

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



**Belfast
City Council**

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, 18th April, 2023 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

1. **Routine Matters**
 - (a) Apologies
 - (b) Minutes
 - (c) Declarations of Interest
2. **Planning Appeals Notified** (Pages 1 - 2)
3. **Planning Decisions Issued** (Pages 3 - 32)
4. **Miscellaneous Items**
 - (a) Implementation of the Belfast Local Development Plan, Plan Strategy (Pages 33 - 38)
 - (b) Development Management - Update on Lean Systems Experimentation (Pages 39 - 44)

- (c) Planning Appeals Commission - Appeal Decision on the proposed Centralised Anaerobic Digester Facility and North Foreshore (LA04/2019/1540/F) (Pages 45 - 86)
- (d) Delegation of Local Applications with NI Water Objections (Pages 87 - 92)
- (e) Inflationary uplift of Planning and Regional Property Certificate Fees (Pages 93 - 104)

5. **Planning Applications**

- (a) **LA04/2022/1280/F** - Proposed social housing led, mixed tenure residential development comprising of 52 no. dwellinghouses and 87 no. apartments with public open space, children's play park, landscaping, car parking, associated site works and infrastructure and access arrangements from Blackstaff Road. Former Kennedy Enterprise Centre (north of Westwood Shopping Centre) Blackstaff Road Belfast (139 no. units in total) (Pages 105 - 144)
- (b) **LA04/2022/1479/F** - Partial redevelopment of former Kennedy Way Waste Water Treatment Works to include the development of new Mechanical & Electrical (M&E) workshops, storage, changing facilities and ancillary offices (development to include three new buildings 1) the main hub building; 2) a store to hold an alternative bottled water supply; and 3) a generator store), access improvements, parking, service yards, storage areas, contractors compound, boundary fencing, cesspool, solar PV panels and landscaping. Former NI Water Ltd Sewage Treatment Works, Blackstaff Road (Pages 145 - 174)
- (c) ~~**ITEM WITHDRAWN:** LA04/2023/2688/F - Application to vary condition 36 of LA04/2022/0293/F. Lands directly south of Titanic Belfast and north-west of Hamilton Dock located off Queens Road, Belfast~~
- (d) **LA04/2022/1962/F** - Proposed Change of Use to Retail Use to Allow for the Sale of Mixed Convenience and Comparison Goods. Minor Amendments to Elevations, Car Parking and Services and General Site Works. No 8-10 Boucher Road, Boucher Plaza, Belfast. (Pages 175 - 198)
- (e) **LA04/2022/1861/F, LA04/2022/1869/DCA, LA04/2022/1860/A** (Dealt with under a single report) - Replacement facade to active facade to facilitate the display of internally illuminated moving images. 1-3 Arthur Street Belfast, BT1 4GA (Pages 199 - 210)
- (f) **LA04/2021/0691/F and LA04/2021/0915/DCA** - Demolition of existing dwelling and erection of a new detached dwelling and associated siteworks. 1D Malone Park. 1D Malone Park Belfast Bt9 6NH (Pages 211 - 228)
- (g) ~~**ITEM WITHDRAWN:** LA04/2021/1317/F & LA04/1318/DCA - Demolition of existing dwellings and erection of two new dwellings and associated site works. Nos. 450 and 448 Lisburn Road Belfast BT9 7GX.~~
- (h) **LA04/2022/1831/F** - Change of use from residential to short term stay accommodation. 258 Limestone Road, Belfast, BT15 3AR (Pages 229 - 234)

- (i) **LA04/2023/2665/F** - Replacement of existing all weather playing pitch with 3G pitch, new fencing, floodlights and dugouts. Loughside Recreation Centre Shore Road, Belfast, BT15 4HP (Pages 235 - 240)
- (j) **LA04/2023/2362/F** - Proposed 30m (length) x 11m (height) ball stop fencing, including perimeter and spectator fencing, with a pathway surrounding the existing pitch, and associated site works. (amended plans). Cherryvale Playing Fields, Ravenhill Road, Belfast, BT6 8EE (Pages 241 - 248)
- (k) **LA04/2022/1499/F** - Construction of new community wellbeing centre and cafe incorporating refurbishment and change of use of existing house, with a new adjacent community garden and men's shed facility. The Lockhouse 13 River Terrace Belfast BT7 2EN (Pages 249 - 258)
- (l) **LA04/2023/2701/F** -Erection of life size bronze sculpture of Frederick Douglass. Existing Planter located approximately 2.5m east of No.10-20 Lombard Street (Pages 259 - 264)

This page is intentionally left blank

Agenda Item 2

PLANNING COMMITTEE – 18 APRIL 2023

APPEALS NOTIFIED

COUNCIL: BELFAST

ITEM NO 1 PAC REF: 2022/A0186

PLANNING REF: LA04/2020/0595/F

APPLICANT: Hill Power Ltd

LOCATION: 510 N/NW of 33 Upper Hightown Road, Ballysillan Upper, Belfast, BT14 8RR

PROPOSAL: Proposed installation of a wind turbine on a 60m high tabular tower and 100m high blade tip, switch room cabinet, sub-station cabinet, extension of an existing laneway to form site access and all other associated ancillary works

PROCEDURE:

ITEM NO 2 PAC REF: 2022/A0197

PLANNING REF: LA04/2022/1839/F

APPLICANT: Seamus Goodwin

LOCATION: 51 Glandore Avenue, Belfast, BT15 3FD

PROPOSAL: Change of use to house in multiple occupancy

PROCEDURE:

APPEAL DECISIONS NOTIFIED

18 APRIL 2023

ITEM NO 1 PAC REF: 2021/A0131

PLANNING REF: LA04/2019/1540/F

RESULT OF APPEAL: ALLOWED

APPLICANT: Dargan Road Biogas Ltd

LOCATION: Lands to the north-west of existing Belfast City Council Waste Transfer Station, 2a Dargan Road, Belfast

PROPOSAL: Centralised Anaerobic Digestion (CAD) plant to include a bunding tank farm, (6 No digester tanks, 2 No bugger tanks, 1 No storage tank and associated pump rooms), biogas holder, biogas conditioning system, temperature control system, waste-water treatment plant (WWTP), motor circuit control room building, hot/cold water recovery system, feedstock reception and digestate treatment building, product storage building, odour control system and associated tanks, emergency gas flare, back-up boiler, administration/office building, car parking, 3 No weighbridges, fire water tank and pump house, pipelines to existing combined heat and power (CHP) plant engines road infrastructure and ancillary plant/site works. (Further Environmental Information - addendum to Environmental Statement).

ITEM NO 2 PAC REF: 2021/A0131

PLANNING REF: LA04/2019/1540/F

RESULT OF APPEAL: COSTS – Full Costs Awarded to Apellant

APPLICANT: Dargan Road Biogas Ltd

LOCATION: Lands to the north-west of existing Belfast City Council Waste Transfer Station, 2a Dargan Road, Belfast

PROPOSAL: Centralised Anaerobic Digestion (CAD) plant to include a bunding tank farm, (6 No digester tanks, 2 No bugger tanks, 1 No storage tank and associated pump rooms), biogas holder, biogas conditioning system, temperature control system, waste-water treatment plant (WWTP), motor circuit control room building, hot/cold water recovery system, feedstock reception and digestate treatment building, product storage building, odour control system and associated tanks, emergency gas flare, back-up boiler, administration/office building, car parking, 3 No weighbridges, fire water tank and pump house, pipelines to existing combined heat and power (CHP) plant engines road infrastructure and ancillary plant/site works. (Further Environmental Information - addendum to Environmental Statement).

<u>Application number</u>	<u>Category</u>	<u>Location</u>	<u>Proposal</u>	<u>Decision</u>
LA04/2020/1437/F	LOC	12 Windsor Avenue Belfast BT9 6EE	Proposed renovation and extension to provide 9 no apartments. (amended plans & info)	Permission Granted
LA04/2020/1931/F	LOC	94 - 100 Sunnyside Street Belfast BT7 3EG	(AMENDED PLANS) Amendments to elevations, floor plans and site layout (retrospective) of Approval LA04/2016/2543/F for demolition of existing buildings and construction of two retail units, six apartments and associated access, parking, landscaping, floodlighting and other operational development.	Permission Granted
LA04/2021/1278/F	LOC	44 Ulsterville Avenue Belfast BT9 7AQ	Change of use and extension of existing domestic store/former stable block to create 2no. residential apartments within the curtilage of the existing apartment development, and landscaping of the communal open space, parking, access and associated works.	Permission Refused

