

# Public Document Pack

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



**Belfast  
City Council**

9th March, 2023

## **PLANNING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in hybrid format, both in the Lavery Room - City Hall and remotely, via Microsoft Teams, on Tuesday, 14th March, 2023 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

## **AGENDA:**

- 8 (b) **LA04/2021/2815/F** - Deferred Item returning to committee. Erection of Discount supermarket, drive through cafe, landscaping, car parking, and associated site works. Vacant lands at access road to Olympia Leisure Centre directly opposite and approx. 70m East of nos. 9-15 Boucher Road Belfast. (Pages 1 - 42)



Addendum	
<b>Committee Meeting Date: 14 March 2023</b>	
<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: Major development</b>	
<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>Background</b></p> <p>This application was deferred by the Planning Committee on 19 December 2022 to allow Members the opportunity to undertake a site visit and to facilitate further engagement with the IFA who has submitted an objection. The committee site visit took place on Monday 16 January 2023 and a meeting was held with the IFA on 09 January and an update is provided below.</p> <p>Since the original Committee Report issued on 14<sup>th</sup> December six further representations have been received and include an objection on behalf of the IFA, an objection on behalf of Tesco and four letters of support calling for the application to be approved. A summary and consideration of these representations is set out below.</p> <p>This report should be read in conjunction with the original full planning report which is appended.</p> <p><b>IFA Objection</b></p> <p>The objection from the IFA raised the following matters:-</p> <ul style="list-style-type: none"> <li>• Reiterating concerns about compatibility of the proposed uses with the existing operations at Windsor Park</li> <li>• Lack of engagement with IFA &amp; PSNI</li> <li>• That a lease agreement is not appropriate to address IFA concerns as the IFA would not be party to the agreement</li> <li>• The lease agreement relates only to Lidl and not the end user of the drive-through</li> <li>• IFA has no objection to the principle of the development but wishes to ensure that existing and proposed uses can co-exist successfully.</li> </ul> <p>The applicant has provided a written response to the objection from IFA and has stated that '<i>Lidl has engaged on no less than two occasions directly with the IFA in order to address concerns regarding the flow of traffic over and along the Boulevard over which Lidl will be granted rights by the Council pursuant to a Lease during Major events</i>' and that amendments have been agreed to the Lease Agreement between the Council and Lidl which expressly reference timings around the closure of Boulevard during Major Events (<i>see page 28</i>). The response further states that the '<i>time periods go beyond the closure periods referenced in the Events Management Plan which is in place to deal with the management of the Sports Village during Major Events. In addition Lidl</i></p>	

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

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

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

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

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

### **Tesco Objection**

The letter on behalf of Tesco raised the following matters:

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

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

### **Sustainability**

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

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

#### *Support for the Proposal*

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

#### *Sustainable Travel*

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

#### *Compatibility with surrounding uses*

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

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

#### *Compatibility with events at Windsor Park*

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

#### *Planning Conditions*

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

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

*Convenience goods are hereby defined as:*

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

- In condition 4 the word 'gross' should be deleted.

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

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

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

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

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

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

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

*(a) food non-alcoholic beverages, alcoholic drink;*

*(b) tobacco, newspapers, magazines, confectionery; (c) stationary and paper goods;*

*(d) toilet requisites and cosmetics;*

*(e) household cleaning materials; and*

*(f) other retail goods as may be determined in writing by the Council as generally falling within the category of 'convenience goods' or as generally being appropriate to the trading in these premises.*

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

*The gross retail floor space of the store hereby approved shall not exceed 2,223sqm.*

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

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

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

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

## **Letters of Support**

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

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

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

**Recommendation**

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

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



## Development Management Officer Report Committee Application

<b>Summary</b>	
<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
<b>Executive Summary</b> <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.

