368

Proposal: Intermittent illuminated sign

Address: BRUCE HOUSE, BRUCE STREET BT2

Decision:

Decision Date:

Ref ID: Z/1987/1399

Proposal: Change of use to restaurant

Address: UNITS 2 & 4 BRUCE HOUSE, BRUCE STREET, BELFAST BT2

Decision:

Decision Date:

**Notification to Department (if relevant)**

Date of Notification to Department: N/A

Response of Department: N/A

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## Committee Report

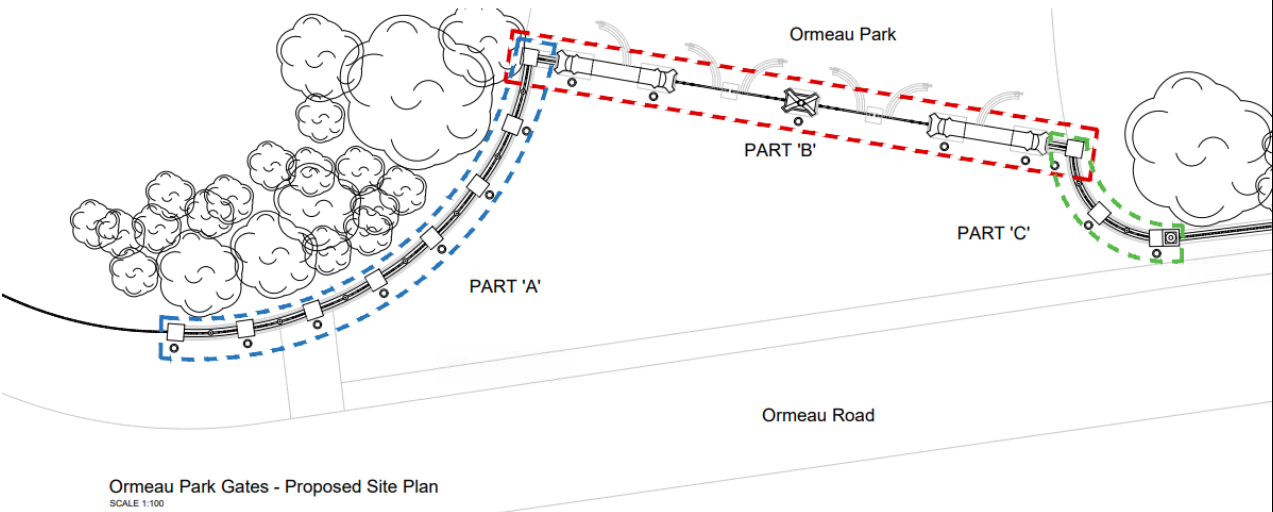
Development Management Report	
<b>Application ID:</b> LA04/2022/1768/LBC	<b>Date of Committee:</b> Monday 19 <sup>th</sup> December 2022
<b>Proposal:</b> Restoration of Ormeau Park Main Entrance Gates and Screens and connecting Railings and Walls.	<b>Location:</b> Ormeau Main Gates Ormeau Road Belfast BT7 3GG
<b>Referral Route:</b> Referral to the Planning Committee under Section 3.8.5 (d) – the applicant is Belfast City Council.	
<b>Recommendation: Approval</b>	
<b>Applicant Name and Address:</b> Belfast City Council Belfast City Hall Belfast BT1 5GS	<b>Agent Name and Address:</b> Belfast City Council 9-21 Adelaide Street Belfast BT2 8DJ
<p><b>Executive Summary:</b></p> <p>This application seeks listed building consent for the restoration of Ormeau Park main entrance gates and screens and connecting railings and walls.</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>• Impact on the Listed Building</li> </ul> <p>The application site lies within the development limits for Belfast. Overall, the proposed works would enhance the appearance of the listed structure while securing it's on going upkeep. The proposed works would not be detrimental to the Main Entrance Gates and screens, Ormeau Park, Belfast, which is a Grade B+ listed structure of special architectural and historic interest, protected by Section 80 of the Planning Act (NI) 2011.</p> <p>The application has been advertised in the local press, no third-party representations have been received.</p> <p>HED have offered no objection to this development proposal.</p> <p>The proposal has been assessed against and is considered to comply with the SPPS, BUAP, Draft BMAP, PPS6 and Section 91 of the Planning Act 2011. Having regard to the policy context and other material considerations, the proposal is considered acceptable and Listed Building Consent is recommended.</p> <p><b>Recommendation – Approval</b></p> <p>It is requested that the committee delegate authority to the Director of Planning and Building Control to grant listed building consent and to finalise the wording of conditions.</p>	

# Case Officer Report

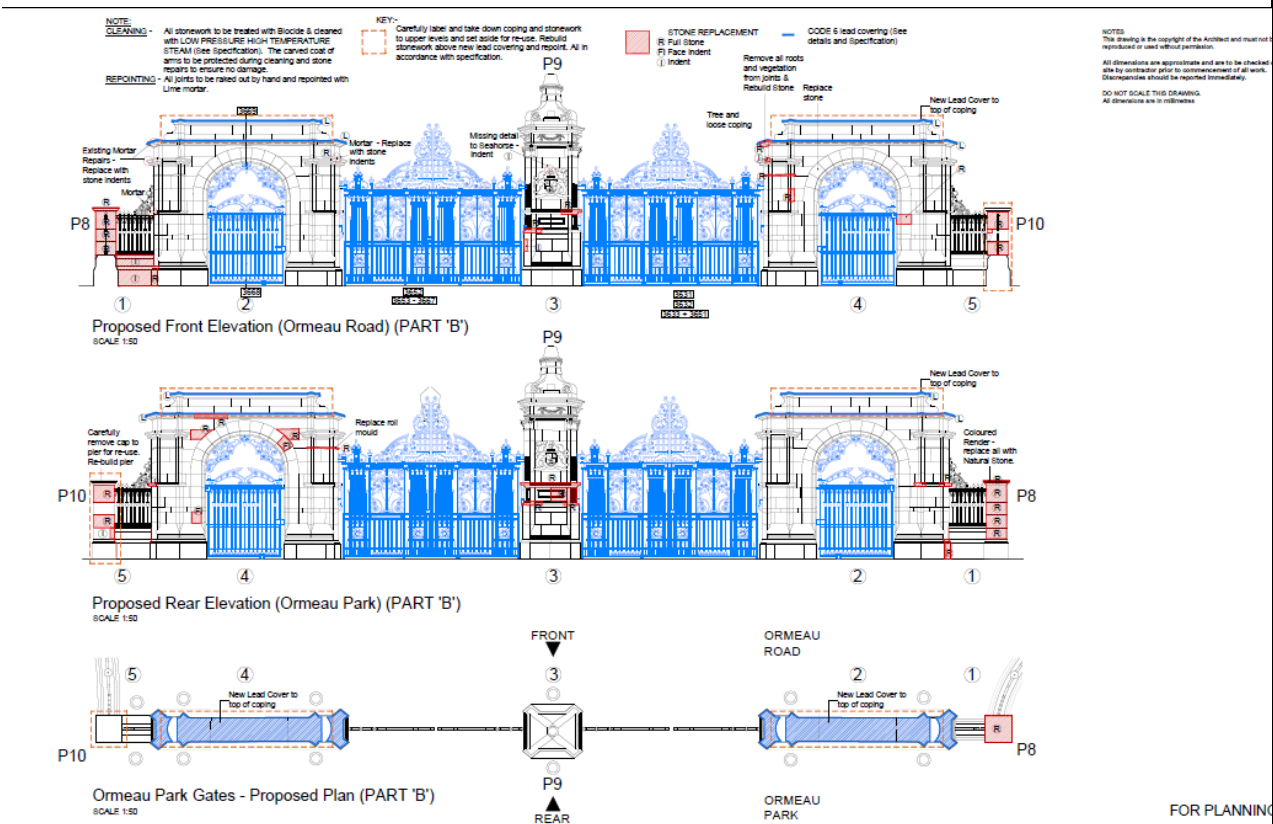
## Site Location Plan



## Proposed site plan



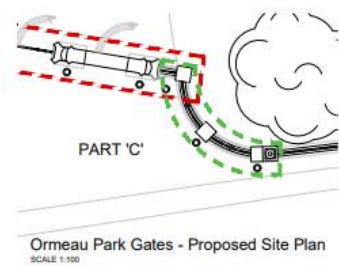
Proposed Floor Plan / Elevation of works to gate and gate screen (Part B)



Proposed Site Plan and Proposed Elevation of works to associated railings and walls (Part A)



**Proposed Site Plan and Proposed Elevation of works to associated railings and walls (Part C)**



NOTES  
This drawing  
reproduces  
All dimensions  
shall be by  
discrepancy  
DO NOT  
All dimensions



<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b>
1.1	The application is seeking Listed Building Consent for 'Restoration of Ormeau Park Main Entrance Gates and Screens and connecting Railings and Walls'.
<b>2.0</b>	<b>Description of Site</b>
2.1	The application site is located at Ormeau Road, Belfast BT7 3GG. This application site directly affects the Main Entrance Gate screen, Ormeau Park, Belfast, which is a Grade B+ listed structure of special architectural and historic interest, protected by Section 80 of the Planning Act (NI) 2011.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b>
	None
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2004
4.3	Draft Belfast Metropolitan Area Plan 2015 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.
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 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	Strategic Planning Policy Statement for Northern Ireland (SPPS) 2015
4.6	Planning Policy Statement 6: Planning Archaeology and the Built Heritage
4.7	Section 91 (2) of the Planning Act (Northern Ireland) 2011 <i>"In considering whether to grant listed building consent for any works, a council or, as the case may be, the Department 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."</i>
<b>5.0</b>	<b>Statutory Consultee Responses</b>
5.1	DFI Roads- No objection subject to conditions.

5.2	HED (Historic Buildings) has considered the impact of the proposal on the listed building and on the basis of the information provided, advises: We are content with the proposal as presented. This assessment is made in relation to the policy requirements of paragraphs 6.13 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and BH8 (Extension or Alteration) of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.
<b>6.0</b>	<b>Non-Statutory Consultee Responses</b>
6.1	None.
<b>7.0</b>	<b>Representations</b>
7.1	The application was advertised in the local press on the 30.09.2022. The consultation period expired on 31/10/2022. No representations received.
<b>8.0</b>	<b>Other Material Considerations</b>
8.1	<b>Any other supplementary guidance</b> Development Management Practice Note 05 Historic Environment
<b>9.0</b>	<b>Assessment</b>
9.1	The proposal is considered to be in compliance with the development plan.
9.2	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>Impact on the listed building</li> </ul> <p>The above application impacts upon Ormeau Main Gates, which is a Grade B+ Listed structure which is of special architectural and historic importance and is protected by Section 80 of the Planning Act (NI) 2011 and therefore Historic Environment Division were consulted as part of the consultation process.</p> <p>HED Historic Buildings considers the proposal satisfies SPPS 6.13 (Change of Use, Extension or Alteration of a Listed Building) of the Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development and Policy BH8 (Extension or Alteration of a Listed Building of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage, without conditions.</p> <p>The proposed works are restoration in nature; therefore, the works are supported by officers' and will improve and sustain the character of the listed structure. The proposed restoration respects the essential character, architectural and historic interest of the structure. The features of special interest will remain intact and unimpaired. The proposal is considered to comply with Policy BH8 of PPS6, paragraph 6.13 of the SPPS and Section 91 of the Planning Act (NI) 2011.</p>
9.3	Having regard to the policy context and the considerations above, the proposal is deemed acceptable and listed building consent is recommended.
<b>10.0</b>	<b>Summary of Recommendation: Approval</b>
<b>11.0</b>	<p>Conditions</p> <p>1- The works hereby granted must be begun within five years from the date of this consent. Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011.</p> <p>Informatives:</p>



	<p>1 - The applicant's attention is drawn to the information provided on the consultee responses which are available to view on the planning portal.</p> <p>2 - The drawing refs referred to above correspond with those drawings submitted to the Authority in respect of this application and published to the Planning Portal NI on: 26/11/2022.</p>
<p><b>Notification to Department (if relevant): No</b>  <b>Representations from Elected Members: None</b></p>	
<b>ANNEX</b>	
<b>Date Valid</b>	16.09.2022
<b>Date First Advertised</b>	30.09.2022
<b>Date Last Advertised</b>	N/A
<p><b>Details of Neighbour Notification (all addresses)</b>  N/A</p>	
<b>Date of Last Neighbour Notification</b>	N/A
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No

**Drawing Numbers and Title**

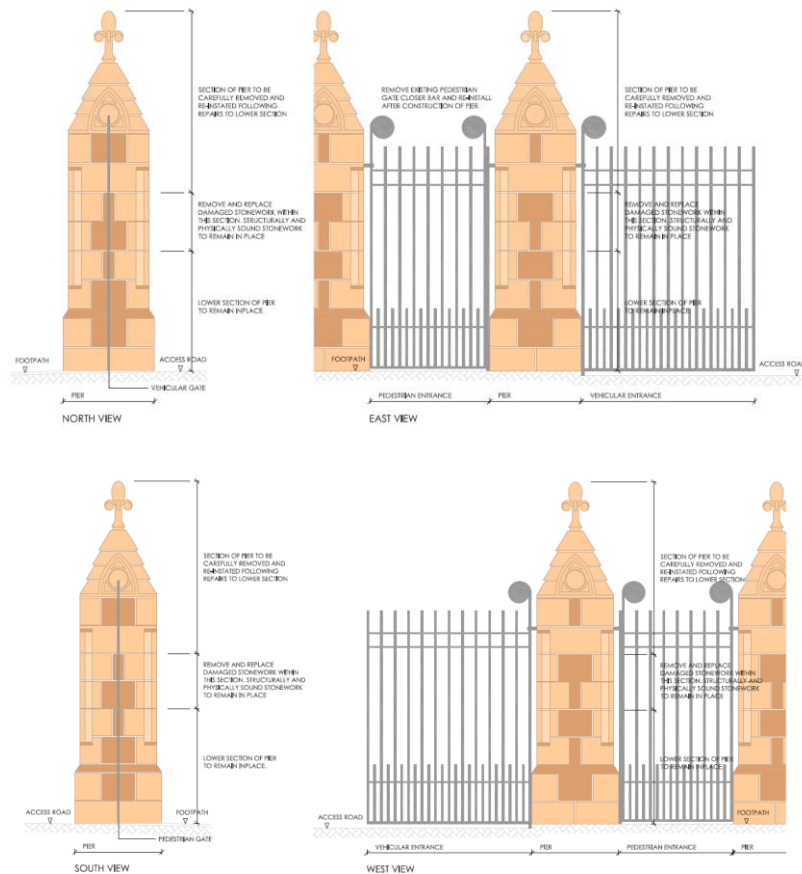
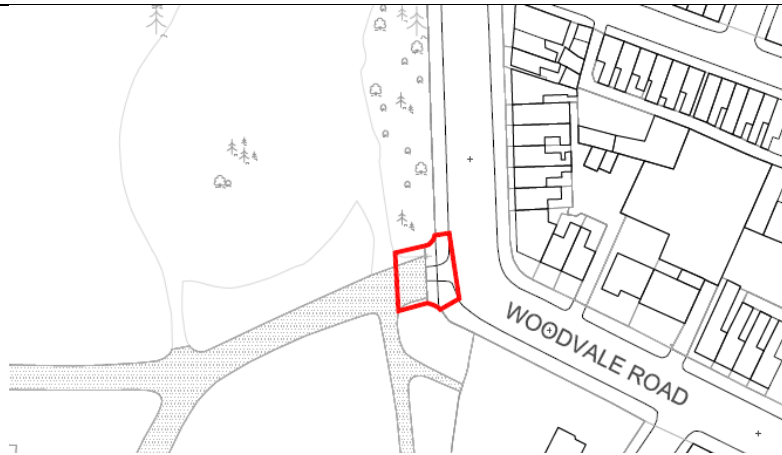
- 01 Site Location Plan
- 02 Existing Plan
- 03 Existing Elevations
- 04 Proposed Site Plan
- 05 Proposed Plan & Elevations (PART 'A')
- 06 Proposed Plan & Elevations (PART 'B')
- 07 Proposed Plan & Elevations (PART 'C')
- 08 Proposed Stone Repairs - PART 'A'
- 09 Proposed Stone Repairs - PART 'B' Central Pillar
- 10 Proposed Stone Repairs - PART 'B' Left & Right Wings
- 11 Proposed Stone Repairs - PART 'B' Pillar Elevations
- 12 Proposed Stone Repairs - PART 'C'
- 13 Proposed Gate & Railing Repairs (PART 'A')
- 14 Proposed Gate & Railing Repairs (PART 'B')
- 15 Proposed Gate & Railing Repairs (PART 'B')
- 16 Proposed Gate & Railing Repairs (PART 'B')
- 17 Proposed Gate & Railing Repairs (PART 'B')
- 18 Proposed Gate & Railing Repairs (PART 'C')