LA04/2021/1809/F	LOC	7 Irwin Way Airport Road West Belfast BT3 9DE.	Section 55 application to LA04/2019/0871/F for retrospective variations to conditions 16 & 20 relating to drainage and landscaping works at the Combined Heat and Power Generating Station approved under LA04/2015/0301/F. This application seeks to develop land without complying with condition 10 (seeking variation of the noise mitigation strategy to extend deliveries and dispatches at site from 07.00 - 19.00 to 06.00 - 22.00). Retrospective.	Permission Granted
LA04/2021/2213/F	LOC	9-13 Crumlin Road Belfast BT14 6AA	Demolition of existing building and construction of 3 storey office building (amended description).	Permission Granted
LA04/2021/2317/F	LOC	67 Dromore Street Belfast BT6 8PF	Retrospective alterations to the rear return roof profile	Permission Granted
LA04/2021/2419/DCA	LOC	6 Chlorine Gardens Belfast BT9 5DJ.	Partial demolition of existing rear extension to facilitate new extension.	Consent Granted

LA04/2022/0262/F	LOC	Surface level car park to east of Harbour Office and adjoining lands at Corporation Square and Clarendon Road Belfast BT1 3AL.	Public realm improvement scheme to create formal gardens area including erection of 'gateway nest' and 'swinging seat' features and seating; artwork trail; lawn areas; shared pedestrian and access routes; public plazas; promenade along Clarendon Dock; improvements to and widening of footpaths at Corporation Square; extensions of taxi bays, relocation of Belfast Bike and bicycle shelters and stands, realignment of the road; and relocation of listed railings fronting Corporation Square.	Permission Granted
LA04/2022/0283/DC	LOC	Lands adjacent to and north and east of 105 Hopewell Crescent north of 50-74 Hopewell Crescent west of 1-21 Hopewell Square and south of Hopewell Avenue.	Discharge of condition 5 LA04/2019/2306/F	Condition Discharged

LA04/2022/0351/DCA	LOC	21-23 Victoria Street & 41-51 Waring Street Belfast BT1 2DY.	Demolitions and alterations consisting of: the dropping of window cills and installation of new aluminium framed windows; removal and relocation of existing doors to form fire exits; removal of existing roller shutter door and installation of new entrance door; removal of existing doors and installation of new aluminium framed windows; demolition of wall sections and formation of new window openings; alteration of existing window configurations; demolition of existing internal columns, stairs and removal of lift shafts and non-structural internal walls as illustrated on the Alterations Plan submitted with this application.	Consent Granted
LA04/2022/0452/F	LOC	1 Ledley Hall Close Belfast BT5 4SW	Existing playing field to be replaced by 2 new facilities: a new boxing hall and a new 3G pitch.	Permission Granted
LA04/2022/0559/F	LOC	Lands comprising No's 72 to 72 78 to 88 104 & 106 Royal Avenue No's 2 to 8 16 to 20 Gresham Street Belfast.	Proposed amalgamation and change of use, and all associated works, at ground and first floor level from Retail (Class A1), Cafe (Sui Generis) & Art Gallery/Studio (Class D1) to provide extension to existing (Sui Generis) Restaurant and Public House. Proposal to also include external alterations to buildings and provision of new outdoor seating courtyard areas/terraces.	Permission Granted

LA04/2022/0717/F	LOC	46-52 Upper Queen Street & 11a Wellington Street Belfast BT1 6FD.	Demolition of existing buildings and erection of 9 storey office building with associated ancillary facilities, terraced areas, screened external plant area to the roof, and all associated site works (previous permission and DCA Refs: LA04/2016/2359/F and LA04/2016/2341/DCA).	Permission Granted
LA04/2022/0718/DCA	LOC	46-52 Upper Queen Street & 11a Wellington Street Belfast BT1 6FD.	Full demolition of 46-52 Upper Queen Street and 11A Wellington Street to facilitate the erection of 9-storey office building.	Consent Granted
LA04/2022/0725/F	LOC	1 West Bank Close and 6 West Bank Road Belfast BT3 9LD	Demolition of No.6 West Bank Road to facilitate extension to existing warehouse and offices at 1 West Bank Close and new trade sales counter. Reduction to and reconfiguration of car park.	Permission Granted
LA04/2022/0768/F	LOC	Existing base station located off Marshalls Road at: MSO Ltd 339 Castlereagh Road Belfast BT5 6QP	The removal of existing 20.00m high cu phosco monopole, 3No. existing antennas, 1No. existing cabin, 1No. existing meter cabinet, existing fence and bushes and all other ancillary apparatus and the installation of proposed demise extension with 2 10M high palisade fence, 25.00M high swann lattice tower and headframe on new concrete base, 18No. antennas, 2No. GPS modules, 5No. cabinets and all other ancillary development.	Permission Granted

LA04/2022/0927/F	LOC	58 Ailesbury Road Belfast BT7 3FH	Single and two storey extension to side and rear of dwelling with external changes. Roofspace conversion with rear dormer and new front porch (amended plans)	Permission Granted
LA04/2022/1048/NMC	LOC	15 metres West of 20 Harberton Crescent Belfast	Non-Material Change - LA04/2017/2331/F	Non Material Change Granted
LA04/2022/1322/F	LOC	Wave Trauma Centre 5 Chichester Park South Belfast BT15 5DW	Installation of 3 No. community garden rooms (2 types) to provide additional space for private counselling services.	Permission Granted
LA04/2022/1422/A	LOC	Lands at 88-104 Andersonstown Road Belfast BT11 9AN.	Hoarding along the front of Casement Park Stadium.	Consent Granted
LA04/2022/1451/DCA	LOC	9 Harberton Park Belfast BT9 6TW	Existing ground floor flat roofs to be removed/demolished.	Consent Granted
LA04/2022/1517/F	LOC	53 Earlswood Road Belfast BT4 3EB.	Double-storey rear extension, new openings in existing house, and internal alterations.	Permission Granted
LA04/2022/1523/F	LOC	62 Manna Grove Ballyrushboy Belfast BT5 6AJ.	Single Storey Side Extension.	Permission Granted

LA04/2022/1579/F	LOC	7 Elmwood Avenue Belfast BT9 6AZ.	Change of Use from offices to five apartments including dormer window. Minor alterations to elevations and external works to include entrance steps, walls and railings, hard/soft landscaping and bin enclosure.	Permission Granted
LA04/2022/1598/F	LOC	Europa Hotel Great Victoria Street Belfast BT2 7AP.	The removal of existing frames, support poles, antennas, cabinets and other ancillary apparatus and the installation of new bespoke tripods and H-Frames/supports, 3No. expansion cabinets on freestanding frames, 2No. climb ladder, 1No. self closing access gate and existing equipment to be relocated to new replacement apparatus and all other ancillary development.	Permission Granted
LA04/2022/1616/DCA	LOC	11 Eglantine Avenue Belfast BT9 6DW.	Demolition of boundary walls to rear of property. (Retrospective)	Permission Granted
LA04/2022/1620/DC	LOC	Former Belvoir Park Hospital Site Hospital Road Belfast BT8 8JP.	Discharge of condition 27 LA04/2018/1219/F (Gate Lodges)	Application Withdrawn

LA04/2022/1649/DCA	LOC	47 Osborne Drive Belfast BT9 6LH	Demolition of internal walls and doors at ground and first floor level. Demolition of rear facade at ground and first floor level. Partial demolition of side facade at ground floor level. Formation of new window openings and closing up of existing window openings to side facades.	Consent Granted
LA04/2022/1736/F	LOC	18 Low Wood Park Belfast BT15 4BB.	Provision of 2 storey side and rear extension	Permission Granted
LA04/2022/1791/F	LOC	14 St Judes Avenue Belfast BT7 2GZ.	Retrospective application for partial demolition of elements to the rear of dwelling, proposed rooflights to existing roof. Proposed single storey rear extension, roof terrace and dormer at second floor rear and two dormers at upper second floor rear.	Permission Granted
LA04/2022/1803/F	LOC	Lands adjacent to 27 Balmoral Avenue Belfast BT9 7GR	Erection of boundary wall and railings ranging in height between 1.8m and 3.2m along western boundary of no.27 Balmoral Avenue.	Permission Granted
LA04/2022/1808/DCA	LOC	Queen's University Belfast University Road BT7 1NN.	Removal of 2 existing security huts and replacement with 2 new heritage style huts.	Consent Granted
LA04/2022/1832/F	LOC	45 Willesden Park Belfast BT9 5GY.	Single storey extension to side & rear of dwelling.	Permission Granted

LA04/2022/1900/F	LOC	9 Cyprus Avenue Belfast BT5 5NT.	Single storey and two storey infill side extensions to dwelling.	Permission Granted
LA04/2022/1907/F	LOC	50 Bladon Drive Belfast BT9 5JN	Two storey rear extension (Kitchen, Family room, 2 bedrooms and bathroom)	Permission Granted
LA04/2022/1921/F	LOC	2 Springbank Road Dunmurry Belfast.	Storage building (Amended description) Class B4	Permission Granted
LA04/2022/1923/F	LOC	123 Haypark Avenue Belfast BT7 3FG.	Two Storey Side and Rear Extension with Single Storey Element at Rear. Additional Dormer to the Rear and Juliet Balcony.	Permission Granted
LA04/2022/1957/A	LOC	62 Boucher Road Belfast BT12 6LR	1 x illuminated fascia sign 6 x illuminated other signs - Facade screen, totem, single sided Kinto screen, double sided service screen, double sided test drive archway and double sided Approved Used archway 1 x non-illuminated other sign - Directional sign.	Consent Granted
LA04/2022/2002/F	LOC	7 Ardpatrick Gardens Belfast BT6 9GK.	2 Storey Side / Rear Extension.	Permission Granted
LA04/2022/2018/F	LOC	2 Royal Avenue Belfast BT1 1DA.	Proposed alterations to a listed building including provision of new structural opening with pedestrian entrance doors, roller shutters, improved boundary treatments and minor internal renovations.	Permission Granted