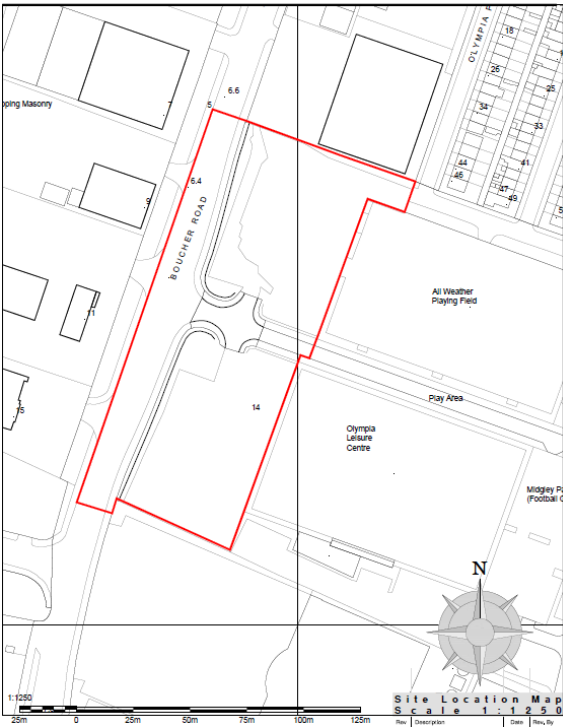
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and to deal with any other matters which may arise.