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 19 December 2022	<b>Item Number:</b>
<b>Application ID:</b> LA04/2022/1784/LBC	<b>Target Date:</b>
<b>Proposal:</b> Repair of existing stone entrance pier and gate to Woodvale Park.	<b>Location:</b> Entrance piers to Woodvale Park, 25m west of No. 41 Woodvale Road, Belfast.
<b>Referral Route:</b> Applicant is Belfast City Council	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b>  Belfast City Council Physical Programme Department Duncrue Complex Duncrue Road Belfast BT3 9BP	<b>Agent Name and Address:</b>
<p><b>Executive Summary:</b></p> <p>The application seeks Listed Building Consent for the repair of the existing stone entrance pier and gate to Woodvale Park from Woodvale Road.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> <li>- Character and Appearance</li> <li>- Design</li> <li>- Materials/Finish</li> </ul> <p>The site is located at Woodvale Park to the east and is accessed via Woodvale Road. The site provides one of four access points to Woodvale Park. The application will provide repair works to the existing entrance pier and gate.</p> <p>The proposal has been assessed against and is considered to comply with the Strategic Planning Policy Statement for Northern Ireland (SPPS), Belfast Urban Area Plan 2001 (BUAP), Draft Belfast Metropolitan Area Plan 2015 (both 2004 and 2015 versions) and Planning Policy Statement 6 (PPS 6).</p> <p>HED were consulted in relation to the proposal and have offered no objection subject to conditions.</p> <p>No third-party representations have been received.</p> <p><b>Recommendation:</b> Approval subject to conditions</p> <p>It is recommended that the application is approved and it is requested that delegated authority be 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 listed building consent for 'Repair of the existing stone entrance pier and gate to Woodvale Park' from Woodvale Road.

**1.2** The proposal will restore this access and secure pedestrian/user safety.

#### 2.0 Description of Site

<b>2.1</b>	The site is located at Woodvale Park to the east and is accessed via Woodvale Road. The site provides one of four access points to Woodvale Park. The application will provide repair works to the existing entrance pier and gate. The site is located on a corner and faces onto a row of terrace dwellings. The gates/piers, gate screen and railings are B2 listed (HB26/38/002 A). The entrance piers are finished in stone with the gates and railings finished in iron. The piers, gates and railings are all comprehensively detailed, giving them a unique design and appearance.
<b>2.2</b>	The site is located on land zoned as existing recreation and open space. The site is also within the Woodvale Park, Historic Park Garden and Demesne of special historic interest and the Woodvale/Springvale Local Landscape Policy Area. Woodvale Park is also identified as an Ancient Woodland. The site is within the settlement limits of the Belfast Metropolitan Area.
<b>Planning Assessment of Policy and Other Material Considerations</b>	
<b>3.0</b>	<b>Relevant Site History</b>
<b>3.1</b>	There is no relevant planning history for the application site.
<b>4.0</b>	<b>Policy Framework</b>
<b>4.1</b>	Strategic Planning Policy Statement
<b>4.2</b>	Belfast Urban Area Plan 2001
<b>4.3</b>	Draft Belfast Metropolitan Area Plan 2015
<b>4.3.1</b>	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 (both 2004 and 2015 versions) 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.
<b>4.4</b>	Belfast Local Development Plan Draft Plan Strategy 2035
<b>4.4.1</b>	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.
<b>4.5</b>	Planning Policy Statement 6 – Planning, Archaeology and The Built Heritage
<b>5.0</b>	<b>Consultations</b>
<b>5.1</b>	<b>Statutory Consultee Responses</b>
<b>5.1.1</b>	HED – No objection to the proposal, subject to conditions.
<b>5.1.2</b>	<b>Non-Statutory Consultee Responses</b>
	There were no non-statutory consultations for this application.

<b>6.0</b>	<b>Representations</b>
<b>6.1</b>	The application was advertised in the local press and no objections were received.
<b>7.0</b>	<b>Assessment</b>
<b>7.1</b>	<p>The key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> <li>- Character and Appearance</li> <li>- Design</li> <li>- Materials/Finish</li> </ul>
<b>7.2</b>	<p><b><u>Listed Building Consent</u></b></p> <p>The gates/piers, gate screen and railings are B2 listed (HB26/38/002 A), thus any alterations or works will require a Listed Building Consent application.</p>
<b>7.3</b>	The gate and one of the entrance piers were damaged earlier this year; following an inspection and consultation between the applicant (Belfast City Council) and HED, it was proposed to remove the unstable section of the pillar and gate to avoid further damage and prevent harm to pedestrians from potential falling objects. The section of pillar and gate was dismantled by stone restoration specialists and stored in a secure area.
<b>7.4</b>	It is proposed to restore the damaged stone pillar to its former state using traditional methods and materials. Where practicably possible, it is proposed to retain all existing stonework.
<b>7.5</b>	HED were consulted in relation to this application on 28/10/2022 and in their response dated 15/11/2022, stated that they have no objection to the proposal subject to conditions. HED stated that the proposal complies with SPPS (Paragraphs 6.12 and 6.13) and PPS 6 (Policies BH 8 and BH 11).
<b>7.6</b>	<p><b><u>SPPS</u></b></p> <p>The proposed works comply with Paragraph 6.13 of the SPPS which states that development will be permitted, “particularly where this will secure the ongoing viability and upkeep of the building [Gates and pier]”. The proposal is also considered not to detrimentally impact upon the other listed features in the surrounding area, thus complying with Paragraph 6.12 of the SPPS.</p>
<b>7.7</b>	<p><b><u>PPS 6</u></b></p> <p>The proposal is considered to comply with Policy BH 8 of PPS 6 as the essential character of the structure will be retained and the features of special interest remain intact and unimpaired, the proposed works make use of traditional and sympathetic building materials and techniques and the proposed architectural details are in keeping with the host structure.</p>
<b>7.8</b>	The proposal is also considered to comply with Policy BH 11 of PPS 6 as the works will respect surrounding listed buildings, use traditional and sympathetic building materials and techniques. The proposed use remains the same as the existing.
<b>8.0</b>	<b>Conclusion</b>
<b>8.1</b>	Having regard to the policy context and other material considerations above, the proposal is considered acceptable and Listed Building Consent 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.
<b>9.0</b>	<b>Conditions</b>
<b>9.1</b>	<p>The works hereby granted must be begun within five years from the date of this consent.</p> <p>Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011.</p>
<b>9.2</b>	<p>No powered tools (for example, air-driven tools, electric angle grinders and so forth) to be used to cut back masonry joints prior to repointing, however where use of such tools is considered unavoidable, methods must be agreed and approved in writing by the Council.</p> <p>Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and the setting of the nearby listed bandstand.</p>
<b>9.3</b>	<p>Before work begins on masonry cleaning, a method statement showing how the cleaning will conform to BS 8221-1:2012 (Code of practice for cleaning and surface repair of buildings. Cleaning of natural stone, brick, terracotta and concrete) must be agreed and approved in writing by the Council.</p> <p>Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and the setting of the nearby listed bandstand.</p>
<b>9.4</b>	<p>Prior to installing replacement stone, samples shall be submitted and approved in writing by the Council in respect of the material and finish proposed, to include size, colour, texture, face-bond, pointing mortar mix, joint thickness and finish profile.</p> <p>Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and the setting of the nearby listed bandstand.</p>

ANNEX	
<b>Date Valid</b>	26th September 2022
<b>Date First Advertised</b>	7th October 2022
<b>Date Last Advertised</b>	7th October 2022
<b>Details of Neighbour Notification</b> (all addresses) Neighbour notification is not required for a Listed Building Consent application as per Regulation 7 of The Planning (Listed Building) Regulations (NI) 2015.	
<b>Date of Last Neighbour Notification</b>	N/A
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b>  Drawing No.01A Type: Proposed Elevations Status: Submitted  Drawing No.02 Type: Site Location Plan Status: Submitted  Drawing No.03 Type: Site Plan Status: Submitted	
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: N/A Response of Department: N/A	



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 19/12/22	<b>Item Number:</b>
<b>Application ID:</b> LA04/2022/0876/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed upgrade of existing footways	<b>Location:</b> Footpaths along Donegall Road, Broadway, A12 Westlink and Grosvenor Road, Belfast
<b>Referral Route:</b> Belfast City Council application	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> Belfast City Council Physical Programmes Department 9 Adelaide Street Belfast BT2 8DJ	<b>Agent Name and Address:</b> McAdam Design 1C Montgomery House 478 Castlereagh Road Belfast BT5 6BQ
<p><b>Executive Summary:</b></p> <p>The application seeks full planning permission for the proposed upgrade of existing footpaths.</p> <p>The key issues are as follows:</p> <ul style="list-style-type: none"> <li>- Design</li> <li>- Access and Movement</li> <li>- Impact on Listed Buildings</li> </ul> <p>The site is located on footpaths along Donegall Road, Broadway, Westlink and Grosvenor Road.</p> <p>The proposal has been assessed against the Strategic Planning Policy Statement, BUAP (2001), draft BMAP(2004 and 2015 versions), PPS3 (Access, Movement and Parking) and PPS 6 (Planning, Archaeology and the Built Heritage).</p> <p>DFI Roads and Historic Environment Division were consulted in relation to the proposal and have offered no objections.</p> <p><b>Recommendation:</b> Approval</p> <p>It is recommended that the application is approved and it is requested that delegated authority be given to the Director of Planning and Building Control to finalise the wording of conditions.</p>	

## Case Officer Report

### Site Location Plan



Figure 1: Site Location Map



Figure 2: Example Image – Thermoplastic Waymarker



Figure 3: Proposed Thermoplastic Waymarker

<b>Characteristics of the Site and Area</b>	
1.0	<b>Description of Proposed Development</b>
1.1	Proposed upgrade of existing footways
2.0	<b>Description of Site</b>
2.1	The site is located on the footpath that runs alongside the A12 Westlink from Donegall Road and Broadway to Grosvenor Road. The stretch of footpath which makes up the site measures approximately 1.9km in length.
<b>Planning Assessment of Policy and other Material Considerations</b>	
3.0	<b>Relevant Site History</b>
3.1	None Relevant
4.0	<b>Policy Framework</b>
4.1	Strategic Planning Policy Statement
4.2	Belfast Urban Area Plan 2001
4.3	Draft Belfast Metropolitan Area Plan 2015 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 (both 2004 and 2015 versions) 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.
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 6: Planning, Archaeology and the Built Heritage
5.0	<b>Consultations:</b>

5.1	<b>Statutory Consultee Responses</b>
5.1.1	DFI Roads – no objection
5.1.2	HED – no objection
5.2	<b>Non-Statutory Consultee Responses</b>
5.2.1	None
6.0	<b>Representations</b>
6.1	The application was neighbour notified and advertised in the local press and no objections have been received.
7.0	<b>Assessment</b>
7.1	<p>The key issues are as follows:</p> <ul style="list-style-type: none"> <li>• Design</li> <li>• Access, Movement and Parking</li> <li>• Impact on nearby Listed Buildings</li> </ul>
7.2	<p><u>Principle of development</u></p> <p>The proposal seeks permission for the upgrade of footpaths along Donegall Road, Broadway, A12 Westlink and Grosvenor Road, Belfast. The proposal includes the addition of 2 types of Thermoplastic Waymarker (example shown in figure 2 above, actual images shown at figure 3) located at different locations along the site. The waymarker will be in 2 sizes, 1000mm and 500mm. The proposal also includes information panels (2.4m in height), information panels with finger boards (approximately 3m in height) and finger posts.</p>
7.3	<p><u>SPPS</u></p> <p>The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9.</p>
7.4	<p>The proposed development accords with the core planning principles of the SPPS, in that the upgrade works will contribute to improved health and wellbeing, creation and enhancement of shared space and supporting good design / positive place making.</p>
7.5	<p><u>Impact on Character</u></p> <p>There is not considered to be any detrimental impact on the character or appearance of the site or surrounding area as a result of the proposal.</p>
7.6	<p><u>Access and Movement</u></p> <p>The proposed development results in enhanced access from the city centre to Forth Meadow Community Greenway and provides information to users of the footpaths. DFI Roads were consulted on the proposal and are content, with no conditions.</p>
7.7	<p><u>Impact on Nearby Listed Buildings</u></p> <p>HED were consulted due to the location of listed buildings adjacent to the site boundary line. HED (Historic Buildings) considered the effects of the proposal on the setting of Blythefield Primary School (ref. HB26/29/037) (Grade B+) which is of special architectural or historic interest as set out in Section 80, of the Planning Act (NI) 2011. The consultation</p>

7.8	<p>response states that “on the basis of the information provided under the policy requirements of the SPPS (NI) and Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage (PPS 6), HED advises that it considers the proposal is sufficiently removed in scale and situation from the listed building as to have no impact.”</p> <p><u>Impact on Archaeology</u></p> <p>HED (Historic Monuments) have assessed the application and, due to its scale and nature, is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.</p>
8.0	<p><b>Conclusion</b></p>
8.1	<p>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.</p>
9.0	<p><b>Conditions:</b></p>
9.1	<p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>