LA04/2022/2058/F	LOC	Rooftop base station at Castlecourt shopping centre Royal Avenue Belfast BT1 1DD	Proposed upgrade works at existing rooftop base station installation comprising of the installation of new grillage fixed to existing and new steel beams to support proposed access steps and safety handrail, proposed steel bracing between existing steel members, 1no. cable tray, 6no. proposed apertures to be mounted on new support poles on new circular headframe on existing 6.00m high stub monopole, 2no. GPS modules, RRU's mounted on new support poles, 3no. equipment cabinets to be installed within existing equipment and all other ancillary development.	Permission Granted
LA04/2022/2074/F	LOC	19 Hawthornden Road Belfast BT4 3JU.	Single Storey Extension to the Rear. Associated Site Alterations and Erection of Single Storey Garden Room.	Permission Granted
LA04/2022/2091/NMC	LOC	10 Lorne Street Belfast BT9 7DU.	Non material change LA04/2017/1153/F relating to revision to internal layout, windows, reorientated cycle stand, and additional parking.	Non Material Change Granted
LA04/2022/2094/F	LOC	37 Kincora Avenue Belfast BT4 3DW.	Single and two storey rear extension with solar panels and pagoda. Roofspace conversion with rear dormer and rooflights and external alterations to dwelling.	Permission Granted

LA04/2020/2065/DCA	LOC	12 Windsor Avenue Belfast BT9 6EE	Proposed demolition of single storey rear return (Amended proposal description)	Consent Granted
LA04/2020/2626/F	LOC	Former Translink Ulsterbus Workshop Duncrue Street Belfast BT3 9BJ	Erection of temporary point-of-entry inspection facility for Belfast Harbour.	Permission Granted
LA04/2021/0651/F	LOC	Vacant land at corner of Dundela Avenue & Dundela Crescent Belfast BT4.	6 No. 1 bedroom apartments with associated site amenity space.	Permission Granted
LA04/2021/0859/F	MAJ	21-23 Victoria Street & 41-51 Waring Street Belfast BT1 2DY	Retention of 21-23 Victoria Street and 41-51 Waring Street, Belfast with minor alterations to facades and erection of a 3 storey extension to the buildings to facilitate a 164 bedroom hotel with ground floor bar/restaurant, meeting rooms and fitness centre, back of house facilities, 7th floor bar, and public realm improvements	Permission Granted

LA04/2021/1672/O	MAJ	<p>Lands at the Gasworks Northern Fringe site; bounded to the north by McAuley Street</p> <p>Stewart Street and Raphael Street; Cromac Street to the west; the River Lagan and Belfast-Newry railway line to the east; and the Gasworks Business Park to the south.</p>	<p>Outline planning permission (with all matters reserved) for mixed use development on Sites A, B, C, D. Comprising up to 7,710 sqm GEA mixed use to include tourist hostel, residential, office, retail, commercial including community enterprise, community infrastructure and social enterprise floor space (A1 or A2 or B1 or B2 or C1 or C2 or D1) units on Site A, up to 6,980 sqm GEA of Hotel (C2) floorspace on Site B, the erection of a multi-storey car park comprising of up to 231 spaces (4,130 sqm GEA) and up to 7,130 sqm GEA of employment or community (A1 or A2 or B1 or B2) floorspace on Site C and up to 1,110 sqm GEA mixed use to include residential, office, retail, commercial including community enterprise, community infrastructure and social enterprise (A1 or A2 or B1 or B2 or D1) floorspace on Site D.</p> <p>Outline planning permission (with no matters reserved) for the erection of 94 residential dwellings (social housing). Comprising of 44 residential units on Site A and 50 residential units on Site D/NIE. Access to be provided from Raphael Street and Stewart Street respectively. Along with the provision</p>	Permission Granted
LA04/2021/1854/F	LOC	<p>336 Antrim Road</p> <p>Belfast</p> <p>BT15 5AB</p>	<p>Proposed extension and alterations to form 5no. self contained flats.</p>	Permission Granted

LA04/2021/2420/F	LOC	6 Chlorine Gardens Belfast BT9 5DJ.	Conversion of existing dwelling to 2No. dwellings with associated rear extension and ancillary works.	Permission Granted
LA04/2021/2815/F	MAJ	Vacant lands at access road to Olympia Leisure Centre directly opposite and approx. 70m East of nos. 9-15 Boucher Road Belfast.	Erection of Discount supermarket, drive through cafe, landscaping, car parking, and associated site works.	Permission Granted
LA04/2022/0061/F	LOC	484 Upper Newtownards Road Belfast BT4 3GZ	Amendments to previously approved application for 4 No. detached dwellings under Z/2014/1341/F	Permission Granted
LA04/2022/0089/LBC	LOC	Surface level car park to east of Harbour Office and adjoining lands at Corporation Square and Clarendon Road Belfast BT1 3AL.	Relocation of listed railings fronting Corporation Square as part City Quays Gardens public realm improvement scheme.	Consent Granted
LA04/2022/0428/F	LOC	Lands immediately south of the junction of Mountpottinger Road and Mountpottinger Link and east of Short Strand Bus Station Belfast BT5 4LA.	Proposed erection of 13 no. apartments with associated amenity space, car parking, landscaping and access arrangements from Mountpottinger Road.	Permission Granted

LA04/2022/0560/LBC	LOC	Lands comprising No's 72 to 72 78 to 88 104 & 106 Royal Avenue No's 2 to 8 16 to 20 Gresham Street Belfast.	Proposed amalgamation and change of use, and all associated works, at ground and first floor level from Retail (Class A1), Cafe (Sui Generis) & Art Gallery/Studio (Class D1) to provide extension to existing (Sui Generis) Restaurant and Public House. Proposal to also include external alterations to buildings and provision of new outdoor seating courtyard areas/terraces.	Consent Granted
LA04/2022/0679/F	LOC	17-21 Bruce St Belfast BT2 7JD.	AMENDED DESCRIPTION Remove a section of the pitched roof over the escape stair to form a new rooftop plant area to serve proposed office space. Remove a section of the pitched roof above the main stair to form a new flat rooftop area.	Permission Granted
LA04/2022/0817/F	LOC	45 Osborne Drive Belfast BT9 6LH.	Demolition of existing garage and previous rear extension. Single storey extension to side and rear incorporating new porch, two storey extension to rear. New boundary wall to Osborne Drive.	Permission Granted
LA04/2022/0818/DCA	LOC	45 Osborne Drive Belfast BT9 6LH.	Demolition of existing garage and previous rear extension. Single storey extension to side and rear of existing house incorporating new porch. Two storey extension to the rear. New boundary wall to Osborne Drive.	Consent Granted

LA04/2022/1047/NMC	LOC	49 Findon Gardens Belfast BT9 6QL	NMC to LA04/2017/2238/F	Non Material Change Granted
LA04/2022/1097/F	LOC	25m North of 26 Boucher Road & 40m East of 41 Boucher Road Belfast	Proposed upgrade works at existing base station installation including: the removal of existing 15m mini-macro column monopole and foundations, 6no. existing antennas and 1no. existing cabinet and all other ancillary apparatus and the installation of proposed demise extension with 25m high CS56 swann lattice tower and headframe, 18no. antennas, 2no. GPS modules, 2no. ERS racks, 3no. cabinets and all other ancillary development.	Permission Granted
LA04/2022/1149/PAD	LOC	54 Osborne Park Belfast BT9 6JP.	Construction of an additional new dwelling (on this unusually large site within the Conservation Area) in a Victorian coach house style. The application will include the demolition of a modern garage which obscures the garden elevation of an original 2-storey Victorian stable block. It is proposed to restore the garden elevation of the stable block.	PAD Concluded
LA04/2022/1214/F	LOC	9 Fruithill Park Belfast BT11 8GD	Three storey rear extension and two storey side extension(AMENDED PLANS)	Permission Granted

LA04/2022/1245/F	LOC	24 Knock Green Belfast BT5 6GJ.	Single storey extension to rear of property with some internal alterations.	Permission Granted
LA04/2022/1284/F	MAJ	Lands bounded by Library Street (to south); Stephen Street (to west); Little Donegall Street (to north); and Union Street (to east) Belfast BT1 2JE.	Erection of Purpose Built Managed Student Accommodation (PBMSA) development comprising 795 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including cafe and retail, and associated bin stores and plant and public realm improvements to surrounding footpaths.	Permission Refused
LA04/2022/1285/F	LOC	66 Riverdale Park East Belfast BT11 9DA.	Single storey rear extension with ramp to side of dwelling.	Permission Granted
LA04/2022/1331/F	LOC	9 Harberton Park Belfast BT9 6TW	First floor extensions over existing ground floor.	Permission Granted
LA04/2022/1368/F	LOC	8 Malone Court Mews Belfast. BT9 6PQ.	Proposed single storey extension, second floor extension, dormers to roof and associated works.	Permission Granted
LA04/2022/1387/F	LOC	67 Fruithill Park Belfast. BT11 8GF.	Proposed new two storey extension to rear of existing dwelling including new dormer window to front elevation and fenestration changes to side elevation (AMENDED PLANS)	Permission Granted