**Signature(s):**

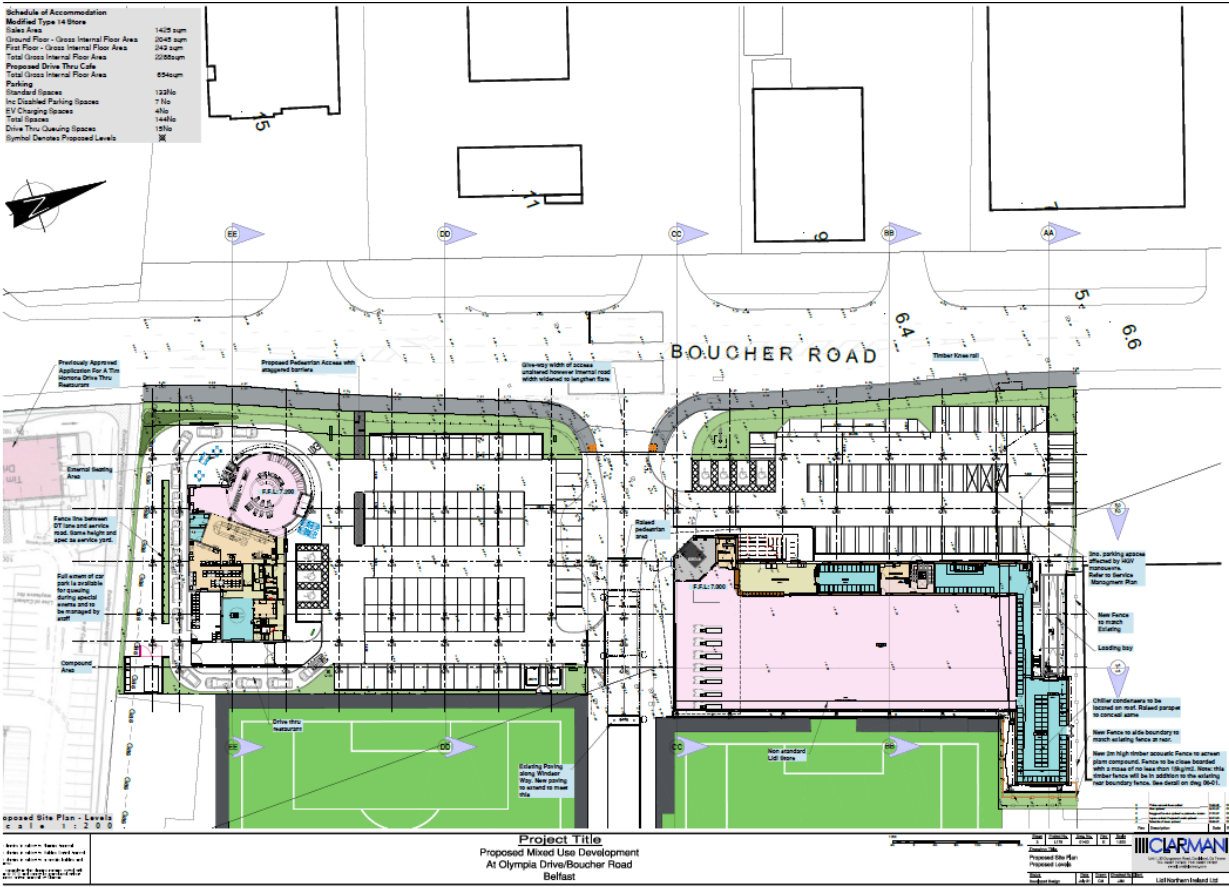
# Case Officer Report

## 1.0 Site Location Plan

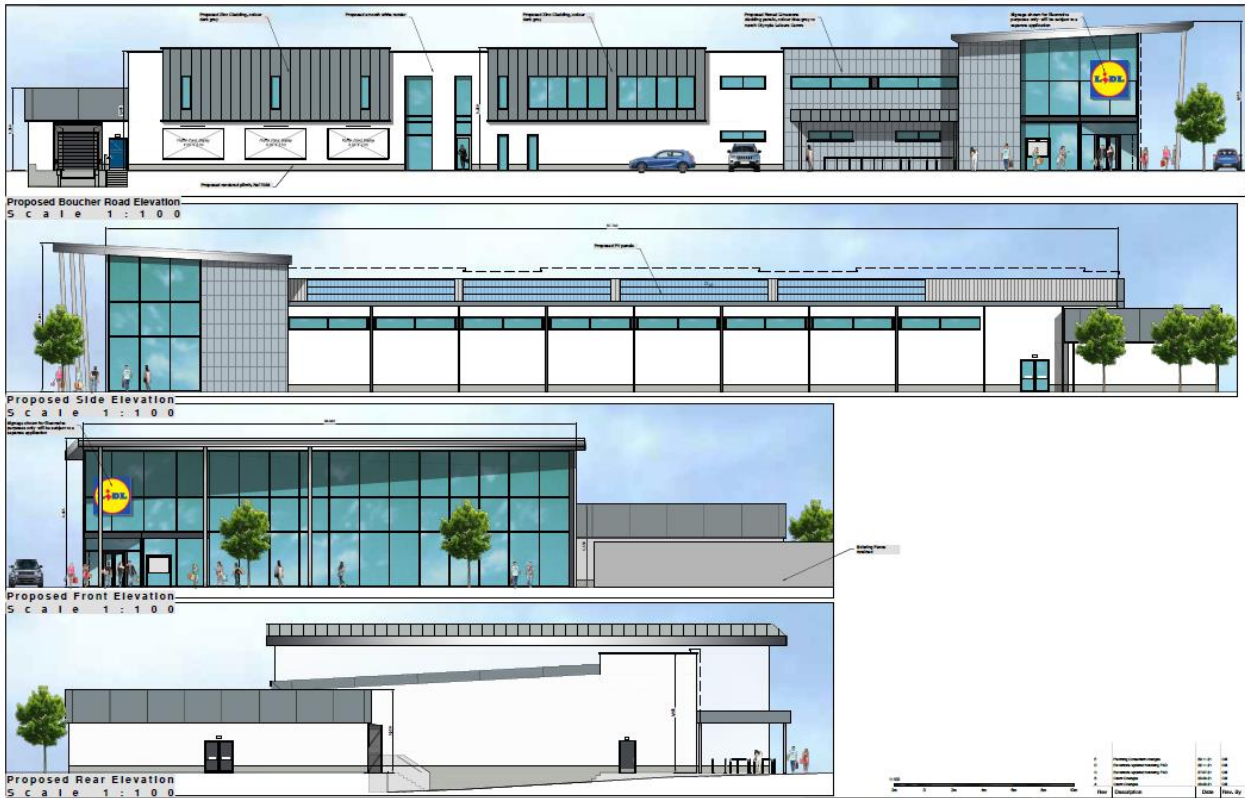
Site Location Plan



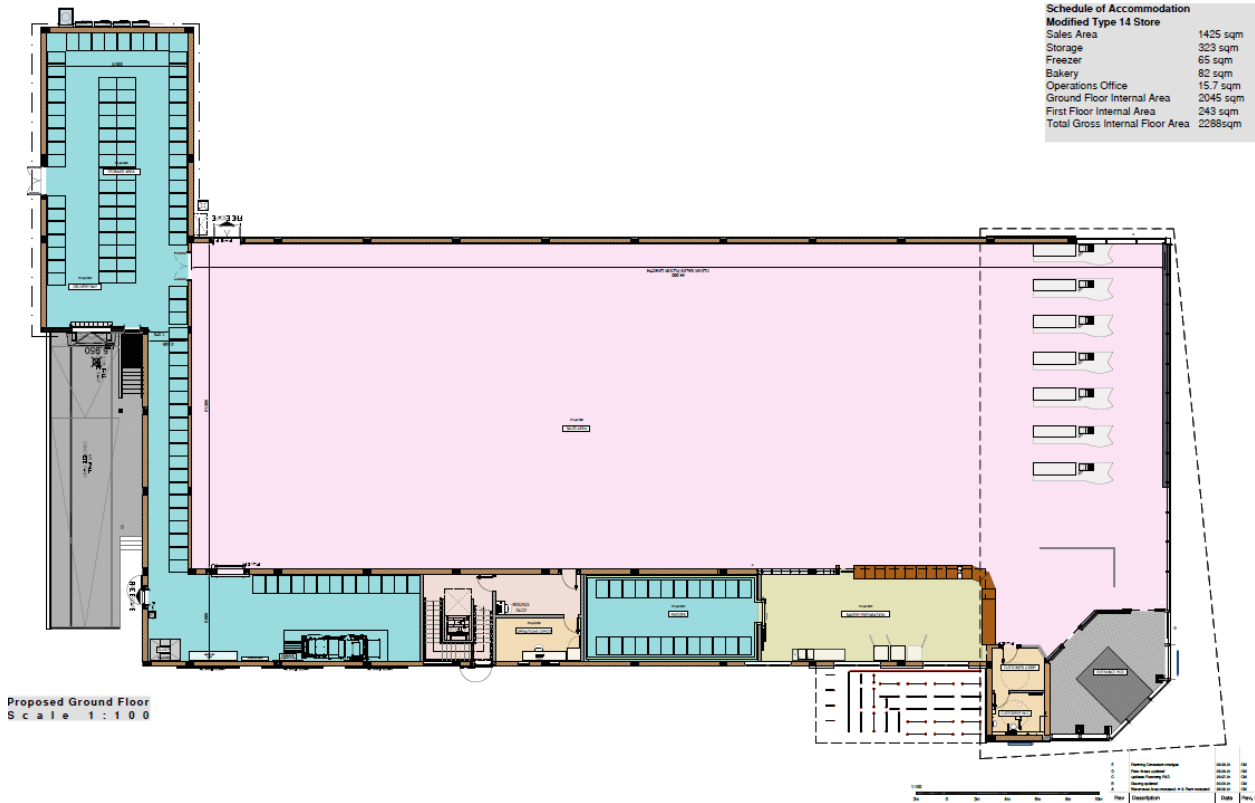