<b>ANNEX</b>	
<b>Date Valid</b>	12th April 2022
<b>Date First Advertised</b>	20th May 2022
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Monarch Parade,Belfast,Antrim,BT12 6GU The Owner/Occupier, 1 Monarch Parade,Belfast,Antrim,BT12 6GU The Owner/Occupier, 10 Connaught Street,Belfast,Antrim,BT12 6GB The Owner/Occupier, 10 Iverna Close,Belfast,Antrim,BT12 5QQ The Owner/Occupier, 101,Broadway Tower,Broadway,Belfast,Antrim,BT12 6HG The Owner/Occupier, 102,Broadway Tower,Broadway,Belfast,Antrim,BT12 6HG The Owner/Occupier, 103,Broadway Tower,Broadway,Belfast,Antrim,BT12 6HG The Owner/Occupier, 104,Broadway Tower,Broadway,Belfast,Antrim,BT12 6HG The Owner/Occupier, 105,Broadway Tower,Broadway,Belfast,Antrim,BT12 6HG The Owner/Occupier, 106,Broadway Tower,Broadway,Belfast,Antrim,BT12 6HG The Owner/Occupier, 107,Broadway Tower,Broadway,Belfast,Antrim,BT12 6HG The Owner/Occupier, 108,Broadway Tower,Broadway,Belfast,Antrim,BT12 6HG The Owner/Occupier, 11 Monarch Parade,Belfast,Antrim,BT12 6GU The Owner/Occupier, 11 Monarch Parade,Belfast,Antrim,BT12 6GU The Owner/Occupier, 11,Broadway Tower,Broadway,Belfast,Antrim,BT12 6HG The Owner/Occupier, 111,Broadway Tower,Broadway,Belfast,Antrim,BT12 6HG The Owner/Occupier, 112,Broadway Tower,Broadway,Belfast,Antrim,BT12 6HG The Owner/Occupier, 113,Broadway Tower,Broadway,Belfast,Antrim,BT12 6HG The Owner/Occupier, 114,Broadway Tower,Broadway,Belfast,Antrim,BT12 6HG The Owner/Occupier, 115,Broadway Tower,Broadway,Belfast,Antrim,BT12 6HG	

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 116,Broadway Tower,Broadway,Belfast,Antrim,BT12 6HG  
 The Owner/Occupier,  
 117,Broadway Tower,Broadway,Belfast,Antrim,BT12 6HG  
 The Owner/Occupier,  
 118,Broadway Tower,Broadway,Belfast,Antrim,BT12 6HG  
 The Owner/Occupier,  
 11a ,Riverside Way,Belfast,Antrim,BT12 5RH  
 The Owner/Occupier,  
 12 Connaught Street,Belfast,Antrim,BT12 6GB  
 The Owner/Occupier,  
 12 Iverna Close,Belfast,Antrim,BT12 5QQ  
 The Owner/Occupier,  
 12,Broadway Tower,Broadway,Belfast,Antrim,BT12 6AS  
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 13 Monarch Parade,Belfast,Antrim,BT12 6GU  
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 14 Iverna Close,Belfast,Antrim,BT12 5QQ  
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 The Owner/Occupier,  
 15,Broadway Tower,Broadway,Belfast,Antrim,BT12 6HG  
 The Owner/Occupier,  
 16 Iverna Close,Belfast,Antrim,BT12 5QQ  
 The Owner/Occupier,  
 16,Broadway Tower,Broadway,Belfast,Antrim,BT12 6HG

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 162 Grosvenor Road,Belfast,Antrim,BT12 5AT  
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 17 Monarch Parade,Belfast,Antrim,BT12 6GU  
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 17 Monarch Parade,Belfast,Antrim,BT12 6GU  
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 3b ,Broadway Industrial Estate,Belfast,Antrim,BT12 6NZ  
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 88,Broadway Tower,Broadway,Belfast,Antrim,BT12 6HG  
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 8a ,Albert Street,Citylink Business Park,Belfast,Antrim,BT12 4HQ  
 The Owner/Occupier,  
 9 Monarch Parade,Belfast,Antrim,BT12 6GU  
 The Owner/Occupier,  
 9 Monarch Parade,Belfast,Antrim,BT12 6GU  
 The Owner/Occupier,  
 90-92 ,Grosvenor Road,Belfast,Antrim,BT12 5AX  
 The Owner/Occupier,  
 90-92 ,Grosvenor Road,Belfast,Antrim,BT12 5AX  
 The Owner/Occupier,  
 90-92 Building 1,Grosvenor Road,Belfast,Antrim,BT12 5AX  
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 97,Broadway Tower,Broadway,Belfast,Antrim,BT12 6HG  
 The Owner/Occupier,  
 98,Broadway Tower,Broadway,Belfast,Antrim,BT12 6HG

The Owner/Occupier,  
Ambulance Station,Medical Records Building,274 Grosvenor Road,Belfast,Antrim,BT12 6BA

The Owner/Occupier,  
Building 3,92 Grosvenor Road,Belfast,Antrim,BT12 5AX

The Owner/Occupier,  
Maldon Street,Broadway Industrial Estate,Belfast,Antrim,BT12 6HE

The Owner/Occupier,  
Medical Records Building,274 Grosvenor Road,Belfast,Antrim,BT12 6BA

The Owner/Occupier,  
Milner Street,Belfast,Antrim,BT12 6GE

The Owner/Occupier,  
Unit 1,90-92 Building 1,Grosvenor Road,Belfast,Antrim,BT12 5AX

The Owner/Occupier,  
Unit 10,90-92 Building 1,Grosvenor Road,Belfast,Antrim,BT12 5AX

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Unit 11,90-92 Building 1,Grosvenor Road,Belfast,Antrim,BT12 5AX

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The Owner/Occupier,  
Unit 9,90-92 Building 1,Grosvenor Road,Belfast,Antrim,BT12 5AX

<b>Date of Last Neighbour Notification</b>	3rd August 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No

**Planning History**

None Relevant

**Drawing Numbers and Title**

**01A** – site location plan

**02** - site layout plan

**03** - proposed elevations plan

**04A** - Section 5 General Layout - Sheet 1

**05** - Section 5 General Layout - Sheet 2

**06** - Section 5 General Layout - Sheet 3

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



<b>Subject:</b>	Public Consultation on Planning Application Validation Checklists
<b>Date:</b>	19 December 2022
<b>Reporting Officer(s):</b>	Kate Bentley, Director of Planning and Building Control
<b>Contact Officer(s):</b>	Ed Baker, Planning Manager (Development Management)

<b>Restricted Reports</b>	
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"/>

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

<b>1.0</b>	<b>Purpose of Report or Summary of Main Issues</b>
1.1	The Department for Infrastructure ("Department") is undertaking public consultation on its proposed introduction of Planning Application Validation Checklists. This would enable Planning Authorities to themselves stipulate the minimum level of information needed with applications on submission (for those applications to be made "valid").
1.2	A copy of the public consultation is provided at <b>Appendix 1</b> .
1.3	The purpose of this report is to formulate the Council's response to the consultation.
<b>2.0</b>	<b>Recommendation</b>
2.1	That the Committee fully supports the introduction of Planning Application Validation Checklists and gives delegated authority to the Director of Planning and Building Control to finalise the wording of the consultation response.

<b>3.0</b>	<b>Main Report</b>
	<u>Background</u>
3.1	The Department for Infrastructure is undertaking public consultation on its proposed introduction of Planning Application Validation Checklists. This would enable Planning Authorities to themselves stipulate the minimum level of information needed with applications on submission (for those applications to be made “valid”).
3.2	A copy of the public consultation is provided at <b>Appendix 1</b> . The closing date for the consultation is 06 January 2023.
	<u>Current information requirements for planning applications</u>
3.3	The bar for submission of a planning application in NI is particularly low and this is the root cause of many of the systems problems from a Development Management perspective.
3.4	Article 3 of the <a href="#">Planning (General Permitted Development) Order (Northern Ireland) 2015</a> sets out the minimum level of information needed to be provided with an application for it to be “valid” and processed. The information that is required only includes: <ul style="list-style-type: none"> <li>• Written description of the proposal</li> <li>• Address of the application site</li> <li>• Name and address of the applicant (and agent where applicable)</li> <li>• A plan identifying the application site showing its relationship with adjacent land (“red line”)</li> <li>• A plan identifying neighbouring land owned by the applicant (“blue line”)</li> <li>• Such other plans that describe the proposal</li> <li>• Ownership certificate</li> <li>• Planning fee</li> </ul>
3.5	There is also a requirement for Major applications to be accompanied by a Pre-Application Community Consultation Report and certain applications to be supported by a Design and Access Statement <sup>1</sup> .
3.6	There are specific additional requirements for applications for outline planning permission, approval of reserved matters and renewal of planning permission.
3.7	However, there is currently no legal requirement for applicants to provide other essential information, even despite in some cases the information being a planning policy requirement. For example, there is no legal requirement for an application to be accompanied by the following information: <ul style="list-style-type: none"> <li>➤ Planning Statement</li> <li>➤ Contextual design information such as streetscapes, 3D modelling or CGIs</li> <li>➤ Heritage statement</li> <li>➤ Archaeological investigation report</li> <li>➤ Transport Assessment</li> <li>➤ Parking survey</li> <li>➤ Contaminated land report</li> <li>➤ Noise and odour assessments</li> <li>➤ Air quality assessment</li> <li>➤ Lighting assessment</li> </ul>

<sup>1</sup> Required for applications for Major development, Listed Building Consent and for one or more dwellinghouses, and proposals that are equal a greater than 1,000sqm and are in a Conservation Area, Area of Outstanding Natural Beauty, World Heritage Site or Area of Townscape Character.



	<ul style="list-style-type: none"> <li>➤ Drainage Assessment</li> <li>➤ Flood Risk Assessment</li> <li>➤ Ecological report</li> <li>➤ Viability justification</li> <li>➤ Planning Statement</li> <li>➤ Etc.</li> </ul>
3.8	Belfast City Council contacted the Department in 2016, raising the importance of statutory Planning Application Validation Checklists support by legislation. Improving the quality of planning applications is a key recommendation in both the Public Accounts Committee and NI Audit Office reports on the NI planning system <sup>2</sup> . The Department proposes to introduce Validation Checklists in its review of the implementation of the Planning Act (Northern Ireland) 2011.
3.9	<p><u>Impact of “incomplete” planning applications</u></p> <p>The inability for Planning Authorities to mandate the minimum level of information to be provided with applications has a seriously detrimental impact on the whole process. It significantly adds to processing times, places additional burdens on staff and consultees, wastes time assessing proposals without the key information, sets up conflict with customers, frustrates communities, residents and third parties and essentially creates “failure demand” (work that could have otherwise been avoided).</p> <p><u>Belfast City Council Application Checklist</u></p>
3.10	Recognising the crucial nature of this issue and the importance of front-loading the application process, the Council published its <a href="#">Application Checklist</a> in November 2018. This provides guidance to customers on the information they need to provide with their application at the start of the process, depending on the nature of the proposal, its scale and whether the site is subject to any particular constraints. Implementation of the <i>Application Checklist</i> was phased, initially only applying to medium and scale Local applications, then Major applications and finally to all applications, except householder applications and applications for Advertisement Consent.
3.11	The Council’s <i>Application Checklist</i> has had a very positive impact on the quality of planning applications on submission and has now been culturally embedded in the process, particularly for larger scale and more complex applications. It has had an extremely positive impact on service delivery as evidenced by a review undertaken by the Planning Service in February 2021. A copy of the review is provided at <b>Appendix 2</b> . It concluded that introduction of the <i>Application Checklist</i> had been an ‘undoubted success’. It contributed significantly to improved application performance in 2019/20 with the Council achieving the statutory Local target for the first time at 14.0 weeks average processing time. It also directly assisted the Council in achieving what was at the time its best ever processing time for Major applications at 37.0 weeks. The review was submitted to the Department, which acknowledged its importance and went on to directly inform its recommendation to bring forward Planning Application Validation Checklists.
3.12	However, the Planning Service recognises the limitations of the <i>Application Checklist</i> because it is advisory only and does not have statutory weight. In effect, it has been a “work-around” of the existing limited legislation. Ultimately, the Council is unable to compel applicants to provide the information. Whereas in England and Wales, Planning Authorities have been able to publish Planning Application Checklists for many years, mandating the information that must be provided with applications for them to be processed.

<sup>2</sup> See Planning Committee reports of [15 February](#) and [14 April](#) 2022 on the NIAO and Public Accounts Committee reports respectively.

3.13	Planning Authorities are measured on the average time for processing applications with “Day 1” being the date when the bare minimum level of information is provided. The “clock does not stop” to allow for the submission of the necessary additional information to properly assess and process the application. This significantly lengthens application processing times and makes it difficult for Planning Authorities to achieve statutory targets.
3.14	<u>DFI Consultation</u> The Department is proposing to amend the Planning (General Development Procedure) Order (Northern Ireland) 2015 to enable Planning Authorities to publish planning application ‘validation checklists’ to address poor quality or incomplete applications entering the planning system.
3.15	Like the Council’s <i>Application Checklist</i> , a validation checklist will provide guidance to applicants about the level and type of information required to be submitted with an application. Although in this case it will have statutory weight and the information will be mandatory rather than discretionary. The requirements should be proportionate to the nature and scale of the proposal.
3.16	Planning Authorities will be able to prepare and publicise the validation checklists above the minimum statutory requirements summarised at paragraph 3.4 and will allow it to require the types of additional information set out at paragraph 3.7, where it is deemed necessary to support the processing of the application.
3.17	The Department proposes to introduce a “dispute mechanism” like in England and Wales, otherwise the only recourse for an applicant, should it wish to challenge the information requirements on a case-by-case basis, would be through judicial review. This would enable the applicant to challenge the necessity for the requested information on grounds that it is not reasonably required. The Planning Authority would have ability to either agree with the applicant and validate the application or disagree and serve a “validation notice” on the applicant, confirming the need for the information. The applicant would then have the right to appeal (although there are different approaches to this in England and Wales).
3.18	<u>Assessment</u> Officers advise that this is the most significant and important consultation by the Department on the Development Management process since the transfer of planning powers to local government in 2015. The inability for Planning Authorities to mandate the information necessary to properly assess and process applications at the beginning of the process goes to the root of many of the problems experienced by the NI planning system.
3.19	The Council’s <i>Application Checklist</i> has had a very positive impact on improving the quality of applications submitted in Belfast but ultimately it is discretionary and is limited by reason of it not having statutory weight. It is considered crucial that statutory Planning Application Validation Checklists are introduced as quickly as possible in Northern Ireland
3.20	The provision of a dispute mechanism is considered reasonable and necessary.
3.21	It is also considered necessary that Validation Checklists are subject to public consultation before they are published. This will ensure appropriate scrutiny of the process.
3.22	It is recommended that the Committee fully endorses the introduction of Planning Application Validation Checklists and gives delegated authority to the Director of Planning and Building Control to finalise the wording of the consultation response.