LA04/2022/1495/F	LOC	34 Deramore Drive Malone Belfast BT9 5JR.	Proposed Alterations and Extension to existing dwelling to form additional lower ground floor, alterations to the ground floor and first floor and a roof space conversion. Two roof lights on the front elevation, Additional windows on gable elevation and creation of balcony at ground floor.	Permission Granted
LA04/2022/1522/A	LOC	42 Fountain Street Belfast BT1 5EF.	Projecting sign with external illumination surface mounted to street facing facade.	Consent Refused
LA04/2022/1538/DCA	LOC	34 Deramore Drive Malone Belfast BT9 5JR.	Partial demolition of existing rear return, patio and demolition to create new openings.	Consent Granted
LA04/2022/1615/F	LOC	11 Eglantine Avenue Belfast BT9 6DW	Demolition of existing boundary wall to the rear and rebuilding new boundary walls (part retrospective)	Permission Granted
LA04/2022/1650/F	LOC	47 Osborne Drive Belfast BT9 6LH	Proposed single storey side extension and proposed two-storey rear extension and new outdoor covered area.	Permission Granted
LA04/2022/1676/F	LOC	241 Ravenhill Road Belfast BT6 0BS.	Single storey rear extension and associated works.	Permission Granted
LA04/2022/1703/F	LOC	226 Kings Road Tullycarnet Belfast BT5 7HX.	Single Storey Rear Extension to include Additional Site Works. Removal of Existing Attached Garage.	Permission Granted

LA04/2022/1755/F	LOC	33 Stewartstown Road Belfast BT11 9FZ.	Extension of existing surgery to provide additional consulting rooms to cater for existing patients with external alterations to front elevation.	Permission Granted
LA04/2022/1790/DC	LOC	31-33 Queen Street Belfast BT1 6EA.	Discharge of Condition 2 LA04/2021/0290/DCA.	Condition Discharged
LA04/2022/1793/DC	LOC	Former Belvoir Park Hospital Site Hospital Road Belfast BT8 8JP.	Discharge of condition 26 LA04/2018/1219/F and Condition 5 of LA04/2018/1056/LBC.	Condition Discharged
LA04/2022/1807/F	LOC	Queen's University Belfast University Road BT7 1NN.	Replacement of 2 security huts with 2 new heritage style huts.	Permission Granted
LA04/2022/1821/F	LOC	31 Castle Gardens Belfast BT15 4GB.	Design amendments to originally approved Planning Application LA04/2015/1071/F: proposed first floor layout altered to provide small balcony to rear of Bedroom 3, changes to the door and window opening in the rear elevation.	Permission Granted
LA04/2022/1848/NMC	LOC	Apartment 16, Lacefield, Belfast, BT4 3HE.	Non material change LA04/2017/1682/F.	Non Material Change Granted
LA04/2022/1851/LBC	LOC	Broadcasting House Ormeau Avenue Belfast BT2 8HQ.	Proposed installation of mechanical ventilation air-handling plant, ductwork connections and an associated access and maintenance area on roof of the existing BBC Broadcasting House.	Consent Granted

LA04/2022/1853/F	LOC	Broadcasting House Ormeau Avenue Belfast BT2 8HQ.	Proposed installation of mechanical ventilation air-handling plant including 3no. outdoor cooling units, ductwork connections and an associated access and maintenance area on roof of the existing BBC broadcasting house.	Permission Granted
LA04/2022/1881/DC	LOC	31-39 Queen Street Belfast BT1 6EA.	Discharge of condition 20 LA04/2021/0303/F.	Condition Discharged
LA04/2022/1888/F	LOC	2 St Bernadettes Avenue Belfast BT12 7FF.	Single storey rear extension.	Permission Granted
LA04/2022/1905/LDP	LOC	e3 Belfast MET Springfield Campus 389 Springfield Road Belfast BT12 7DU.	Installation of solar panels.	Permitted Development
LA04/2022/1919/F	LOC	1 Upper Malone Road Belfast BT9 6DT.	2 Storey rear extension, new balcony and widening of vehicular access	Permission Granted
LA04/2022/1926/F	LOC	48 Bladon Drive Belfast BT9 5JN.	Ground floor and first floor extension to all sides.	Permission Granted
LA04/2022/1935/F	LOC	6 Joys Entry Belfast BT1 4DR.	Change of use from retail to public art gallery.	Permission Granted
LA04/2022/1937/F	LOC	14 Malone Park Lane Belfast BT9 6NQ	Proposed first floor extension to infill the existing external terrace at the front of the dwelling and works to the front boundary to include new hedge, railings, brick piers and gates.	Permission Granted

LA04/2022/1943/DC	LOC	Former Belvoir Park Hospital Site Hospital Road Belfast BT8 8JP.	Discharge of condition 28 (North and South Gate Lodges) LA04/2018/1219/F.	Application Withdrawn
LA04/2022/1947/LDE	LOC	49 Damascus Street Belfast BT7 1QR.	House in multiple occupancy (HMO).	Permitted Development
LA04/2022/1988/DCA	LOC	9 Cyprus Avenue Belfast BT5 5NT	Demolition of external kitchen and dining room walls to courtyard on ground floor. External wall to wc on ground floor Enclosing wall to courtyard.	Consent Granted
LA04/2022/2005/F	LOC	10 Grangeville Gardens Belfast BT10 0HJ.	Double storey extension to rear & raised decking/patio	Permission Granted
LA04/2022/2019/LBC	LOC	2 Royal Avenue Belfast BT1 1DA.	Proposed alterations to a listed building including provision of new structural opening with pedestrian entrance doors, roller shutters, improved boundary treatments and minor internal renovations.	Consent Granted
LA04/2022/2071/PAD	LOC	45 Little Donegall Street Belfast BT1 2JD.	Addition of 7 new apartments to existing development.	PAD Concluded
LA04/2022/2079/DC	LOC	Former Belvoir Park Hospital Site South Gate Lodge Hospital Road Belfast BT8 8JP.	Discharge of condition 10 LA04/2018/1056/LBC.	Application Withdrawn

LA04/2022/2080/DC	LOC	Former Belvoir Park Hospital Site (South Gate Lodge) Hospital Road Belfast BT8 8JP	Discharge of condition 7 of LA04/2018/1056/LBC and Condition 28 of LA04/2018/1219/F (Demolition Method Statement - South Gate Lodge)	Condition Discharged
LA04/2023/2305/F	LOC	23 Cabin Hill Park, Belfast, BT5 7AL	Single storey side extension, new flat roof dormer to rear. Change of roof type from hipped to pitched.	Permission Granted
LA04/2022/2179/NMC	LOC	81-107 YORK STREET BELFAST ANTRIM BT15 1AB	NMC to Z/2015/0138/F comprising internal reconfiguration of ground floor retail units from two separate retail units to one retail unit.	Non Material Change Refused
LA04/2022/2200/F	LOC	1 HILL STREET TOWN PARKS BELFAST ANTRIM BT1 2LA	CHANGE OF USE OF PART 2ND FLOOR FROM PUBLIC HOUSE TO OFFICE USE	Permission Granted
LA04/2022/2121/F	LOC	4 St James Gardens Belfast BT12	Single storey rear extension	Permission Granted
LA04/2022/2122/F	LOC	28 KINGSWAY AVENUE TULLYCARNET BELFAST DOWN BT5 7DN	Proposed new single storey extension to rear of existing dwelling with raised patio	Permission Granted
LA04/2022/2125/F	LOC	5 Brooke Crescent Belfast BT11 9NL	Single storey rear and side extension	Permission Granted

LA04/2022/2261/LBC	LOC	364 Lisburn Road, Malone Lower, Belfast, BT9 6GL	Internal alterations including the demolition of non-original partitions; structural alterations including new openings in existing walls; provision of new accessible WC; installation of new services including new heating system, new wiring and ventilation; re-opening blocked up doorway to the side; infill of opening on external wall with metal signage plate.	Consent Granted
LA04/2022/2130/F	LOC	118 KNOCKBREDAPARK GALWALLY BELFAST DOWN BT6 0HG	Single storey extension to rear	Permission Granted
LA04/2022/2131/F	LOC	91 FORTWILLIAM PARK SKEGONEILL BELFAST ANTRIM BT15 4AS	Single storey flat roof kitchen/dining extension with raised deck area.	Permission Granted
LA04/2022/2265/F	LOC	42 MONAGH ROAD BALLYMURPHY BELFAST ANTRIM BT11 8EF	Two storey extension to the rear of property	Permission Granted
LA04/2022/2135/F	LOC	4 ST JAMES AVENUE BALLYMURPHY BELFAST ANTRIM BT12 6DU	Single story rear & side extension with raised patio. Proposed rear dormer.	Permission Granted
LA04/2022/2143/F	LOC	12 BROOKLAND STREET MALONE LOWER BELFAST ANTRIM BT9 7FZ	2 story rear extension to self-contained self-catering holiday accommodation. <input type="checkbox"/>	Permission Granted