Site Layout Plan

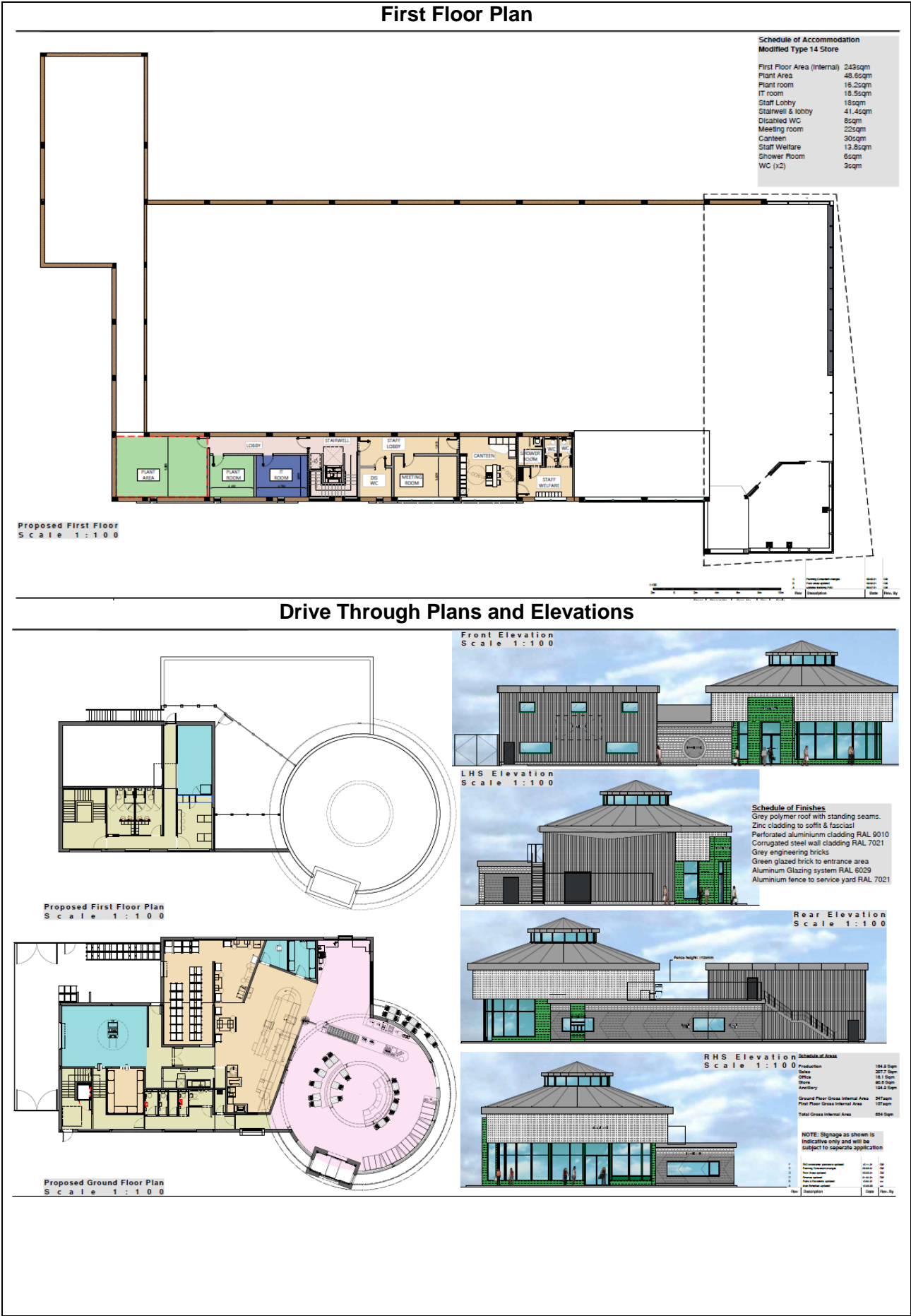


Discount Supermarket Elevations and Floor Plans



Ground Floor Plan







Landscape Proposals



CGIs









<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>• <b>Suitable:</b> 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>• <b>Available:</b> 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>• <b>Viable:</b> 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):