<b>4.0</b>	<b>Financial &amp; Resource Implications</b>
4.1	The ability for Planning Authorities to specify information requirements for particular types of application will have a significant impact on efficiency and timely processing of planning applications.
<b>5.0</b>	<b>Equality or Good Relations Implications / Rural Needs Assessment</b>
5.1	No adverse impacts identified.
<b>6.0</b>	<b>Appendices – Documents Attached</b>
	<b>Appendix 1</b> – Public Consultation on Planning Application Validation Checklists (DfI)  <b>Appendix 2</b> – Belfast City Council Review of the Application Checklist

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## **PUBLIC CONSULTATION**

### **PLANNING APPLICATION VALIDATION CHECKLISTS**

**Date: November 2022**



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**ANNEX A – Screening for Equality Impact Assessment**

**ANNEX B – Preliminary Regulatory Impact Assessment**

# 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 6 January 2023 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:  
**Public Consultation  
Planning Applications - Validation Checklists  
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 \(infrastructure-ni.gov.uk\)](https://infrastructure-ni.gov.uk/planning-legislation).

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 \(infrastructure-ni.gov.uk\)](https://infrastructure-ni.gov.uk/planning-legislation) 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 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://infrastructure-ni.gov.uk/infrastructure-privacy-notice)). 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 as 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 A and B 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.

# 1 Introduction

## Purpose of the consultation

- 1.1 This consultation forms part of the Department's Planning Improvement Programme aimed at creating an efficient, effective and equitable planning system trusted to deliver high quality, sustainable, inclusive and healthy places.
- 1.2 Earlier this year a series of reports highlighted the need to improve the quality of planning applications entering the planning system and the potential benefits this could bring in terms of improving processing times, the quality of decisions and in turn the delivery of development on the ground.
- 1.3 In addition, in January 2022 the Department published its first Review of the Implementation of the Planning Act (NI) 2011 (the Review) which contained 16 recommendations aimed at improving the planning system. The Review, which was informed by a wide range of stakeholders, recognised the importance of front-loading the planning application process to ensure applications are accompanied with all necessary supporting documentation needed to reach a decision at the point of submission.
- 1.4 The Review considered that validation checklists, which are part of the planning legislation framework in other jurisdictions, could be an important tool in improving the quality and completeness of planning applications coming into the system. The Department stated in the review report:  
***The Department will bring forward proposals to introduce 'validation checklists' and will seek to advance policy development at the earliest opportunity.***
- 1.5 Further reports on the Northern Ireland planning system by the Northern Ireland Audit Office (NIAO)<sup>1</sup> (February 2022), and the Public Accounts Committee (PAC) (March 2022)<sup>2</sup>, both referenced the need for, and benefits of, the introduction of validation checklists.
- 1.6 The NIAO stated during its work, that it encountered a strong consensus which consistently spoke about the "low bar" set for the information required to make a legally valid planning application in Northern Ireland.

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<sup>1</sup> <https://www.niauditoffice.gov.uk/publications/planning-northern-ireland>

<sup>2</sup> <http://www.niassembly.gov.uk/globalassets/documents/committees/2017-2022/pac/reports/planning-in-ni/public-accounts-committee---planning-in-northern-ireland.pdf>

- 1.7 The NIAO further reported there was a view that the criteria set out in the Planning Act was too narrowly prescribed and did not require key supporting documentation – such as flood risk assessments, environmental statements and transport assessments - to be provided with applications at the point of submission. This means that potentially ‘incomplete’ applications must be accepted by a planning authority (having met the minimum statutory requirements) and from which, the time period for statutory processing begins.
- 1.8 The NIAO believe this contributes to inefficiency and poor processing times in a number of ways:
- statutory consultees are often expected to provide a substantive response to planning applications where essential supporting information is missing;
  - consultees are spending time on poor quality or incomplete applications, and often have to be consulted multiple times on the same application; and
  - applications which arrive at the planning committee for a decision often have to be deferred to allow supporting information to be provided.
- 1.9 The NIAO considered if the planning system continues to accept poor quality applications, this creates a culture of speculative applications, whereby the system is being used to effectively “MOT” projects and determine the assessments required.
- 1.10 The PAC report published on 24 March 2022 stated that the Committee had significant concerns around the evidence it heard of widespread issues with the quality of applications entering and progressing through the planning system. It believes that allowing poor quality applications risks poor quality development, can “clog up” the system, and is designed to allow multiple amendments at every stage of the process, including right up to appeal.
- 1.11 The PAC considered that presently the planning system does not sufficiently encourage good quality applications and a robust mechanism is needed to stop poor quality applications entering the system in the first place. It recommended that the Department and local government implement immediate changes to improve the quality of applications entering the system and believe the introduction of validation checklists is one way to do this.

1.12 The PAC and NIAO reports cited the example of Belfast City Council's introduction of an Application Checklist on an administrative basis, and the subsequent improved performance it achieved against statutory targets.

## **Current validation requirements**

1.13 The format of an application for planning permission is provided for by section 40 of the Planning Act, while the detailed form and content of a planning application is specified in Article 3 of the Planning (General Development Procedure) Order (NI) 2015. Similar provision is made for applications for listed building consent via section 86 of the Planning Act, in tandem with Regulations 2 and 3 of the Planning (Listed Buildings) Regulations (NI) 2015.

1.14 These requirements set out what information or evidence must be submitted with applications for planning permission or other consents to make an application 'valid' before it can be considered by a planning authority. An application for planning permission is to contain:

- a written description of the development;
- an address or location of the land;
- the name and address of the applicant;
- a plan sufficient to identify the land;
- such other plans and drawings necessary to describe the development;
- a design/access statement, where required;
- a certificate under Article 9; and
- any fee.

1.15 Whenever a planning application becomes 'valid' the timeframe for processing the application commences. It is against this timeframe that performance is measured, and also for the purposes for appeals against 'non-determination' of an application. However, many applications when submitted do not contain all the information needed to determine them. This can result in further request(s) to the applicant which can subsequently lead to delays in processing with a consequent negative impact on resources and efficiency.

## Belfast City Council Approach

- 1.16 Following discussion with the Department in 2017/18, Belfast City Council introduced a pilot 'Application Checklist' on a non-statutory / administrative basis. The Application Checklist was in the form of a comprehensive guide for applicants which set out the information required to be submitted with any given type of planning application, according to its characteristics, scale and spatial constraints. Essentially based on the principle of validation checklists in England and Wales but without the statutory weight. The Council's Application Checklist was implemented in three phases:
- **Phase I** (January 2019) applied to certain large-scale local planning applications;
  - **Phase II** (May 2019) applied to certain major planning applications; and
  - **Phase III** (April 2021) applied to all planning applications excluding certain householder and other minor applications / consents.<sup>3</sup>
- 1.17 Following monitoring of the performance of the checklist regime, the Council concluded that since its introduction, the Application Checklist has been very positively received by consultees and customers who were less likely to submit an incomplete application. It also concluded that it had a significant positive impact on the Council's delivery of its Development Management service, and in most cases it allowed the Council to secure the additional supporting information upfront, resulting in less delays to the application process and less pressure on statutory and non-statutory consultees.

## 2. Planning Performance

- 2.1 The Department regularly publishes reports on the volume of planning applications received and decisions issued. They include geographic detail at Local Government District and Assembly Constituency levels.<sup>4</sup>
- 2.2 Whilst there has been an overall improvement in 2021/22 compared to 2020/21, there is no doubt that processing times for applications in the planning system, particularly for major and economically sensitive applications, is causing frustration with stakeholders,

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<sup>3</sup> <https://www.belfastcity.gov.uk/planning-and-building-control/planning/applying-for-planning-permission/application-checklist>

<sup>4</sup> <https://www.infrastructure-ni.gov.uk/articles/planning-activity-statistics>

given the impacts that this has on economic development and post-COVID recovery.

- 2.3 The Department acknowledges that it is important that everything possible is done to keep improving the timeframes for processing applications and to do so jointly with councils, statutory consultees and other stakeholders.

### **3 The proposal**

- 3.1. The purpose of this consultation is to seek your views on the Department's proposal to amend The Planning (General Development Procedure) Order (NI) 2015 to provide for the introduction of 'validation checklists' to address 'poor quality' or 'incomplete' applications entering the planning system.
- 3.2. A validation checklist will provide guidance to applicants about the level and type of information required to be submitted with a planning application. The requirements are intended to be proportionate to the nature and scale of the proposal.
- 3.3. The proposed amending Order would enable a planning authority (council or the Department) to prepare and publish 'checklists', above the current minimum statutory requirements which would remain unchanged, setting out the additional supporting information / evidence which would be required to accompany different types of planning application e.g. specific to its siting, the type of development proposed etc. There will be some flexibility for individual councils to take an approach that suits their local area and planning issues.
- 3.4. The legislation will require that an applicant needs to provide the information (on a validation checklist) where it is reasonable, having regard, in particular, to the nature and scale of the proposed development; and about a matter which it is reasonable to think will be a material consideration in the determination of the application.
- 3.5. The overall objective of such an amendment is to enhance the quality of applications entering the system, to front-load the decision making process, which should result in better processing times and more efficient consultee responses. Applications will not be considered valid until they comply with the required information contained in the published checklists and, therefore, the clock will not start ticking in terms of meeting statutory processing time targets. Ultimately, the requirement to ensure applications are

accompanied by all necessary information should result in overall improved planning performance.

3.6. The benefits of validation checklists are generally accepted as follows:

- they set out the scope of information required at the outset to ensure a ‘fit for purpose’ submission;
- they enable the planning authority to have all the necessary information to determine the application and to draft the planning permission and conditions appropriately;
- they minimise the need for further submission of additional information during the life of the application which avoids unnecessary delay in the determination of applications;
- they provide applicants with certainty as to the level of information required and the likely overall investment needed prior to the application submission; and
- they ensure that the appropriate information is provided with an application to assist interested parties, including consultees, in their consideration of development proposals.

## **4. Validation Disputes**

4.1. Legislation in England & Wales also provides applicants with a right to dispute ‘non-validated’ applications – these are applications where there is a dispute between the applicant and the planning authority as to whether the application is ‘valid’.

4.2. The Department is of the opinion that the introduction of validation checklists here would also require a similar ‘validation dispute’ mechanism, otherwise the only recourse available to an applicant would be judicial review proceedings. Including a dispute mechanism within the amending Order would avert the need for such challenges and would uphold an applicant’s European Convention on Human Rights Article 6 right to a fair trial.

4.3. In England, where a local planning authority requires particulars or evidence to be included with an application and the applicant disputes the need for such evidence, the applicant can serve a notice on the planning authority saying why the additional information which has been requested is considered unreasonable and requesting that the requirement be waived. The planning authority can then notify the applicant that it either no longer requires the information, called "*a validation notice*" or one saying the information is still required, "*a non-validation notice*".



- 4.4. After the statutory time period for determining the application has expired from the date of the non-validation notice, the applicant can appeal against non-determination (this is basically the same procedure as if the application has been refused). The person considering such an appeal will consider both the dispute regarding 'validity' and the merits of the application itself (although if it is decided that the local planning authority was correct in determining that the application was invalid, the appeal will be automatically dismissed). The procedure for the determination of validation appeals is set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015.<sup>5</sup>
- 4.5. In contrast, legislation in Wales provides for a 'stand-alone' dispute mechanism which deals solely with consideration of the information requirements. Where the planning authority thinks the application (or anything accompanying it) does not comply with a validation requirement, the authority must give the applicant notice to that effect. The applicant can either provide the information, or appeal the non-validation of the application within two weeks from the date of the notice. The procedure for the determination of validation appeals made to the Welsh Ministers (under section 62ZB of the Town and Country Planning Act 1990) is set out in The Town and Country Planning (Validation Appeals Procedure) (Wales) Regulations 2016.<sup>6</sup>
- 4.6. Evidence from Wales demonstrates that the number of 'non-validation' appeals determined by the Planning Inspectorate there has averaged 6 per year from 2016-2021.<sup>7</sup>

## **5. SUMMARY**

- 5.1. In summary, the Department's overall objective for the proposed amendment is to provide the statutory basis for a planning authority to be able to prepare and publish a validation check list to address 'poor quality' or 'incomplete' applications entering the planning system. Once in place, the Department expects that this will improve the quality of applications coming into the system and overcome avoidable delays in the processing of applications for planning permission by front-loading applications with all the evidence and information deemed necessary for their determination. This approach should also lead to improved statutory consultee response times, reduce the need for re-consultations and improve the time taken to reach planning decisions.

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<sup>5</sup> [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

<sup>6</sup> <https://www.legislation.gov.uk/wsi/2016/60/made>

<sup>7</sup> <https://gov.wales/sites/default/files/publications/2021-04/non-validation-appeals-register.pdf>

## Consultation Questions

### Question 1:

Do you agree with the proposal to provide a statutory basis for planning authorities to introduce a Validation Checklist for planning applications?

Yes ☐ No ☐

(Please provide reasons for your answer.)

### Question 2:

Do you agree that a 'dispute mechanism' should be available to applicants who disagree with the information/evidence requirements to be submitted with an application?

Yes ☐ No ☐

(Please provides reasons for you answer.)

If you answered 'Yes' to Question 2, please go to Question 3.

### Question 3:

Would you prefer a dispute mechanism linked to 'non-determination' of the application as in England (see para 4.3-4.4 above) or a 'stand-alone' approach as in Wales (see para 4.5 above)?

'Non-determination' dispute ☐ 'Stand-Alone' dispute ☐

(Please provides reasons for you answer.)

**Question 4:**

**From the list below, please select the category of respondent most appropriate to you.**

**Business and development interests** ☐

**Resident/community groups/voluntary organisations** ☐

**Environment and heritage groups** ☐

**Political party/elected representative** ☐

**Council** ☐

**Statutory consultee** ☐

**Applicant** ☐

**Architect/Planning consultancy/Agent** ☐

**Other** ☐

## **ANNEX A**

### **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

Planning Applications – Validation Checklists

Is this an existing, revised or a new policy?

New Policy

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

The aim of the policy is to bring forward an amendment to Article 3 of the Planning (General Development Procedure) Order (NI) 2015 (GDPO) to provide councils and the Department with the authority to prepare and publish “validation checklists”, to address ‘poor quality’ or ‘incomplete’ applications entering the planning system. A Validation Checklist provides guidance about the level and type of information required to be submitted with a planning application, in order to provide a degree of certainty and clarity to assist applicants. The requirements should be proportionate to the nature and scale of the development proposal.

The overall outcome of the proposed amendment is to overcome delays in the processing of applications for planning permission, by front-loading applications with all the evidence and information deemed necessary to determine the applications. This should lead to improved statutory consultee response times, (that is, the time taken by, for example: Roads, Water and Environmental Health to comment on a development proposal), reduce the need to re-consult statutory consultees, and improve the time taken to reach decisions. An associated dispute mechanism may also prove necessary which will also be consulted upon. This will provide an applicant with a means in which to dispute a decision by a planning authority not to validate a planning application where it determines that the information provided is insufficient or incomplete.

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 Department for Infrastructure (the Department)

Who owns and who implements the policy?

The Department for Infrastructure / councils.

## **Background**

The performance of the planning system in processing planning applications has been highlighted through various examinations/findings of the NI planning system: the Northern Ireland Audit Office (NIAO)<sup>8</sup> Report on 1 February 2022; and the Public Accounts Committee (PAC)<sup>9</sup> Report on 24 March 2022.