LA04/2022/2145/F	LOC	40 CLOONA PARK DUNMURRY DUNMURRY ANTRIM BT17 0HH	Single storey extension to rear of dwelling to provide rear lobby and shower room.	Permission Granted
LA04/2022/2156/F	LOC	26 SKEGONEILL DRIVE SKEGONEILL BELFAST ANTRIM BT15 3FY	Single storey rear extension.	Permission Granted
LA04/2023/2289/DC	LOC	1 HOSPITAL ROAD BALLYDOLLAGHAN BELFAST DOWN BT8 8JP	Basement, ground and first floor plans. North, South, East and West Elevations. (West House). Discharge of Condition 6 - LA04/2018/1056/LBC	Application Withdrawn
LA04/2023/2306/DC	LOC	1 Hospital Road, Belfast, BT8 8JP	Cover letter, demolition method statement, schedule of internal photographs and approved demolition drawings Discharge of condition 7 - LA04/2018/1056/LBC and Condition 28 of LA04/2018/1219/F (Admin Building)	Application Withdrawn
LA04/2022/2223/F	LOC	8 NORTH HILL STREET TOWN PARKS BELFAST ANTRIM BT15 1FS	Amendment to LA04/2022/0975/F - (rear wall to be pushed back by 1090mm). Single storey extension to rear of property with some internal alterations. Existing rear WC and porch to be removed, including existing internal walls.	Permission Granted
LA04/2022/2176/F	LOC	320 LISBURN ROAD MALONE LOWER BELFAST ANTRIM BT9 6GH	Proposed escape door and external staircase to rear. Replacement of existing windows. Mesh steel gate and anti-climb fence.	Permission Granted

LA04/2022/2188/CLEUD	LOC	14 CHADWICK STREET MALONE LOWER BELFAST ANTRIM BT9 7FB	Existing House of multiple occupancy	Permitted Development
LA04/2022/2192/CLEUD	LOC	21 Chadwick Street Belfast BT9 7FB	House of multiple occupancy	Permitted Development
LA04/2023/2328/CLEUD	LOC	23 RIDGEWAY STREET MALONE LOWER BELFAST ANTRIM BT9 5FB	Existing use: use as a HMO	Permitted Development
LA04/2022/2219/F	LOC	10-16 CASTLE PLACE TOWN PARKS BELFAST ANTRIM BT1 1GB	Change of use from class C1 to Class C2 serviced apartments for short term occupation - 9no. apartments.	Permission Granted
LA04/2022/2229/DC	LOC	Former Belvoir Park Hospital Site Hospital Road Belfast BT8 8JP	Discharge of condition 6 LA04/2018/1056/LBC and Condition 27 of LA04/2018/1219/F (External vents etc South Gate Lodge)	Condition Discharged
LA04/2022/2237/PAD	LOC	Malone Road SW2 Belfast	New rooftop, greenfield and streetworks base station installations.	PAD Concluded
LA04/2022/2239/PAD	LOC	Malone Road SW Belfast	New rooftop, greenfield and streetworks base station installations.	PAD Concluded
LA04/2022/2240/PAD	LOC	Urgent Care Centre RT Royal Victoria Hospital Falls Road Belfast	New rooftop, greenfield and streetworks base station installations.	PAD Concluded
LA04/2022/2241/PAD	LOC	Breda House Drumart Drive Belvoir Estate Belfast	New rooftop, greenfield and streetworks base station installations.	PAD Concluded

LA04/2022/2243/PAD	LOC	LLoyds Cromac Place Belfast	New rooftop, greenfield and streetworks base station installations	PAD Concluded
LA04/2022/2244/PAD	LOC	Malone Road SW1 Belfast	New rooftop, greenfield and streetworks base station installations.	PAD Concluded
LA04/2022/2245/PAD	LOC	Wilson Street Belfast	New rooftop, greenfield and streetworks base station installations.	PAD Concluded
LA04/2022/2246/PAD	LOC	Moveen House Benmore Drive Belfast	New rooftop, greenfield and streetworks base station installations.	PAD Concluded
LA04/2023/2476/CLEUD	LOC	106 MELROSE STREET MALONE LOWER BELFAST ANTRIM BT9 7DQ	Existing use: Multiple Occupation (HMO)	Permitted Development
LA04/2023/2482/F	LOC	49 GRAND PARADE BALLYRUSHBOY BELFAST DOWN BT5 5HG	Attic conversion with dormer to the side of hipped roof.	Permission Granted
LA04/2022/2285/F	LOC	1 BELLEVUE STREET TOWN PARKS BELFAST ANTRIM BT13 2BT	Change of use - Retail unit shop which will include off licence within the shop.	Permission Granted
LA04/2023/2404/F	LOC	125 BROOKE DRIVE DUNMURRY BELFAST ANTRIM BT11 9NR	The development is a proposed single storey extension to the gable of the existing property. An existing single storey garage is to be removed prior to the construction of the extension.	Permission Granted
LA04/2022/2317/F	LOC	30 Shandon Park Belfast BT5 6NX	Roofspace conversion with dormer to side	Permission Granted

LA04/2023/2365/F	LOC	BLOCK C 19 HERON ROAD BELFAST DOWN BT3 9LE	New security fencing to side and rear of Block C 19 Heron rd, including vehicular and pedestrian gates.	Permission Granted
LA04/2023/2370/CLEUD	LOC	28 AGINCOURT AVENUE MALONE LOWER BELFAST ANTRIM BT7 1QA	House Existing use: Has a HMO license a number of years	Permitted Development
LA04/2023/2407/A	LOC	Minnowburn Beeches Carpark Edenderry Road, Belfast, BT8 8LE	Proposed Panel, Post and fingerpost sign	Consent Granted
LA04/2022/2367/CLEUD	LOC	Flat 1, 60 University Avenue Belfast BT7 1GY	House of multiple occupation	Permitted Development
LA04/2022/2375/A	LOC	Spar Malone 70-74 Malone Road Belfast BT9 5BU	Shop signage to building and banner signage to boundaries	Consent Granted
LA04/2022/2389/F	LOC	85 KILCOOLE GARDENS OLD PARK BELFAST ANTRIM BT14 8LF	Proposed roofspace conversion and internal alterations	Permission Granted
LA04/2023/2512/F	LOC	95 LAGMORE DALE LAGMORE DUNMURRY ANTRIM BT17 0TF	Proposed single storey extension to rear of dwelling	Permission Granted
LA04/2023/2498/CLOPU D	LOC	6A PRINCE REGENT ROAD CARNAMUCK BELFAST DOWN BT5 6QR	Installation of condensing units and associated pipework critical to the safe storage of Pharma-product due to failure of existing	Permitted Development

LA04/2023/2546/F	LOC	1 GREENWOOD PARK BALLYCLOGHAN BELFAST DOWN BT4 3JN	Demolition of two single-storey rear extensions and the addition of a single-storey extension to the rear with a flat roof.	Permission Granted
LA04/2023/2542/F	LOC	24 GLENGOLAND PARADE DUNMURRY Belfast BT17 0JF	Alterations and Extensions to dwelling to include single storey extension to the rear, proposed extension to the first floor and elevational changes to dwelling.	Permission Granted
LA04/2023/2560/F	LOC	48 BROADWAY TOWN PARKS BELFAST ANTRIM BT12 6AS	Conversion of existing residential property into a house of multiple occupation. Including removal of chimney breast to main roof, and minor alterations to window and door layouts to rear elevation.	Permission Granted
LA04/2023/2577/F	LOC	16 ROSETTA DRIVE BALLYNAFOY BELFAST DOWN BT7 3HL	Single storey rear extension and associated alterations.	Permission Granted
LA04/2023/2626/CLEUD	LOC	21 AVA AVENUE BELFAST BT7 3BN	Existing use: This property has been rented as a registered HMO for over five years	Permitted Development
LA04/2023/2599/CLOPU D	LOC	173 GILNAHIRK ROAD GILNAHIRK BELFAST DOWN BT5 7QP	Extension to first floor rear dormer, new pitched roof to sun room, elevational changes and internal improvements	Permitted Development
LA04/2023/2594/WPT	LOC	27B DERAMORE PARK MALONE UPPER BELFAST ANTRIM BT9 5JX	Works to 6 trees	Works to Trees in CA Agreed