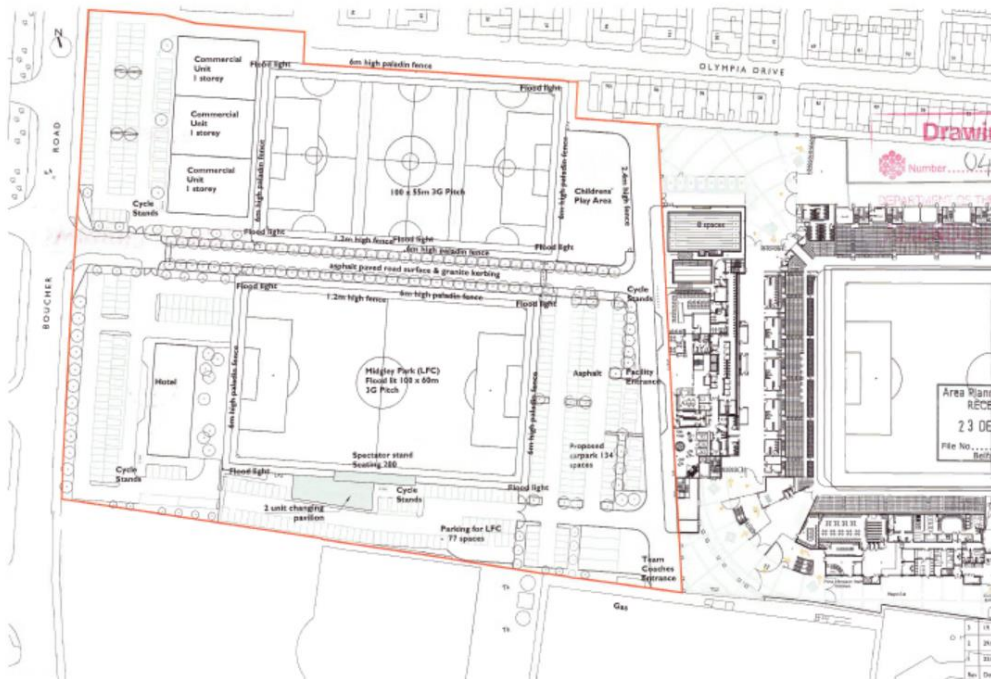


	<p><i>“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then 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 SPPS states that <i>‘flexibility may be adopted to accommodate developments onto sites with constrained footprints...applicants will be expected to identify and fully demonstrate why alternative sites are not suitable, available and viable.’</i>
4.11.14	The Sequential Assessment submitted has concluded that there are no sequentially preferable sites available, suitable and viable. A review of potential alternative sites carried out by the applicant is set out below.
	<i>City Centre</i>
4.11.15	There are a number of development opportunity sites identified within the city centre in dBMAP which have been assessed in the alternative site assessment. Many of these have the potential to accommodate the proposal, such as at the former Sirocco Works site. These sites have been discounted by the agent as being too close to the existing Lidl store and not viable or available or would not meet the need for a discount supermarket in South Belfast. The Sirocco site has an extant outline planning permission that includes a supermarket, however this is discounted on grounds that a more recent redevelopment scheme has been approved (ref: LA04/2018/0811/O & LA04/2018/0448/F) by the Council which indicates that the extant permission is unlikely to be implemented / available.
	<i>Other Centres</i>
4.11.16	The Sequential Assessment also assessed the following district centres: Park Centre; Westwood Centre; Kennedy Centre and the following local centre: Dunmurry Local Centre. The largest available unit identified as available is the formers Dunnes Stores unit located within Park Centre District Centre. However, this has been discounted for a number of reasons including that 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>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.'</p> <p><b>The impact of the proposals on the delivery of the planned/allocated sites and the LDP strategy</b></p>
4.12.5	<p>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.</p>
4.12.6	<p>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.</p>
4.12.7	<p>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.'</p> <p><b>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</b></p>
4.12.8	<p>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.</p> <p>Westwood centre consists of 11 units of which 6 are in A1 retail use. There are no vacant units. It includes an ASDA superstore.</p> <p>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.</p> <p>Dunmurry local centre has a total of 64 units of which 29 are in retail use. 9 are currently vacant.</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 ( $dBL_{A,T}$ ) 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 ( $dBL_{A90,T}$ ) 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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