The Department regularly publishes statistics on planning performance<sup>10</sup>. Whilst there has been an overall improvement in 2021/22 compared to 2020/21, there is no doubt that processing times for applications in the planning system, particularly for major and economically sensitive applications, is causing frustration among stakeholders, given the impacts that this has on economic development and post COVID recovery.

The Department acknowledges that it is important that everything possible is done to keep improving the timeframes for processing applications and to do so jointly with councils, statutory consultees and other stakeholders.

Alongside the external reports mentioned above, the Department published its first report on the Review of the Implementation of the Planning Act (NI) 2011

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<sup>8</sup> <https://www.niauditoffice.gov.uk/publications/planning-northern-ireland>

<sup>9</sup> <http://http://www.niassembly.gov.uk/globalassets/documents/committees/2017-2022/pac/reports/planning-in-ni/public-accounts-committee---planning-in-northern-ireland.pdf>

<sup>10</sup> <https://www.infrastructure-ni.gov.uk/articles/planning-activity-statistics>

(the review report) in January 2022 which, contained 16 recommendations aimed at improving the planning system<sup>11</sup>.

This proposal forms part of the Department's ongoing planning improvement agenda and flows from recommendation PT3-5 set out in the review report dealing with actions to improve the quality and completeness of planning applications:

**Recommendation PT3-5 of the Review Report: *The Department will bring forward proposals to introduce 'validation checklists' and will seek to advance policy development at the earliest opportunity.***

### Implementation factors

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

- Financial
- Legislative

The introduction of validation checklists to planning applications will result in extra **up-front** costs to applicants, in that it will require all necessary evidence and information needed to determine the proposal, to accompany the application at the time of its submission. This would be in contrast to councils seeking the required information at a date after the application has been made, usually, (but not exclusively) prompted by responses from statutory consultees, leading to delays in processing.

Amendment to Article 3 of the Planning (General Development Procedure) Order (NI) 2015.

### Main stakeholders affected

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

- staff
- service users

other public sector organisations

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<sup>11</sup> <https://www.infrastructure-ni.gov.uk/publications/review-planning-act-ni-2011-report>

## Other policies with a bearing on this policy

- None
- Not applicable



## 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:** This proposal forms part of the Department's ongoing planning improvement agenda and flows from recommendation PT3-5 set out in the review report dealing with actions to improve the quality and completeness of planning applications. It also responds to the findings set out in both the NIAO and PAC Reports published earlier in 2022.

Recommendation PT3-5 of the Review Report: *“The Department will bring forward proposals to introduce ‘validation checklists’ and will seek to advance policy development at the earliest opportunity.”*

Such legislative provisions have been successfully introduced in other jurisdictions for a number of years (England & Wales), with further advice and guidance on the local information requirements for planning applications also set out in the National Planning Policy Framework<sup>12</sup> (England).

There is no evidence to suggest that the amendment proposed to the GDPO of itself or generally, is more or less likely to adversely impact upon any s.75 group(s). The requirements are to be kept to the minimum needed to make decisions, and are usually reviewed at least every two years. Planning authorities are also only to request supporting information that is relevant, necessary and material to the application in question.

The requirement to front-load the application process with the information/evidence needed to reach a sound decision will apply equally to every applicant, and will be specific to the type of application made, and the nature, scale and location of the proposed development. Each and every planning application is considered on its own individual merits, and the potential equality impacts will form part of that decision-making process.

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

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<sup>12</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

**Political Opinion:** As above

**Racial Group:** As above

**Age:** As above

**Marital Status:** As above

**Sexual Orientation:** As above

**Men & Women generally:** As above

**Disability:** As above

**Dependants:** 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 – no equality issues identified as the information requirements i.e. in the Validation Checklists, to be published by planning authorities will be applicable to all those making a planning application.

**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

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## **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 identified. The policy proposal will apply equally to all planning applications and not impact on equality of opportunity for applicants.

What is the level of impact? None

Details of the likely policy impacts on **Political Opinion**: As above

What is the level of impact? None

Details of the likely policy impacts on **Racial Group**: As above

What is the level of impact? None

Details of the likely policy impacts on **Age**: As above

What is the level of impact? None

Details of the likely policy impacts on **Marital Status**: As above

What is the level of impact? None

Details of the likely policy impacts on **Sexual Orientation**: As above

What is the level of impact? None

Details of the likely policy impacts on **Men and Women**: As above

What is the level of impact? None

Details of the likely policy impacts on **Disability**: As above

What is the level of impact? None

Details of the likely policy impacts on **Dependants**: 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 proposed policy will apply equally to all users of the planning system. There is no opportunity to better promote equality of opportunity for applicants.

**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. The Policy is introducing a Validation checklist for planning applications in order to improve the planning process.

What is the level of impact? None

Details of the likely policy impacts on **Political Opinion**: None. The Policy is introducing a Validation checklist for planning applications in order to improve the planning process.

What is the level of impact? None

Details of the likely policy impacts on **Racial Group**: None. The Policy is introducing a Validation checklist for planning applications in order to improve the planning process.

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 is introducing a Validation checklist for planning applications in order to improve the planning process. Effects people of all religious beliefs equally.

**Political Opinion** – No - The Policy is introducing a Validation checklist for planning applications in order to improve the planning process. Effects people of all political opinions equally.

**Racial Group** - – No - The Policy is introducing a Validation checklist for planning applications in order to improve the planning process. Effects people of all racial groups equally.



## 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).*

N/A

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

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

### **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 proposed amendment to the Planning (General Development Procedure) Order (NI) 2015 will apply equally to all users of the planning system and there is no evidence that it will have any significant impact in terms of equality of opportunity or good relations.

An associated dispute mechanism would also provide a level of assurance that the information requirements are proportionate and material to the proposed application, and would avert the need for judicial challenges and would also uphold an applicant's European Court of Human Rights Article 6 right to a fair trial.

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.

*Not applicable*

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. Not applicable

## 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**

Social need **Rating 1**

Effect on people's daily lives **Rating 1**

Relevance to a public authority's functions **Rating 1**

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

If yes, please provide details.

## 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: Tom Mathews  
Position/Job Title: SPTO  
Date: 27 October 2022

Approved by: Irene Kennedy  
Position/Job Title: Grade 7  
Date: 27 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:	25 October 2022
Amendments Requested:	Yes
Date Returned to Business Area:	28 October 2022
Date Final Version Received / Confirmed:	2 November 2022
Date Published on DfI's Section 75 webpage:	2 November 2022

<b>Title:</b> <b>Planning Applications – Validation Checklists</b>	<b>Regulatory Impact Assessment (RIA)</b>	
	<b>Date:</b> 2 November 2022	
	<b>Type of measure:</b> Secondary Legislation	
<b>Lead department or agency:</b> Department for Infrastructure	<b>Stage:</b> Development	
	<b>Source of intervention:</b> Domestic NI	
<b>Other departments or agencies:</b> N/A	<b>Contact details:</b> Irene Kennedy	
	Regional Planning Directorate Room 1-01 Clarence Court 10-18 Adelaide Street Belfast BT2 8GB	

### Summary Intervention and Options

<b>What is the problem under consideration? Why is government intervention necessary? (7 lines maximum)</b> The performance of the planning system in processing planning applications has been highlighted through various examinations/findings by the Northern Ireland Audit Office (NIAO), and the Public Accounts Committee in 2022. A number of recommendations from the first Report on the Implementation of the Planning Act 2011 (Jan 2022), also committed to developing policy aimed at improving performance. Poor performance has in part, been attributed to poor quality or incomplete applications entering the system. It is proposed to empower planning authorities to prepare and publish planning validation checklists to address the matter. This will ensure that applications entering the system will be required, from the outset, to include all information/evidence needed to reach a sound decision. The requirements will be proportionate to the nature and scale of the development proposal.		
<b>What are the policy objectives and the intended effects? (7 lines maximum)</b> The overall objective and outcome of the proposed policy is to overcome delays in the processing of applications for planning permission and other consents, by <b>front-loading</b> applications with all the evidence and information deemed necessary to determine the applications. This approach should also lead to improved statutory consultee response times, and reduce the need for re-consultations, and improve the time to reach decisions. This will be achieved by way of an amendment to Article 3 of the Planning (General Development Procedure) Order (NI) 2015 (GDPO). An associated dispute mechanism may also prove necessary which, will also be consulted upon.		
<b>What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base) (10 lines maximum)</b> There were 3 options considered for planning application requirements: <ul style="list-style-type: none"> <li>• Option 1 – Do nothing and maintain current (minimum) application requirements (i.e. maintain the status quo);</li> <li>• Option 2 – Encourage introduction of validation checklists on a non-statutory, administrative basis; and</li> <li>• Option 3 – Place validation checklists on a legislative basis by way of amendment to the GDPO 2015. The preferred option.</li> </ul>		
<b>Will the policy be reviewed?</b> It will be reviewed		<b>If applicable, set review date:</b> 2025

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
£0	£0	£0

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?	<b>Micro</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Small</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Medium</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Large</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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**The final RIA supporting legislation must be attached to the Explanatory Memorandum and published with it.**

Approved by:

Date:

## Summary: Analysis and Evidence

### Policy Option 1

Description: Do nothing and maintain current (minimum) application requirements.

#### ECONOMIC ASSESSMENT (Option 1)

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 Estimate				
<b>Description and scale of key monetised costs by 'main affected groups'</b> Maximum 5 lines There are no new monetised costs with this option, and a planning application will only need to include the current minimum requirements, set out under Art.3 of the GDPO, together with the appropriate planning fee. Further information/evidence requirements (where necessary), will be sought from the applicant after validation and during processing.				
<b>Other key non-monetised costs by 'main affected groups'</b> Maximum 5 lines To maintain the current position would not advance a recommendation in the Review Report; findings from the NIAO/ PAC reports and likely draw criticism from many stakeholders in the planning system, particularly local councils. Potentially incomplete or poor quality planning applications would continue to be submitted, causing delay in processing times and adversely impacting planning performance.				
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 Estimate				
<b>Description and scale of key monetised benefits by 'main affected groups'</b> Maximum 5 lines It is difficult to measure / quantify any monetary benefits or effects of maintaining the current provision under the GDPO. Under this option, the existing regime will continue but without the benefit of potential amendments which otherwise may have been introduced.				
<b>Other key non-monetised benefits by 'main affected groups'</b> Maximum 5 lines Maintaining the existing application requirements, while generally beneficial to potential applicants, will overall be disadvantageous to the planning system as a whole, statutory consultee response times and council performance, in comparison to other jurisdictions where validation checklists have already been implemented.				
<b>Key Assumptions, Sensitivities, Risks</b> Maximum 5 lines It is not unreasonable to assume that maintaining the existing application requirements would be disadvantageous overall to local business in that, unnecessary delays in the processing of planning applications would continue affecting overall performance.				

**BUSINESS ASSESSMENT (Option 1)**

Direct Impact on business (Equivalent Annual) £m			
<b>Costs:</b>	<b>Benefits:</b>	<b>Net:</b>	Cannot be quantified monetarily but is assumed it would be disadvantageous in comparison to other jurisdictions where validation checklists are in place.

**Cross Border Issues (Option 1)**

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

The current minimum application requirements set out in Art.3 of the GDPO 2015, and s.40 of the Planning Act are similar to those in other jurisdictions. However, other jurisdictions have introduced validation checklists for some time now. The option to maintain only current minimum requirements here will mean that locally, NI will not keep pace with nor take account of changes / approaches elsewhere.

**Summary: Analysis and Evidence****Policy Option 2**

Description: Encourage an administrative approach to validation check-lists

**ECONOMIC ASSESSMENT (Option 2)**

Costs (£m)	Total Transitional (Policy) (constant price)	Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Cost (Present Value)
<b>Low</b>	<b>Optional</b>		<b>Optional</b>	<b>Optional</b>
<b>High</b>	<b>Optional</b>		<b>Optional</b>	<b>Optional</b>
<b>Best Estimate</b>				

**Description and scale of key monetised costs by 'main affected groups'** Maximum 5 lines

The introduction of validation check-lists, on a **non-legislative / administrative** approach would likely improve the quality of applications, and could result in improved processing times, consultee response times, and overall planning performance. Evidence from Belfast City Council's pilot exercise, undertaken between 2020/21 in this regard supports this conclusion. Councils would bear the costs with this option, however, without statutory weight, applicants would not be bound to provide the additional information/evidence sought. In such circumstances, existing minimum information set out under Art.3 of the GDPO, together with the appropriate planning fee would only be necessary. Further information/evidence requirements (where necessary), will be sought from the applicant after validation, and during processing.



**Other key non-monetised costs by 'main affected groups'** Maximum 5 lines

This option would not advance a recommendation in the Review Report; nor develop findings from the NIAO/ PAC reports and likely draw criticism from many stakeholders in the planning system, particularly local councils. Potentially incomplete or poor quality planning applications would continue to be submitted, causing delay in processing times and adversely impacting planning performance.

Not to undertake to improve the quality and completeness of planning applications does not fulfil a departmental commitment, and will not ensure that the legislation remains appropriate to the local context. Changes (if any) to similar legislation in other jurisdictions will not be factored in to any assessment.

<b>Benefits (£m)</b>	<b>Total Transitional (Policy)</b> (constant price)	<b>Average Annual (recurring)</b> (excl. transitional) (constant price)	<b>Total Benefit</b> (Present Value)
<b>Low</b>	<b>Optional</b>	<b>Optional</b>	<b>Optional</b>
<b>High</b>	<b>Optional</b>	<b>Optional</b>	<b>Optional</b>
<b>Best Estimate</b>			

**Description and scale of key monetised benefits by 'main affected groups'** Maximum 5 lines

It is difficult to measure / quantify any monetary benefits or effects of this option. Under this option, potential enhanced information/evidence would be sought, but without the benefit of a legislative footing would require the willing participation of applicants to the planning system.

**Other key non-monetised benefits by 'main affected groups'** Maximum 5 lines

The introduction of validation check-lists on a **non-legislative / administrative** approach would likely improve the quality of applications, and could result in improved processing times, consultee response times, and overall planning performance. This option, while generally beneficial to the planning system, will overall be disadvantageous in comparison to other jurisdictions where statutory validation checklists have already been successfully implemented.

**Key Assumptions, Sensitivities, Risks** Maximum 5 lines

It is not unreasonable to assume that a voluntary approach to the introduction of validation checklists could benefit the planning system and decision-making, however without a statutory footing it requires the active participation of all applicants which, is not guaranteed.

**BUSINESS ASSESSMENT (Option 2)**

<b>Direct Impact on business (Equivalent Annual) £m</b>				
<b>Costs:</b>	<b>Benefits:</b>	<b>Net:</b>		Cannot be quantified monetarily but is assumed it would be disadvantageous in comparison to other jurisdictions where statutory validation checklists are in place.

**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

The current minimum application requirements set out in Art.3 of the GDPO 2015, and s.40 of the Planning Act are similar to those in other jurisdictions. However, other jurisdictions have introduced statutory validation checklists for some time now. This option would mean that locally, NI will not keep pace with nor take account of changes / approaches elsewhere.