LA04/2023/2655/CLEUD	LOC	106 TATES AVENUE MALONE LOWER BELFAST ANTRIM BT9 7BZ	Existing use: Property used as a HMO dwelling for over 5 years	Permitted Development
LA04/2023/2650/F	LOC	32 GLENGOLAND GARDENS BALLYCULLO TOM OF THE TAE- END DUNMURRY ANTRIM BT17 0JE	Proposed new single storey kitchen dining room extension to rear of existing dwelling. External rendering to entire dwelling, new stone facade to entrance and fenestration changes.	Permission Granted
LA04/2022/2653/F	LOC	84 OLD HOLYWOOD ROAD BALLYMAGHAN BELFAST DOWN BT4 2HP	Proposed single storey and two storey rear extension.	Permission Granted
LA04/2023/2677/CLEUD	LOC	Flat 2, 60 UNIVERSITY AVENUE MALONE LOWER BELFAST ANTRIM BT7 1GY	HMO	Permitted Development
LA04/2023/2681/PAD	LOC	45-47 Ravenhill Road, Belfast.	New telecoms infrastructure	PAD Concluded
LA04/2023/2680/DCA	LOC	17-21 BRUCE STREET MALONE LOWER BELFAST ANTRIM BT2 7JD	Section of pitched roof removed to the rear of the building to create new exterior flat roof area and a section of monopitched roof removed over small escape stair to create new flat roof area to take floor mounted AC condensing units.	Consent Granted
LA04/2023/2700/CLOPU D	LOC	12 Ardenlee Parade, Belfast, BT6 0AL	Construction of a lean too/flat roof domestic storage shed to side of existing house.	Permitted Development

LA04/2023/2689/WPT	LOC	3 MALONE RIDGE MALONE UPPER BELFAST ANTRIM BT9 5QW	Works to 2 trees	Works to TPO Granted
LA04/2023/2717/CLEUD	LOC	60 Rugby Avenue, Malone Lower, Belfast, BT7 1RG	Existing use: House in multiple occupation.	Permitted Development
LA04/2023/2751/NMC	LOC	Land adjacent to and south east of the River Lagan, west of Olympic Way off Queens Road, Queens Island, Belfast, BT2 9EQ	Series of internal and external changes to plots 9, 11 and 11A of the development approved under LA04/2021/2280/F. (Refer to supporting information for full description of revision)	Non Material Change Granted
LA04/2023/2728/DC	LOC	Lacefield, Belfast, BT4 3PA	Discharge of condition 8 LA04/2017/1682/F.	Condition Not Discharged
LA04/2023/2727/DC	LOC	56-58 Townsend Street, Belfast, BT13 2ES	Discharge of Condition no.2 - LA04/2022/1029/F	Condition Discharged
LA04/2023/2731/WPT	LOC	88 Malone Road, Belfast, BT9 5HP	Works to 1 tree	Works to Trees in CA Agreed
LA04/2023/2732/WPT	LOC	39B Kings Road, Belfast, BT5 6JG	Works to 3 trees	Works to Trees in CA Agreed
LA04/2023/2824/WPT	LOC	14 and 15 in Clonallon Square, Belfast BT4 2AP	Works to 1 tree.	Works to TPO Granted
LA04/2023/2825/WPT	LOC	Ascot House, Windsor Avenue North, Belfast, BT9 6EL	Worsk to 2 trees - 1 Pine and 1 Holly	Works to Trees in CA Agreed
LA04/2023/2826/WPT	LOC	7 Cyprus Avenue, Belfast, BT5 5NT.	Works to 1 tree.	Works to Trees in CA Agreed
LA04/2023/2827/WPT	LOC	26/28 Sagimor Gardens Belfast, BT5 5LW	Works to 1 tree.	Works to TPO Granted
LA04/2023/2828/WPT	LOC	20 Haddo Woods, Belfast, BT8 8LJ.	Complete prune with a crown reduction of 2-3m, 1x Acer pseudoplatanus	Works to TPO Granted
LA04/2023/2829/WPT	LOC	Lacefield, East Belfast, BT4 3PA	Works to 8 trees	Works to TPO Granted

LA04/2023/2860/NMC	LOC	Beaufort House 31 Wellington Place, Belfast, BT1 6BH	Non-Material Change to the wording of Condition No 02 of LA04/2022/1657/F	Non Material Change Granted
LA04/2023/2867/WPT	LOC	25A Deramore Park, Belfast, BT9 5JX	Works to 2 trees.	Works to Trees in CA Agreed
LA04/2023/2904/PAN	LOC	Lands at Stormont Estate Upper Newtownards Road, Belfast, BT4 3SB	Short duration Geothermal Ground Source Heating Demonstration Project comprising shallow drilling, testing and completion of 5 no. exploratory boreholes, associated temporary access, compound areas and mobile public information kiosk	Proposal of Application Notice is Acceptable
LA04/2023/2921/WPT	LOC	54 Osborne Park, Belfast, BT9 6JP	Works to 10 Trees.	Works to Trees in CA Agreed
				<u>Total Decisions</u>



Subject:	Implementation of the Belfast Local Development Plan, Plan Strategy
Date:	18 April 2023
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
Contact Officer(s):	Ed Baker, Planning Manager (Development Management) Keith Sutherland, Planning Manager (Plans and Policy)

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

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

1.0	Purpose of Report or Summary of Main Issues
1.1	To set out the proposed approach to applications previously decided by the Committee but which will not have a decision issued at the point of adoption of the new Plan Strategy. The Plan Strategy will be adopted on 02 May 2023.
2.0	Recommendation
2.1	The Committee is asked to: <ul style="list-style-type: none"> note the report; and give delegated authority to the Director of Planning and Building Control to reassess and determine Local applications that the Committee has previously decided, but which will not have a decision issued on 02 May 2023, in the context of the new Belfast LDP Plan Strategy.
3.0	Main Report
3.1	<u>Background</u> The Belfast Local Development Plan, Plan Strategy will be adopted on 02 May 2023.

3.2	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.
3.3	The Plan Strategy, alongside the Local Policies Plan which is yet to be published, will form new Development Plan for Belfast and will replace the Belfast Urban Area Plan 2001 as the statutory plan for the city. The above legislation means that the Plan Strategy will have primacy in decision making for all planning applications and other determinations, including assessment of enforcement cases, from the date of adoption.
3.4	When considering land-use zonings, designations and proposals maps, the Council will still have regard to the Belfast Urban Area Plan 2001, draft Belfast Metropolitan Area Plan 2015 and other draft plans until such time as the new Local Policies Plan is adopted.
3.5	The Plan Strategy will replace the operational policies currently provided by the Departmental Planning Policy Statements (PPSs). Those policies will no longer have effect from 02 May 2023, irrespective of whether planning applications have been received before or after that date (par. 1.11 of the Strategic Planning Policy Statement).
3.6	The Plan Strategy comprises strategic and topic based operational policies including, but not limited to, housing, employment, design, built heritage, environment, communities, transport, infrastructure and natural heritage. A suite of Supplementary Planning Guidance that provides additional advice on the implementation of policies within the Plan Strategy will also come into effect at the same time.
	Reassessment of applications previously considered by the Committee
3.7	Having regard to Section 6(4) of the Act, on adoption of the new Plan, the Council will need to reassess all applications previously considered by the Committee but which do not have a decision issued at the point of adoption, in the context of the new policies in the Plan Strategy. Typically, those will be applications where the determination was subject to the prior completion of a Section 76 planning agreement, or where delegated authority was given to officers to address other outstanding issues before a decision can be made, and the decision remains to be issued.
	<i>Major applications</i>
3.8	Legislation requires that applications for Major development are determined by the Committee and cannot be delegated. Members are advised that Major applications previously decided by the Committee but remain undetermined at the point of adoption of the Plan Strategy will be reported back to the Committee for reconsideration in the light of the new policies. This will take the form of an addendum report to the original case officer report. It is expected that this process will commence in June after the election.
	<i>Local applications</i>
3.9	It is proposed that reassessment of applications for Local development that have previously been decided by the Committee is delegated to officers. However, this would not include Local applications required to be determined by the Committee in accordance with legislation under paragraph 3.8.5 of the Scheme of Delegation. Therefore, the following such Local applications would not be delegated to officers.

3.10	<ul style="list-style-type: none"> • Those made by elected members of the Council; • Those made by Council staff at senior management grade (PO12) or above and all staff in Place and Economy Department and Legal Services; • Those made by the Council; • Those in which the Council has an estate <p>The Committee is asked to give the Director of Planning and Building Control delegated authority to reassess and determine those Local applications that the Committee has previously decided but which do not have a decision issued on 02 May 2023. In some cases, these include associated Conservation Area Consent, Listed Building Consent and other consents. The Local applications officers are seeking delegated authority to reassess and determine are listed at Appendix 1. It should be noted that a decision on some or all of those applications may have been issued by the adoption date.</p>
4.0	Financial & Resource Implications
4.1	The reassessment of Local applications previously decided by the Committee by officers will save Committee and officer time and help to minimise costs.
5.0	Equality or Good Relations Implications / Rural Needs Assessment
5.1	No adverse impacts identified.
6.0	Appendices – Documents Attached
	Appendix 1 – list of Local applications previously decided by the Planning Committee for which delegated authority is sought for officers to reassess and determine.