## Summary: Analysis and Evidence

### Policy Option 3

Description: Legislate for validation checklists

#### ECONOMIC ASSESSMENT (Option 3)

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 Estimate				
<b>Description and scale of key monetised costs by ‘main affected groups’</b> Maximum 5 lines The introduction of validation checklists on a <b>legislative</b> basis would improve the quality of planning applications entering the system, resulting in improved application processing times, consultee response times, and the overall performance within the planning system. Planning authorities would bear the costs with this option, of preparing and publishing validation checklists. With statutory weight however, applicants would be bound to provide the additional information/evidence sought from the outset, without which, applications would be deemed invalid.				
<b>Other key non-monetised costs by ‘main affected groups’</b> Maximum 5 lines There are no appreciable non-monetised costs associated with this option. Potentially incomplete or poor quality planning applications would be deemed invalid and not entered into the planning system.				
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 Estimate				
<b>Description and scale of key monetised benefits by ‘main affected groups’</b> Maximum 5 lines It is difficult to measure / quantify the monetary benefits or effects of this option. A statutory requirement empowering councils to set out the additional supporting information / evidence to accompany different types of planning application, and specific to particular types of development would enhance the quality of applications, front-loads the application process, and should result in better processing times, and consultee response times. This ultimately should also result in improved planning performance giving greater certainty to applicants and other stakeholders.				
<b>Other key non-monetised benefits by ‘main affected groups’</b> Maximum 5 lines As above.				
<b>Key Assumptions, Sensitivities, Risks</b> Maximum 5 lines There are no appreciable sensibilities or risks associated with this option.				

**BUSINESS ASSESSMENT (Option 3)**

Direct Impact on business (Equivalent Annual) £m				
<b>Costs:</b>	<b>Benefits:</b>	<b>Net:</b>		Cannot be quantified monetarily but is it would bring the approach in NI in to line with other jurisdictions where statutory validation checklists are in place.

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

The current minimum application requirements set out in Art.3 of the GDPO 2015 are similar to those in other jurisdictions. However, other jurisdictions have introduced statutory validation checklists for some time now. This option would mean that locally, NI will keep pace with approaches elsewhere.

**Evidence Base**

The performance of the planning system in processing planning applications has been highlighted through various examinations/findings of the NI planning system by the Northern Ireland Audit Office (NIAO), and the Public Accounts Committee in 2022. A number of recommendations from the first Report on the Implementation of the Planning Act 2011 (Jan 2022), also committed to developing policy aimed at improving performance. Poor performance has in part, been attributed to poor quality or incomplete applications entering the system.

It is proposed to empower planning authorities to prepare and publish planning validation checklists to address the matter. This will ensure that applications entering the system will be required, from the outset, to include all information/evidence needed to reach a sound decision. The requirements will be proportionate to the nature and scale of the development proposal. An associated dispute mechanism may also prove necessary which will also be consulted upon.

Legislating for validation check-lists (similar to that in other jurisdictions) advances a recommendation from the Review Report, and takes into account the findings from the NIAO and PAC reports. Evidence from Belfast City Council's pilot exercise further supports legislative change in this regard. A statutory requirement empowering planning authorities to set out the additional supporting information / evidence to accompany different types of planning application, and specific to particular types of development would enhance the quality of applications, front-loads the application process, and should result in better processing times, and consultee response times. This ultimately should also result in improved planning performance across all the planning system. By definition, legislative provisions would also enable a planning authority to reject / invalidate an incomplete planning application, and to request the applicant submit the requisite information. Any failure to meet such requirements could result in the application and fee being returned. This would ensure that such applications do not affect processing times nor overall planning performance.

## Options

Three options were considered:

Option 1 – Do nothing and maintain current planning application requirements;

Option 2 – Encourage an administrative approach to validation check-lists across all planning authorities.

Option 3 - Legislate for validation check-lists across all planning authorities

### **Belfast City Council Pilot Project**

Belfast City Council (BCC) review of its implementation of validation checklists on an administrative basis identified that one of the most significant contributing factors in delaying the planning application process was the poor quality of applications on submission. In particular, applications have often been “incomplete” and not supported by the information required by planning policy and best practice. This means that applications cannot be given a positive determination at the first time of asking and there are inevitably delays as the information is sought and finally submitted. This also places unnecessary burdens on already stretched statutory consultees, wasting their time and resources on reviewing incomplete applications.

BCC Planning Service published its *Application Checklist in 2018*, which provided guidance to customers on which information they need to submit with their application, depending on its characteristics, scale and spatial constraints. Information requirements were divided into two categories: “Basic Requirements” – necessary to make the application valid in accordance with planning legislation; and “Other supporting information” – required by planning policy and best practice so that the application can be fully considered. Applications were checked on receipt and if information was missing then the applicant was requested to provide it within 14 days otherwise the application was returned along with the planning fee. Applicants were asked to resubmit the application only when all the information was available.

Feedback from customers was generally very positive. Agents and architects saw significant value in the Council publishing a list of documents required with planning applications. It assisted them when pricing work and justifying to their client which information is needed. Agents said that they are now less likely to submit an incomplete application to BCC because they know the Council will send it back. Constructive feedback includes the need for officers to apply the Application Checklist proportionately and that it must not be used as a simple administrative tick-list – information was only required where it is fundamentally needed.

Feedback from consultees and staff has also been positive. Statutory consultees were very supportive of the Application Checklist as a means to frontload information and improve the quality of applications, thereby making the assessment process much more efficient. They unanimously support legislative change to improve information requirements at the beginning of the process.

BCC concluded that the Application Checklist has been a significant success in improving the quality of planning applications. It has had a marked positive effect on determination times and performance. It has also begun to shift the culture and attitude of customers towards submitting much better quality planning application at the outset of the process.

BCCs review was shared with the Department for Infrastructure in support of its case for a change to planning legislation, aimed at improving information requirements on submission of planning applications

### **Preferred Option**

Overall, Option 3 is considered to be the preferred option as it would meet the policy objectives outlined above.

### **Benefits for planning authorities: reduced number / processing of planning applications**

The benefits of preparing validation checklists are that it:

- scopes the information required at the outset to ensure a 'fit for purpose' submission;
- enables the planning authority to have all the necessary information to determine the application and to draft the planning permission and conditions appropriately;
- minimises the need for further submission of additional information during the life of the application which avoids any unnecessary delays in the determination of applications;
- provides applicants with certainty as to the level of information required and the likely overall cost of the application submission; and
- ensures that the appropriate information is provided with an application to assist interested parties, including consultees, in their consideration of development proposals.

These benefits will result in reduced processing times and improved planning performance, together with improved statutory consultee response times.

### **Equality Impact Assessment**

The Department's initial screening for equality impacts considers that the proposals will not discriminate unlawfully, unfairly or unjustifiably against any sections of the community specified in Section 75 of the Northern Ireland Act 1998.

### **Impact on businesses**

There may be positive impacts for businesses from quicker decision-making on planning applications.

### **Rural proofing**

The Department considers that the proposals would have no differential or adverse impact in rural areas or on rural communities.

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# **Belfast City Council Planning Service**

## **Review of the Application Checklist**

February 2021

### **Executive Summary**

Belfast City Council (BCC) has identified that one of the most significant contributing factors in delaying the planning application process is the poor quality of applications on submission. In particular, applications have often been “incomplete” and not supported by the information required by planning policy and best practice. This means that applications cannot be given a positive determination at the first time of asking and there are inevitably delays as the information is sought and finally submitted. This also places unnecessary burdens on already stretched statutory consultees, wasting their time and resources on reviewing incomplete applications.

In response to this problem, BCC Planning Service has published its *Application Checklist*, which provides guidance to customers on which information they need to submit with their application, depending on its characteristics, scale and spatial constraints. Information requirements are divided into two categories: “Basic Requirements” – necessary to make the application valid in accordance with planning legislation; and “Other supporting information” – required by planning policy and best practice so that the application can be fully considered. Applications are checked on receipt and if information is missing then the applicant is requested to provide it within 14 days otherwise the application is returned along with the planning fee. Applicants are asked to resubmit the application only once all the information is available.

Data shows that 68% of Major applications submitted in 2019/20 were incomplete on submission, demonstrating the severity of this issue of poor quality planning applications. Since publication of its Application Checklist in November 2018, BCC returned its best ever statutory planning application performance of 37 weeks for Major applications and 14.0 weeks for Local applications in 2019/20. Much of this performance improvement is attributed to implementation of the Application Checklist. This saw Major application performance improve from 41.4 weeks in 2018/19 to 37 weeks in 2019/20. There was an even greater improvement in performance for largescale Local applications with a substantial 31.4 week improvement when comparing a sample of 2018/19 and 2019/20 applications.

Feedback from customers has generally been very positive. Agents and architects see significant value in the Council publishing a list of documents required with planning applications. It assists them when pricing work and justifying to their client which information is needed. Agents have said that they are now less likely to submit an incomplete application to BCC because they know the Council will send it back. Constructive feedback includes the need for officers to apply the Application Checklist proportionately and that it must not be used as a simple administrative tick-list – information should only be required where it is fundamentally needed.

Feedback from consultees and staff have similarly been positive. Statutory consultees are very supportive of the Application Checklist as a means to frontload information and improve the quality of applications, thereby making the assessment process much more efficient. They unanimously support legislative change to improve information requirements at the beginning of the process.

Staff have said that the Application Checklist provides a structured approach to information requirements. It requires information to be provided up front which in turn helps validation and processing times. The Application Checklist is particularly helpful when discussing information requirements for Major and large scale Local applications at the PAD stage.

In conclusion, the Application Checklist has been a significant success in improving the quality of planning applications submitted to BCC. It has had a marked positive effect on determination times and performance. It has also begun to shift the culture and attitude of customers towards submitting much better quality planning application at the outset of the process.

The following recommendations are made:

1. This review should be shared with the Department for Infrastructure to support the case for much needed change to planning legislation, aimed at improving information requirements on submission of planning applications;
2. The review should be shared with the Northern Ireland Audit Office (currently undertaking an audit of the NI planning system) as part of BCC's engagement in that process;
3. The review should also be shared with the other 10 councils in Northern Ireland in the context of the above;
4. BCC Planning Service should proceed with implementation of Phase 3 of the Application Checklist to include all applications other than Householder proposals, Advertisement Consent and other minor Local applications; and
5. Further training should be provided to BCC staff to ensure that the Application Checklist is applied in a proportionate and consistent way.



## Introduction

1. This report comprises a review of BCC Planning Service's Application Checklist, first published in November 2018.
2. The objectives of the review are twofold:
  - a) To review the effectiveness of the Application Checklist in enhancing the quality of planning applications on submission and in turn improving application performance against the statutory targets of 15 weeks for Local applications and 30 weeks for Major applications; and
  - b) To support the case for changes to NI planning legislation to improve the quality of information at the beginning of the application process (by empowering individual Planning Authorities to publish a "Local Validation List" which sets out mandatory information requirements). This front-loading of information will improve the quality of applications, in turn speed up decision making, reduce pressure on statutory consultees, and improve the planning application process generally across NI.

## Background

3. BCC has identified that one of the key factors to under performance in processing planning applications in Northern Ireland is the **poor quality of applications** on submission.
4. Development Management best practice is to **front-load** the planning application process. For example, by providing a Pre Application Discussion (PADs) service to improve the quality of submissions, and to make sure that applications are supported by the right level of information at the beginning.
5. Information requirements for planning applications are set out in the Planning (General Development Procedure) Order (Northern Ireland) 2015.
6. Article 3 of the Order sets a **low bar** for the level of information that is required at submission for an application to be legally "valid". This amounts to:
  - a written description of the proposal
  - the address or description of the location of the site
  - name and address of the applicant (and agent where applicable)
  - a plan showing the location of the site and its surrounding context
  - such other plans necessary to describe the proposal
  - a plan identifying other neighbouring land owned by the applicant
  - the appropriate ownership certificate
7. Other select information may also be required depending on the nature and location of the application such as a Pre-application Community Consultation Report or Design and Access Statement.

8. The time period for determining planning applications (15 weeks for Local applications and 30 weeks for Major applications) starts **on receipt of a valid application** – the “clock starts ticking” at this point.
9. Crucially, there is **no legal requirement** for applicants to submit other supporting documentation required by planning policy or good practice – essential information to address the usual range of land-use planning considerations. For example, there is no requirement for applicants to provide the following on submission:
  - × Archaeological assessments
  - × Biodiversity Checklists
  - × Biodiversity Surveys
  - × Contaminated Land Reports
  - × Daylight, sunlight and overshadowing assessments
  - × Drainage Strategies
  - × Environmental Statements (EIA)
  - × Flood Risk Assessments
  - × Landscape and Visual Impact Assessments
  - × Parking Surveys
  - × Retail Impact Assessments
  - × Sequential tests (retail)
  - × Structural Surveys
  - × Transport Assessments
  - × Transport Assessment Forms
  - × Travel Plans
  - × Tree Surveys
  - × Waste Management Plans
10. Since there is no requirement for applicants to supply this information with an application on submission it is invariably not provided.
11. This has a considerable **adverse impact** on the planning application process including, but not limited to, the following:
  - It allows incomplete, “bad” applications to enter the system
  - Consequently the public and consultees are consulted on poor quality applications that do not adequately address the various issues and this attracts objections, conflict and unnecessary additional work
  - Statutory and non-consultees – who are already overwhelmed – waste precious time and resources commenting on deficient applications
  - Potential to create an antagonistic and frustrating environment for all users of the system including applicants, agents, planners, councillors, interest groups and communities
  - Significant delays in processing applications contributing to under performance and poor customer experience – the “clock” does not stop when the Planning Authority has requested and is awaiting the necessary additional information
  - An unhealthy and undisciplined culture where information deficient applications become the norm, compounding the problems.

## Under performance

12. The NI planning system is **under performing**. In 2019/20, the average processing time for determining Major applications in Northern Ireland was **52.8 weeks**, a modest increase over 59 weeks for 2018/19, and still almost double the statutory target of **30 weeks**. This is a very clear indicator that the planning process in NI is not working effectively.
13. Even the 30 week target is not especially strenuous when compared to the statutory targets in England and Wales. Whilst the categorisation of applications in GB is different to NI, the target in England and Wales for determining Major applications is 13 weeks and performance there is generally significantly better. The fact that the regional target in NI is being missed by such a considerable margin should be a **real concern**.
14. Notwithstanding the fact that it deals with the most Major applications of any Planning Authority in Northern Ireland, BCC's performance returns for Major applications is significantly better than the NI average at 37 weeks compared to 52.8 weeks, but there is **still room for improvement**.
15. It is also considered that there is scope to improve **Local application performance**. In 2019/20, the average processing time for Local applications in Northern Ireland was 14.0 weeks, just inside the 15 week statutory target. BCC's performance was the same as the regional average. Whilst the categorisation of applications in GB is different to NI, the target in England and Wales for determining Minor applications is 8 weeks and performance there is generally significantly better.
16. Under-performance has a range of negative consequences including:
  - Adverse economic impacts including delays to construction and negative impacts on growth
  - Frustration for customers and the public
  - Inefficiency and poor use of public money
  - Reputational damage to the City and Northern Ireland with potential loss of investment and economic harm
17. It is essential that **Northern Ireland** has an efficient, competitive and **fit for purpose** planning system that supports the region rather than hinders it. This is especially important in a post COVID-19, post BREXIT world with investment likely to be more difficult to secure for Northern Ireland in an increasingly competitive environment. High performing and efficient Planning Authorities are much more likely to attract economic activity to their area and this is especially important for **Belfast** being the first city in Northern Ireland and **economic driver** for the region. It is critical that Belfast is able to compete with other major cities, not only locally but internationally.

## Illustrative Example

18. As a hypothetical but typical example, let's say a developer has submitted a planning application for 10 houses. It is only accompanied by the bare minimum information required by the Order for it to be legally valid. The "clock has therefore already started ticking" on the application. The council proceeds to consult on the application. Several weeks later one of the statutory consultees responds advising that a Drainage Strategy – required by PPS15 for housing schemes of 10 units or more – is missing.
19. The planning officer communicates this requirement to the planning agent. The planning agent then has a meeting with their client – the applicant – advising them that the documentation needs to be submitted if the application is to have a chance of being approved. There is then a delay as the agent obtains quotes for this additional works and the developer argues with the agent whether the information is absolutely necessary. Eventually the documentation is commissioned but it takes several weeks for it to be prepared. The Drainage Strategy is finally submitted, some months after the application was originally submitted. The council re-consults on the application and a further month later the statutory consultee responds, advising that it is dissatisfied with the technical conclusions in the document.
20. The table at **Appendix 1** illustrates the above scenario using what might reasonably be considered a "best case scenario" compared to the very often much longer delays experienced by Planning Authorities in processing "incomplete" applications with key information missing at the start of the process. In the example at Appendix 1, the Local application is not decided until Week 23 – 8 weeks and 53% above the statutory target of 15 weeks. In many cases, the time taken to complete this process will typically be **much longer**. It should be noted that the example involves **three** rounds of consultation by the Planning Authority, adding considerable burden and wasteful costs to both the Council and statutory consultees.
21. It can clearly be seen how it typically takes many months – and **a lot more time than should be necessary** – for a Planning Authority to determine even a medium scale planning application. Some planning agents have even admitted that they submit incomplete applications for their client just so that they can say it is in the system and being processed.


## Application Checklist

22. In order to address the quality of applications on submission, BCC recognised the **need to publish guidance** for its customers on which information is needed with applications at the outset.
23. Unlike in England Wales, there is **no legislative provision** in Northern Ireland to compel customers to provide this information. Planning Authorities here are unable to publish a *Local Validation List* which identifies which information is mandatory on the submission of applications. This means that BCC's approach could only be a work-around of the legislation.

24. In November 2018, BCC published its *Guide to the Planning Application Process* (see **Appendix 3**). This set out for the very first time how the Council processes planning applications in Belfast. The approach aligns with the Planning Service's "10 Operating Principles". These Operating Principles were informed by Development Management best practice in GB, based on lean-systems thinking, and developed in consultation with planning staff. Their implementation was the central recommendation of an independent review of Belfast City Council's Planning Service<sup>1</sup>, aimed at improving customer service. The objective was to provide a faster, much more responsive planning application process, better delivering for its customers and wider city.

25. Operating Principle 1 directly addresses the quality of information when planning applications are submitted and reads:

1



**We make sure we have the right information to support an application at the start of the process.**

- We tell our customers what information we need with their application before they submit it. Our **Application Checklist** will set out what information is required and when.
- We check if the required information has been submitted and ask for it if it is missing.
- If the information we need and ask for is not provided we may refuse permission.

26. BCC introduced its Application Checklist in November 2018 in parallel with publication of its *Guide to the Planning Application Process*, enshrining the 10 Operating Principles and Council's new approach.

27. The Application Checklist is a comprehensive guide for customers that sets out which information is required with any given type of planning application, according to its characteristics, scale and spatial constraints. Essentially based on the principle of a *Local Validation List* in England and Wales but without the statutory weight.

## Structure of the Application Checklist

28. The Application Checklist is structured in four parts:

- **Main document** – describes the information requirements for planning applications and categorising them into two areas: "Basic information" that is legally required by the Order to make an application legally valid; and "Other supporting information" required to make an application "complete". The

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<sup>1</sup> Review conducted by Jim MacKinnon, former Chief Planner for Scotland, in 2017

main document also describes the process of front-loading this information at the validation stage;

- **Appendix 1 – Information Checklist:** essentially a checklist that both applicants and the Planning Service can use to prompt and verify which Basic and Other supporting information is required with the application. Applicants are encouraged to submit the Information Checklist alongside their application;
- **Appendix 2 – Basic Requirements:** guidance on information requirements for an application to be legally valid in accordance with the Order;
- **Appendix 3 – Other Supporting Information:** detailed guidance on which other information is required to make the application “complete” and to give the Council reasonable chance of making a positive determination at the first time of asking. Typically this information is required by Planning Policy Statements and good practice. Appendix 3 advises which information is needed according to the characteristics of the proposal, its scale and any specific spatial constraints.

## Implementing the Application Checklist

29. Since the Order does not permit BCC to legally compel the applicant to provide “Other supporting information” upfront with an application, the Council has implemented the following improvised work-around.

- 1) On first submission of the application, the Planning Service checks whether it is **a) valid** (i.e. the Basic information has been provided in accordance with Article 3 of the Order); **and b) complete** (i.e. the correct Other supporting information has been provided in accordance with the Application Checklist)
- 2) If information is missing then the Planning Service writes to the applicant requesting the information
- 3) If the missing information is Basic information then the application is invalid and cannot legally be processed. If the missing information is Other supporting information then the applicant is given 14 days to provide the information, otherwise the application is returned to the applicant along with the planning fee and not registered. The applicant is advised to resubmit their application along with planning fee once they are in a position to provide the missing information. This means that the determination period for the application does not start until the new application is made.

30. **Phase 1** of the Application Checklist was implemented in January 2019, shortly after publication in November 2018. Initially, the Checklist was applied to the following largescale Local applications (Major applications were deliberately excluded at first in order to give applicants a “bedding in” period):

- 10 residential units and above
- Commercial proposals of 1,000 sqm or more

- Sites of 0.5ha and above
31. **Phase 2** was then implemented in May 2019, extended to include Major applications as follows:
- **Proposals for Major development**
  - 10 residential units and above
  - Commercial proposals of 1,000 sqm or more
  - Sites of 0.5ha and above
32. The Council plans to introduce **Phase 3** of the Application Checklist on 01 April 2021. Implementation will be extended to include all applications for planning permission, save for Householder proposals, Advertisement Consents and some other minor Local application types.

### Pre Application Discussions

33. In accordance with its 10 Operating Principles, BCC places great emphasis on Pre Application Discussions (PADs) as a means to improve the quality and **front-load** the application process. The Council actively encourages PADs for Major schemes and more complex Local proposals.
34. The PAD process provides opportunity for the Planning Authority to advise the applicant on the **level of information** required to support their planning application when submitted. The Application Checklist is an **incredibly useful tool** which planning officers are able to refer to at the PAD stage, strongly encouraging the applicant to follow it when putting together their application.

### Pre-implementation Engagement with Customers

35. Before the Application Checklist was introduced, BCC was very careful to **engage with customers** around the systemic problems within the planning application process in Northern Ireland. Particular reference was made to information requirements on submission of an application. Engagement took place with applicants, agents and developers across a series of Development Industry Workshops in 2018. The feedback from customers was that they **understood the problems** and the reasons why the Council needed to publish an Application Checklist.
36. Feedback from customers following implementation of the Application Checklist is provided later on in this report.

### Impact of the Application Checklist

37. Since its introduction, the Application Checklist has had a **significant positive impact** on the Council's delivery of its Development Management service. In most cases it has allowed the Council to secure the Other supporting information upfront, resulting in less delays to the application process and less pressure on statutory and non-statutory consultees.

## Major applications

38. Although the Application Checklist was not directly applied to Major applications until 01 May 2019, it was implemented for most of the 2019/20 performance year.
39. In 2019/20, BCC returned its **best ever performance** against the statutory target with an average processing time of **37 weeks**. This compares to 41.4 weeks in 2018/19 and 51.5 weeks in 2017/18, demonstrating marked improvement.
40. A key factor was the implementation of the Application Checklist which meant that the Council could secure the Other supporting information upfront, necessary to fully consider the applications as submitted.
41. As an indicator of the extent to which incomplete Major applications has been a problem, of the 34 new applications received in 2019/20, **only 11 (32%) were both valid and complete** on receipt. Or to put it the other way, 68% of all Major applications received by the Council did not have sufficient information to fully assess them. Had the Council continued to determine those applications without requiring the additional information then either it would have led to delays in the processing of the applications as the information was sought at a later stage; or refusal of the application due to lack of information.
42. In requesting the additional information in line with the Application Checklist, the following pattern emerged:
- 22 (64%) applications became both valid and complete within 14 days of the receipt date (up from 32% on receipt);
  - 25 (74%) applications within 21 days;
  - 29 (85%) applications within 30 days.
  - 34 (100%) applications within 86 days.
43. This demonstrates that in the majority of cases incomplete Major applications were **made complete within a relatively short space of time**, thereby speeding up the application process and placing less pressure on statutory and non-statutory consultees who would have otherwise been asked to comment on incomplete applications.

## Local applications

44. Phase 1 of the Application Checklist was introduced in January 2019 and applied to large scale Local applications as set out above. The Application Checklist was therefore applied to all those Local applications for the whole of the 2019/20 performance year.
45. In 2019/20, BCC returned its **best ever performance** against the statutory target of an average processing time of **14 weeks** (the first time BCC had achieved the Local statutory target since transfer of planning powers in 2015).



This compares to 15.2 weeks in 2018/19 and 15.2 weeks in 2017/18, demonstrating marked improvement.

46. Once again, an **important factor** was the implementation of the Application Checklist which meant that the Council could secure the Other supporting information upfront, necessary to fully consider those larger scale Local applications, rather than asking for it later resulting in delays.
47. In 2019/20, BCC received 1,545 Local applications. Taking a sample of 21 larger scale Local applications to which the Application Checklist was applied, the average processing time for those applications was 43.8 weeks. Significantly, taking a similar sample of 21 large scale Local applications in 2018/19, the average processing time was 75.4 weeks – representing a **31.6 week improvement** (42%) improvement since the Application Checklist was implemented.
48. Data for 2020/21 is considered unrepresentative of performance because of the significant impacts of COVID-19 and has not been used.

## Feedback from Customers

### *Development Industry Workshop – October 2019*

49. In October 2019, BCC held a **Development Industry Workshop** and sought feedback from customers on the Application Checklist, first implemented in January of that year.
50. Over 200 customers were invited and attendees included: NIFHA, Radius Housing, Turley, Cherton, SustransNI, Newington Housing, Titanic Quarter Ltd, Clanmil Housing, TSA Planning, Lacuna Developments and the Royal Society of Ulster Architects.
51. Feedback was generally **very positive**. Agents found the Application Checklist to be a useful tool in advising their clients on the information required to be provided with their applications – this was particularly helpful when dealing with inexperienced clients. Agents noted that this can sometimes be a difficult conversation with their client because of the costs associated with providing additional information. Therefore, it was extremely helpful to agents to have the information requirements published in written form so that they could clearly evidence to their clients which information was needed. The Application Checklist reinforced agents' advice and helped them when quoting their professional fees.
52. Agents said that they were **less likely to submit an incomplete application** following implementation of the Application Checklist as they knew that the Council would send the application back to them. The requirement for reports is now factored into the project timeline and costed for. If a developer is serious about developing a site then following the Application Checklist de-

risks their scheme. One developer stressed the importance of collaboration with the Council and that it is better to provide more information than less.

53. In terms of **constructive criticism**, customers pointed out that whilst the Application Checklist theoretically speeded up the process, consultees are often still slow to respond to applications, sometimes requesting information at the application stage that they should have identified at the PAD. Further frustration was expressed about **consultee response times** and that consultees are not always fully engaged with the PAD process (officers advise that this issue falls outside the scope of this review but will be necessary to pick up with the Department and statutory consultees).
54. Particularly useful was customer feedback that the Application Checklist should be **flexible and not overly prescriptive** as two sites are never the same. It is important that information requirements are not over-zealous and do not result in unnecessary costs for the applicant. It was recognised that the Application Checklist needs a bedding in period and it was queried whether information sought is always necessary. BCC recognises this and the Application Checklist itself advises customers that the Planning Service ‘...*will take a proportionate approach to requests for other supporting information. [It] will only ask for it where it is reasonable and necessary to enable us to assess your application.*’ Other comments were that the Council should always double-check that the requested information has not already been provided in a different document or form.

55. A copy of the feedback from the event is provided at **Appendix 2**.

#### *Telephone Interviews with Agents – 2021*

56. Several **telephone interviews** were conducted with agents in February 2021 in order to provide updated customer feedback on the Application Checklist.
57. Agents remained of the view that the Application Checklist provides a **helpful list of documents** required with planning applications.
58. One agent said that their practice already prided itself in providing comprehensive applications, even before the Application Checklist was introduced. In this regard the Application Checklist should really be aimed at “bad agents” who do not routinely provide the right information with applications. The Application Checklist is also particularly helpful to younger, less experienced members of a planning consultant’s team in helping them better understand application information requirements.
59. Agents recognised the **importance of the PAD process** and that the Application Checklist provides a very valuable reference point for discussing information requirements at the PAD stage. However, agents are surprised when consultees sometimes request additional information after the application has been submitted even though it was not specifically requested by the consultee during the PAD – agents said that this calls into question how much consultees are engaging in the PAD process.

60. One agent said that 14 days is generally too short to provide additional information at the validation stage – in some cases agents have to secure three quotations for the work. The work then has to be programmed into the winning consultant's schedule and completed. However, officers advise that this point actually **affirms the need** for the Council's tougher approach to information requirements – it proves that missing information can sometimes take a considerable amount of time to submit, unnecessarily and unreasonably prolonging the application process with the “clock continuing to tick” on the determination period.
61. The agents remain of the opinion that a **flexible approach** should be taken by the Council in applying the Application Checklist. This would allow applications to be validated and up and running with the understanding that the additional information will follow in due course. They said that it's important that the Council uses “**human discretion and judgement**” when applying the Application Checklist and that it's not just seen as an administrative tick-box exercise by officers with no proper thought on whether the information is fundamentally necessary to the assessment of the application. There should not be a “one size fits all” approach, recognising that no two sites will be the same and that information requirements will vary from one application to the next, even if ostensibly they seem similar.
62. In this regard it's important that the Council sees the “bigger picture” when requesting information. Some information – such as a Construction Environmental Management Plan – can be secured by condition and does not always need to be provided up front when the application is submitted.
63. It is also important that there is **consistency** between officers and teams when applying the Application Checklist.