This page is intentionally left blank

Appendix 1 – Local applications previously decided by the Committee for which delegated authority is sought

	Application Ref.	Proposal	Address	Committee Date
1	LA04/2022/0311/F	Erection of 40 no. residential units and 2 no. commercial units with associated car parking, cycle storage servicing, landscaping with access off Balmoral Avenue	The King's Hall and RUAS site south of Upper Lisburn Road/Balmoral Avenue west of Harberton Park and north-east of Balmoral Golf Club, Belfast, BT9 6GW	March 2023
2	LA04/2021/1964/F	Proposed re-cladding of and front extension to existing Carlton House office building, erection of four additional floors of office accommodation and public realm enhancement works extending along site frontage and Fulton Street	Carlton House 1-5 Shaftesbury Square Belfast BT2 7DA	January 2023
3	LA04/2019/0081/F	Erection of 12No. apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.	Lands at former Maple Leaf Club 41-43 Park Avenue Belfast	December 2022
4	LA04/2020/2325/F	Proposed erection 21no. dwellings (social/affordable housing units comprising 17no. townhouses and 4no. semi-detached), car parking, landscaping and all associated site and access works (Amended drawings, additional information)	Lands at Former Maple Leaf Club 41-43 Park Avenue Belfast.	December 2022
5 6	LA04/2020/0847/F & LA04/2020/1208/DCA	Partial demolition and redevelopment of existing buildings to provide 15 apartments (social	25-29 University Road and lands to the rear of 3 -17 Claremont Street Belfast BT7 1NA	March 2022

		housing units), communal bin store and external amenity space (Amended Description and Drawings)		
7 8	LA04/2021/0547/F & LA04/2021/054/DCA	Demolition of the existing buildings and redevelopment of site for 2 no. commercial units on ground floor; 11 no. 1 & 2 bed apartments; landscaped communal courtyard; and all associated site works.	Lands at 124-126 Lisburn Road Belfast BT9 6AH	February 2022
9	LA04/2020/1360/F	Proposed demolition of existing church hall building and construction of 9.no apartments and 1no. retail unit.(amended description & plans)	491-495 Lisburn Road Belfast BT9 7EZ	September 2021
10	LA04/2021/0244/F	Demolition of existing building and erection of 8-storey building with retail/coffee shop at ground floor and 45No serviced apartments for both long and short term occupancy on the floors above.	52-54 Dublin Road Belfast BT2 7HN	August 2021
11	LA04/2019/1797/F	Redevelopment of listed buildings and lands to the rear for a residential development comprising of 7no. townhouses and 34no. apartments with associated landscaping, parking and site works. (amended plans)	Derelict lands at and to the rear of No's 34-36 The Mount Belfast BT5 4NA	February 2021



Subject:	Development Management – update on lean systems experimentation
Date:	18 April 2023
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
Contact Officer(s):	Ed Baker, Planning Manager (Development Management)

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

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

1.0	Purpose of Report or Summary of Main Issues
1.1	The Council's Planning Service is currently experimenting with a new way of processing planning applications following lean systems principles. Officers gave the Planning Committee an overview of the experimentation at the Committee Workshop in December. Members asked that further quarterly updates are provided to the Committee.
2.0	Recommendation
2.1	That the Committee notes the report.
3.0	Main Report
3.1	<u>Background</u> The Council's Planning Service is currently experimenting with a new way of processing planning applications following lean systems principles. Officers gave the Planning Committee an overview of the experimentation at Committee Workshop in December. Members asked that further quarterly updates are provided to the Committee.

3.2	<p><u>Why experiment?</u></p> <p>There is need to further improve delivery of the Council's planning application service having regard to the following context.</p> <ul style="list-style-type: none"> • The NI planning system is not fit for purpose – following the recommendations of the Public Accounts Committee and NI Audit Office reports, improvements to the regional planning system are only likely to be made in the medium and long term (see the update to the March Planning Committee on the regional improvement agenda). This places additional importance on the Council exploring ways to maximise the efficiency and effectiveness of its own Planning Service now. • Under performance by some statutory consultees – this is having a significant adverse impact on overall performance and opportunities for improving how the Planning Service engages with both statutory and non-statutory consultees should be explored immediately. • The need to make more effective use of IT – the Planning Service is still in the process of implementing the new Planning Portal. There are clear opportunities for improving how the Planning Service utilises information technology in the application process. • Increase in “live applications” in the system post COVID-19 – the total number of live applications had at once stage risen from around 850 pre-pandemic to 1,250 at its height (an increase of around 45%). Whilst this has recently fallen to around 1,000 applications, the Planning Service needs to ensure that total applications are kept down to manageable levels. • Some dated working practices – whilst a range of substantial improvements have been made to the Planning Service since 2015, some working practices still date back to the former Department of Environment and initial transfer of planning to the council. There is opportunity for streamlining and improved efficiency. • Overall performance and customer satisfaction is not yet where we want to be – the Council has not consistently met statutory targets for speed of decision on planning applications. There is also recognition that there should be greater consistency in its delivery of customer excellence. • Demanding and very pressurised environment for staff to work in – the above factors have contributed to a challenging environment for staff to work in. There is opportunity to make the work environment more sustainable, to better support staff development and enable them to be more empowered. <p><u>What is lean systems redesign?</u></p> <p>3.3 Lean systems redesign is a tried and tested approach to improving businesses, whether in the service or manufacturing sectors. The concept is to improve the system by focusing on “value” activities and eliminating “waste”. The approach is to consider delivery from a customer perspective rather than “this is the way we have always done things...”.</p> <p>3.4 A significant number of Planning Authorities have adopted this approach in GB and it is also advocated by the Planning Advisory Service, a government agency in England, which advises councils on how to improve the delivery of their planning services.</p> <p>3.5 The Council's Planning Service has therefore been experimenting with the way in which it processes applications following lean systems principles.</p>
-----	---

<p>3.6</p> <p>3.7</p>	<p><u>Methodology</u></p> <p>The Council's Planning Service is being mentored through this experimentation process by Wolverhampton Council which implemented a lean systems intervention approximately 10 years ago to great effect. Wolverhampton Council has significant experience of mentoring, having worked with a large number of Planning Authorities in GB. It has also worked closely with the Planning Advisory Service and UK government on improving local authority planning processes.</p> <p>The Council's Planning Service began the experimentation process in summer 2022, establishing a small "experimentation team" comprising the Planning Manager (Development Management), then Principal Planning Officer, Business Support Manager, Business Support Officer and Assistant Planning Officer.</p> <p>The experimentation methodology is following three stages:</p> <p>Stage 1 "Check" – reviewing the Planning Service's historic processes to better understand why we do things the way we currently do and the resulting outcome.</p> <p>The experimentation team began by assessing 20 random applications, looking at contact points, and understanding each customer's story and their experiences. The team found that the average processing time for those applications was 17.9 weeks – above the statutory target of 15 weeks for Local applications. 90% of customer contact was due to "failure demand", i.e. the result of the Planning Service failing to do something that could have avoided the need for the contact in the first place.</p> <p>Stage 2 "Experimentation" – experimenting with a small number of applications by starting from scratch and redesigning processes. The focus is on only doing what is required by the legislation and activities that add "value" to the process.</p> <p>The experimentation team also reflected on the purpose of the planning application service and agreed that it should be to say "<i>Yes, quickly, to good development</i>". This is very similar to the Planning Service's current mission statement of "helping our customers get a timely planning decision that benefits the city." It recognises that the following factors are important to service delivery:</p> <ul style="list-style-type: none"> • Taking a positive approach and helping our customers through the process • Timely decision making • Quality outcomes on the ground. <p>The project team initially considered one application at a time. The focus was on the individual customer (applicant), understanding who they were and why they had submitted the application. A core principle was to take action straightaway – contacting the applicant as soon as possible with the team's initial thoughts on the planning application including whether the application was valid (i.e. that sufficient information was provided with the application, as well as whether it was acceptable.</p> <p>The project team recognised that it is the "end to end time" that is important, rather than the current statutory measure of the date that the application is valid to the date of decision. When considering the process from the customer perspective, the important measure is from when the customers "first asks whether they can build", which might even be at the Pre-Application Discussion stage, to when "they can build" (i.e. they have a "clean", implementable planning permission with no pre-commencement conditions to discharge).</p>
-----------------------	---