## Feedback from Staff

64. Feedback from staff about the Application Checklist has also been very positive. Comments include the following:

Principal Planning Officer (Local applications): *‘The Application Checklist provides the basis under which all applications should be submitted and in our experience to date, in applying it, it has been unchallenged by the industry. The list of requirements has provided an invaluable guide to developers, their agents and architects and has assisted planning officers in front loading the system. This has helped prevent delays as incomplete applications are not getting into the system and duplication of consultation has been kept to a minimum; ultimately this has resulted to some extent in a more effective and efficient system.*

*The Application checklist has also started to imbed a culture change in Belfast and brings the process more in line with our counterparts in GB. That culture change has resulted in better quality submissions, with the development industry taking greater responsibility for their part in the planning*

*process. The proposed legislative change to validation requirements is now critical to maintain the momentum of the Checklist and bring the benefits forward for the process across Northern Ireland.'*

*Senior Planning Officer (Major applications): 'I have found the Application Checklist (AC) to be helpful – it provides a structured approach to the validation of planning applications and importantly from a process point of view ensures the application of a consistent approach which is of benefit to validating officers and customers. In my experience, it has resulted in information being sent back and resubmitted, which has aided our processing times. In other instances I have waited a number of weeks for information to be submitted which has delayed the start of the processing of the valid application but I suppose that is the balance that has to be struck to ensure that we have all the relevant information at the outset of the process. We would require changes in legislation to assist us in this regard.'*

*Ultimately we want to front load the system with all the necessary information and I consider that the PAD process has a significant role to play in highlighting the information required to determine the application. However, the PAD process does not apply to all applications and therefore applications will be received requiring officer judgement/experience to decide whether the necessary information has been submitted such as for example Contamination report, Air Quality Impact Assessment etc.'*

*There still remains issues with the quality of information provided and whilst the application checklist may be used by some as a tick-list to get the application up and running I have a number of applications whereby information submitted has been insufficient and has required further information (Air Quality, Contaminated Land, Noise Impact Assessments), which has then resulted in delays in processing. This is something I think we need to keep an eye on to ensure that reports are not prepared in haste just to satisfy the Application Checklist.'*

*Again the PAD process could be of benefit in this regard if the necessary info is submitted at this stage for consideration but will not apply to all applications. On the flip side this would result in protracted PAD process and possible duplication of work for consultees. It's all about striking the right balance!'*

*Senior Planning Officer (Major applications): 'I personally think it is an assistance in simply encouraging case officers to think about the main issues of an application at an early stage in the process. Similarly it seems to have stimulated the same thought process for agents with most Major applications submitted with a comprehensive suite of reports and supporting information, and giving us something of a foundation and support to seek the relevant information at the outset. In fairness this was something which has improved over the last few years but certainly the Application Checklist has helped inform and expedite the process.'*

Planning Officer (Local applications): *‘Overall it’s a positive tool which was long overdue. It’s proved to be very useful for both officers and our customers. If customers are confused on any aspect of validation we can refer them to it. Previously we had no real point of reference other than legislation which at times can be difficult to understand. I think it has helped to speed up validation processing times and resulted in the front loading of applications. It’s also helped officers to understand the link between policy and supporting information. Going forward I think it would be useful if we had similar user friendly guides for Permitted development, Development Plan searches, how to calculate your fee, idiots guide to Use class order and how to do a comprehensive history search etc.’*

Planning Officer (Local applications): *‘I have found the Application Checklist useful for pre-application submission of information that is clearly laid out in policy, such as drainage assessment, TAF etc. On occasion, I’ve encountered problems where much of this information is front loaded with the application, however when we go to a different consultee, e.g. EHO / NIEA, additional information is requested, thus resulting in delay. Obviously, the applications that have been subject to PAD will have all this information, generally making things easier.’*

Business Support (administrative team): *‘The majority of agents are aware of the Application Checklist and use it, albeit at times they seek clarification on why something is needed. However whilst they are aware of it, it would not, as a general rule always be submitted with an application.’*

*Both agents and general public are co-operative in providing additional information on request. There may need to be more work done around ‘awareness and use of the checklist’ to ensure a quality application at the start of the process as opposed to continually request additional information, taking up officer time, by both Planning Officers and Business Support staff.’*

## Feedback from Consultees

65. Several statutory consultees were asked to provide their feedback on the Application Checklist. Responses were received from the following.

66. **DFI Roads** provided the following positive feedback.

*‘Unfortunately there are too many poor quality planning applications submitted that seek to use the planning service like an MOT check – put it in and see what’s wrong. The current planning system supports this approach, rather than encouraging applicants to submit good quality planning applications. This would provide a much better, more efficient and quicker planning service for all. DfI Roads, as a statutory consultee, fully supports the*

*efforts made by BCC Planning Service to improve the quality of planning applications through the Application Checklist. However, at this stage it is difficult to accurately determine if the Application Checklist has had a noticeable difference to the quality of planning applications since its launch. This is partly due to it still being relatively new and the Application Checklist having no legislative support.*

*The Department, as Roads authority and as a Statutory Consultee, would be generally supportive of any initiative that improves the quality of planning applications, including setting legal minimum requirements for information to be submitted with a planning application.'*

**67. DfI Rivers** responded as follows.

*'DfI Rivers have not proactively monitored the impact the introduction of the Application Checklist has had on the consultation process, however, generally speaking we are very much in support of this checklist approach, as it focuses applicants on front-loading their applications with the relevant information. This ultimately gives rise to less re-consultations being received by the Statutory Consultee (SC) and overall improves the efficiency and effectiveness of the SC process.*

*DfI Rivers would support legislative changes [to make the Application Checklist mandatory] as a statutory obligation would embody a stronger approach in dealing with poor applications – this statutory requirement would now be placed on the applicant/agent to provide the required information before the “planning target clock” starts.'*

**68. DAERA** also welcomed the Application Checklist.

*'The approach being adopted by Belfast City Council very much aligns with the Department's position to improve the quality of planning consultations being submitted to the Department as a Statutory Consultee.'*

**69. DfC HED** responded as below.

*'With regard to what is required for HED to make a substantive response, the Application Checklist has made some positive impact on the quality of applications/consultation process. However, our proposed changes to the LB1 form - and related changes to the Application Checklist - should deliver more 'fit for purpose' applications. HED still receives consultations that do not have all of the required information and has to request further information to facilitate a full assessment before we can make a substantive response. This often requires re-consultations, which impacts on our performance/ability to meet targets effectively. (HED has provided details of the information required (as in my email 18/02/2021 12:00).'*

*HED would support such legislative changes, as we consider it could add significant efficiencies in our role as a statutory consultee. Applications are more likely to contain the required information for a full assessment /substantive response, and this would reduce significantly the quantity of re-consultations.'*

## Case for Legislative Change

70. As has been previously stated, BCC's Application Checklist is essentially a **work-around** of the legislation and, unlike in England and Wales, it does not have the "legislative teeth" to make additional information requirements at validation stage mandatory. This means the Council remains **susceptible** to applicants/agents insisting that their applications are determined on the basis of valid but incomplete applications. There is **no legislative provision** which prevents that information being submitted later and a Planning Authority is duty bound to consider it before deciding the application. This inevitably drags out the planning application process, often by a significant amount of time, heavily contributing to under performance, not only by BCC but also in a wider regional context. This can only realistically be overcome through changes to the planning legislation.
71. Whilst progress is being made, there remains a fundamental need to **change and improve** the culture of planning application submissions in Northern Ireland so that quality is improved. The NI planning system is drastically **underperforming**, particularly in relation to Major and large scale Local applications, and intervention is absolutely necessary if planning is to be effective in supporting the regional economy and its communities. Planning Authorities are on the back foot from the off because information that is required by planning policy – and necessary if a positive determination is to be made at the first time of asking – is more often than not missing at the outset. This means that **Northern Ireland cannot compete** with other jurisdictions such as in GB and Republic of Ireland, putting the region at serious disadvantage, particularly in a post-BREXIT, post COVID-19 world when competition for investment is expected to increase substantially.
72. There continues to be significant need for **much greater discipline** in the planning application process in Northern Ireland and realistically this can only be achieved through legislative change to make additional information requirements mandatory. Legislative change to validation requirements is now critical to maintain the momentum of BCC's Application Checklist and share the benefits with other Planning Authorities across Northern Ireland.
73. There is no one size fits all solution to information requirements and each Planning Authority may wish to take a **different approach** to best suit their particular needs and circumstances. If the Department adopts the "England and Wales" model, individual councils will be able to publish their own "**Local Validation Lists**" (following a period of public consultation) and tailor the guidance accordingly. Or they have the option of not bring forward a Local Validation List at all and maintaining the status quo.

74. It is very noteworthy that the “**John Irvine**” **report** (2019 review of the effectiveness of the planning system in Northern Ireland, commissioned by the Department) also supports the raising of the bar in relation to information requirements at validation through changes to the legislation.

75. “Key Conclusion 3” of the John Irvine report reads:

***‘To improve the quality of planning applications and the efficiency of the process, DfI, taking account of the views of the Planning Appeals Commission and the other planning authorities, should consider and advise returning ministers on, the case for proportionate change to legislation (or other means to improve quality) to make the validation test more stringent and to potentially introduce a cut-off date for submission of information.’***

76. The need for legislative change in this area has formed a key part of BCC's feedback to the Northern Ireland Audit Office, currently undertaking an audit of the NI planning system. It will also be a central point in BCC's upcoming response to the Department's “call for evidence” in relation to its review of the implementation of the Planning Act (Northern Ireland) 2011.

## Conclusions and Recommendations

77. BCC's Application Checklist has been an **undoubted success**. It has contributed significantly to improved application performance in 2019/20 with the Council achieving the statutory Local target for the first time since transfer at **14.0 weeks** average processing time. It also directly assisted BCC achieve its best ever average processing time for Major applications of **37.0 weeks** – a respectable return given the very high volume of Major applications processed by the Council compared to other Planning Authorities.

78. The Application Checklist is helping shift the culture of poor application submissions in Belfast. Feedback from customers, staff and statutory consultees has generally been **very positive**. However, to keep up the momentum and achieve the next level, it is of fundamental importance that there is legislative change to raise the bar for information requirements on submission of planning applications. This will improve quality, greatly enhance performance and reduce pressure on overstretched consultees.

79. It remains important that the Council takes a **measured and proportionate** approach when applying the Application Checklist and that its implementation does not result in unwarranted additional “red tape”.

80. Having regard to the findings of this review, the following recommendations are made:

- 1) The review should be shared with the Department for Infrastructure to support the case for much needed change to planning legislation, aimed at improving information requirements on submission of planning applications;



- 2) The review should be shared with the Northern Ireland Audit Office (currently undertaking an audit of the NI planning system) as part of BCC's engagement in that process;
- 3) The review should also be shared with the other 10 councils in Northern Ireland in the context of the above;
- 4) BCC Planning Service should proceed with implementation of Phase 3 of the Application Checklist to include all applications other than Householder proposals, Advertisement Consent and other minor Local applications; and
- 5) Further training should be provided to BCC staff to ensure that the Application Checklist is applied in a proportionate and consistent way.

## Appendix 1 – Example Illustration of the impact of incomplete information on application processing times

Event	Time taken	Total Weeks
Submission of application	N/A	0
Validation Check	1 week	1
Registration	0.5 weeks	1.5
Consultations issued	0.5 weeks	2
Statutory consultee responds identifying need for further information	5 weeks	7
Case officer requests additional information	1 week	8
Agents relays requirement to applicant	0.5 weeks	8.5
Agent commissions third party consultant to provide additional information	0.5 weeks	9
Additional information compiled by consultant and submitted to agent	4 weeks	13
Additional information reviewed by the agent and submitted to Planning Authority	1 week	14
Additional information uploaded by admin team	0.5 weeks	14.5
Re-consultation issued	0.5 weeks	15*
Statutory consultee responds identifying additional information is inadequate	4 weeks	19
Case officer requests revised information	1 week	20
Agents relays requirement to applicant	0.5 weeks	20.5
Agent commissions third party consultant to revised information	0.5 weeks	21
Revised information compiled by consultant and submitted to agent	2 weeks	23
Revised information reviewed by the agent and submitted to Planning Authority	1 week	24
Additional information uploaded by admin team	0.5 weeks	24.5
Re-consultation issued	0.5 weeks	25.0
Statutory consultee responds confirming that the information is adequate	3 weeks	19
Case officer prepares report and application reported to Planning Committee	3 weeks	22
Decision notice prepared and decision issued	1 week	23
<b>Total – 23 weeks to determine (8 weeks beyond the statutory target)</b>		<b>23</b>

\* Rounds of consultation

\*\* 15 week Local application target missed

## Appendix 2 – Feedback from Development Industry Workshop held in October 2019

### **Positives to note:**

- The checklist has proven very useful to agents and developers.
- Useful tool to advise clients, especially if working with less experienced clients.
- Its use is standard practice and helps when quoting professional fees as agents and clients have an understanding of what reports are required.
- The checklist reinforces the agent's advice.
- The client can see that it is a BCC requirement therefore less push-back.
- Now professional developers understand the shopping list of reports and why they are necessary
- Less likely to ask agents to submit without them as they know BCC will send it back
- Reports are now factored into the project timeline and costed for
- If a developer is serious about developing a site then adhering to the checklist de-risks the scheme
- Links it to the PAD process to confirm which information required. Getting balance of certainty and judgement.
- Clanmil – it is better to provide more information than less. Importance of working collaboratively.

### **Concerns:**

- Main concern is that using the checklist should theoretically speed things up and front load the assessment but consultees are slow to respond and even ask for more information at the application stage than requested at the PAD stage.  
There was a concern that some consultees were not fully engaging at the PAD stage – DfI Roads and Rivers agency were identified as asking for more information or inconsistent in what information was required
- Attendees expressed frustration with response times from statutory consultees feeding into the planning process.
- Concern that more needs to be flexible and not overtly prescriptive, no two sites or proposals are the same. Important that doesn't lead to unnecessary costs.
- There will be a bedding down time for the checklist.
- Is it a tick box exercise – is the information sought always necessary? Sometimes the information is provided in another form/document
- Problem of saying info is missing – when they had actually submitted it in a different format within the application that validator/planner did not pick up on Impact/1 year review and get data for customers.

### **Suggestions:**

- It was suggested that a fire safety strategy should be added to the checklist so that schemes do not need to be amended following receipt of planning permission. It was recognised that fire safety is a Building Control matter, but wanted this integrated in the design stage.

- PADs can scope out the detail of information that is needed – there is an overlap with the PAD process.
- Need statistical evidence that the new checklist is working and actually improving application performance.
- Need to share views and expressions of what will be a good scheme – not just exchange reports – and value of some of the reports being written/submitted – tick the box but are they worthwhile? Examples of good/bad submissions for next session with stats on how it's doing
- Too early to say if this is successful in terms of improving turn-around time/Performance
- Flexibility is important so don't have to incur nugatory costs for reports not really needed – that won't affect decision making process - just because on tick list.
- Need availability for dialogue, added value of PAD is that get active engagement of what is really required – lets you know specifics to consider, the tick box won't do this and providing everything doesn't make an easy planning application process.
- Building Control could do something similar – raised submission – for next session

### Appendix 3 – BCC Guide to the Planning Application Process (including the Planning Service's 10 Operating Principles)

[Provided in separate attachment]

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