3.8	<p>For each application, a record is kept of the key actions required to determine the application as well as learning points around process for future reference.</p> <p>Stage 3 “Make normal” – following refinement of the experimentation, the next stage is to roll out the new way of working to the whole of the Planning Service. The process can then be repeated, moving back to Stage 1 Check, to ensure continuous improvement of the service.</p> <p><u>Update on the Experimentation</u></p>
3.9	<p>The project team has expanded and currently includes two Assistant Planning Officers who are working in this new way. Due to the challenges around the implementation of the new Planning Portal and key vacancies in the Development Management service, further expansion of the experimentation is currently on hold. However, once the experimentation picks up again, it is envisaged that one or two officers will be able to move across to the new way of working each month. It could therefore take some time until the whole of the Planning Service is working in this way.</p>
3.10	<p>The experimentation has extended to 106 applications since August 2022. Of these, 53 (50%) have been determined.</p>
3.11	<p>Unfortunately, due to current issues around extracting accurate information from the Planning Portal, it is not possible at this time to update the Committee on current performance. When performance was last reported to the Committee in December 2022, the average processing time from valid to decision was 5 weeks and 2 days – well inside the statutory target of 15 weeks. The average time from receipt of application to decision was 7 weeks, again well within the target. Due to challenges around implementation of the new Planning Portal, performance will have inevitably fallen. Officers are considering how to best present performance to the Committee in the future having regard to this “dip”.</p> <p><u>Learning to date</u></p>
3.12	<p>In terms of learning, the team has so far recorded 61 learning points across 106 applications. Headline learning points include:</p> <ul style="list-style-type: none"> • Assessment of applications on “Day 1” allows the project team to make decisions much more quickly and effectively • Prompt, direct customer contact builds relationships and saves time • There is significant scope to reduce hand-overs and inefficiencies in the process • Marked reduction in the number of consultations that have been issued, thereby reducing pressure on statutory and non-statutory consultees • The team continues to find areas where simple changes to the legislation could make huge differences to the efficiency and effectiveness of the service overall • The Assistant Planning Officers are dealing with a wider range of applications, making the work more interesting and helping their professional development <p><u>Next Steps</u></p>
3.13	<p>The next key step is to expand the experimentation by rolling in more officers to the project team. This process is currently on pause pending the bedding down of the new Planning Portal, implementation of the new Belfast LDP Plan Strategy and recruitment to current key vacancies within Development Management.</p>

3.14	The Planning Service is planning to hold a customer event in the near future, which will give opportunity to communicate the experimentation to a wider audience.
3.15	The Planning Service continues to advocate the lean systems methodology to the Department for Infrastructure and new Interim Regional Planning Commission, the latter tasked with overseeing the implementation of the recommendations of the Public Accounts Committee and NI Audit Office reports for improving NI planning system.
4.0	Financial & Resource Implications
4.1	The full roll out of the lean systems experimentation will result in a more effective and efficient Planning Service which will provide better value for money.
5.0	Equality or Good Relations Implications / Rural Needs Assessment
5.1	No adverse impacts identified.
6.0	Appendices – Documents Attached
	None

This page is intentionally left blank



Subject:	Planning Appeals Commission decision on the proposed Centralised Anaerobic Digester facility, North Foreshore (LA04/2019/1540/F)
Date:	18 April 2023
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
Contact Officer(s):	Ed Baker, Planning Manager (Development Management)

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

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

1.0	Purpose of Report or Summary of Main Issues
1.1	To report on the Planning Appeals Commission's appeal decision in respect of the proposed Centralised Anaerobic Digester facility, North Foreshore (LA04/2019/1540/F).
2.0	Recommendation
2.1	That the Committee notes the report.
3.0	Main Report
3.1	<u>Background</u> The Council recently received the Planning Appeals Commission's appeal decision in respect of the Council's decision to refuse planning permission for a Centralised Anaerobic Digestion (CAD) facility at North Foreshore (LA04/2019/1540/F).
3.2	The Planning Committee refused planning permission for the proposal at its meeting in August 2021. The decision notice was issued in September 2021, with the reasons for refusal being:

	<p>1. The proposed development would result in unacceptable environmental conflict with the adjacent film studios to the east (including Phases 1 and 2 of the film studios); and with the leisure, hotel, food and beverage uses contained in Giant's Park Belfast Limited's leisure-led mixed use proposals for land to the north and west. The proposed development would not be compatible with the character of the surrounding area and these adjacent land-uses and would prejudice future operations of these economic uses, contrary to paragraph 6.90 of the Strategic Planning Policy Statement for Northern Ireland (2015); Policy WM 1 of PPS 11: Planning and Waste Management; and Policies PED 8 and PED 9(a) of PPS 4: Planning and Economic Development.</p> <p>2. Policy BHA 05 of the draft Belfast Metropolitan Area Plan 2015 (v2014) zones the area for a range of uses including waste management. The associated North Foreshore Giants Park Masterplan (2010) identifies land to the south east part of the zoning for Arc21 waste management facilities. However, this land has since been redeveloped as film studios with further planning permission granted on these lands to extend the film studios operations. As a consequence, waste management uses are no longer required within the Policy BHA 05 zoning and for this reason planning permission is refused.</p>
3.3	The appeal was heard by way of the informal hearing procedure. The hearing took place on 12 th and 13 th January 2023. The Council was represented at the appeal by counsel. The Planning Manager (Development Management) gave evidence on behalf of the Council.
3.4	The Planning Appeals Commission (PAC) made its decision on 6 th March 2023, issuing both a substantive appeal decision and costs decision. Both appeals were allowed with a full award of costs made against the Council for causing an unnecessary appeal.
3.5	A copy of the main appeal decision is provided at Appendix 1 . A copy of the costs decision is provided at Appendix 2 .
3.6	<p><u>Appeal Decision</u></p> <p>In the preliminary matters, the Commissioner confirmed that the Giant's Park Belfast Ltd's (GPBL) status as "preferred developer" in commercial negotiations with the Council as landowner confers little weight on a proposal that has yet to be subject to a formal planning application; nor does it create any presumption in favour of any such proposed development (par. 13).</p>
3.7	The Commissioner first dealt with the Council's second reason for refusal, noting inconsistency in the Council's determination of the application for the proposed CAD facility compared to its handling of applications for Phases 1 and 2 of the film studios on the adjacent land. The Council's consideration of the applications for the film studios demonstrated a more flexible approach to the status of the North Foreshore Comprehensive Master Plan (CMP) in that the film studios conformed in principle with Policy BHA 05 of draft BMAP (v2014). Moreover, the CMP did not stipulate the need for waste management facilities within the site, it was merely deemed an acceptable location in principle. Draft BMAP does not identify waste management facilities and recycling as suitable uses within Zoning BHA 05 only if promoted by Arc21; they are considered acceptable in principle. The Commissioner was not persuaded by the Council's case that the proposed CAD facility would displace other economic uses envisaged for the North Foreshore lands and that the appeal proposal would therefore displace much needed jobs for this part of the city. The Commissioner also gave little weight to the provisions of the <i>Belfast Agenda</i> pending adoption of the LDP. The Commissioner therefore rejected the Council's second reason for refusal.

3.8	Turning to the first reason for refusal, the Commissioner noted that the Environmental Statement provided with the application did not demonstrate any significant incompatibility issues with adjacent land-uses. The Commissioner did not find the proposed CAD facility to be in conflict with either the SPPS, PPS 11 or PPS 4. The Commissioner found the proposed CAD facility to be acceptable in all other respects.
3.9	In the absence of technical evidence, the Council provided evidence of perception of harm to the GPBL proposals resulting from the appeal proposal. It also provided evidence of the likely economic, environmental and social benefits of the respective proposals. However, the Commissioner stressed that it was not their role to make a binary choice between the two proposals, but to assess the proposed CAD facility on its own merits. Whilst the perception of harm can be a material planning consideration, the Commissioner noted that in deciding the weight to attach to it, the decision-maker is entitled to have regard to the extent which perceived risks have objective justification. The Commissioner noted that the Council was unable to demonstrate actual harm resulting from the CAD facility and therefore the degree of concern in respect of actual or perceived impacts is limited. The Commissioner was not persuaded that the appeal proposal would significantly prejudice development of the North Foreshore Giant's Park for leisure-led, mixed use development; or that it would be detrimental to the attractiveness of the film studios to end users and/or investors.
3.10	<p><u>Appeal Costs Decision</u></p> <p>In terms of the first refusal reason, the Commissioner did not find the Council's consideration of the impact of the proposal on the GPBL proposals to be unreasonable of itself. However, it was critical of there being no technical or scientific-based reasons underpinning the refusal reason. The Commissioner referred to the additional note from Environmental Health appended to the final report to the August Planning Committee and the advice from officers that 'there are no technical reasons why the proposed CAD facility would be incompatible with either the film studios or GPBL proposals.' The Commissioner observed that much of the Council's evidence related to the perceived benefits/disadvantages of the appeal proposal when compared to the GPBL proposals. However, the Commissioner pointed out that the appellant was entitled to have their application determined on its own merits.</p>
3.11	Regarding the second refusal reason, the Commissioner was critical of the Council not weighing in the planning balance the environmental, social and economic benefits of the proposed CAD facility. The Commissioner also referred to the Council's inconsistency between its handling of the applications for the appeal proposal and the film studios on the adjacent land, particularly Phase 2 of the film studios which was being considered by the Council at the same time as the appeal proposal. It noted that a more liberal interpretation of the draft BMAP policy seems to have been applied to the film studios proposals.
3.12	The Commissioner commented that the Council did not ' <i>...undertake reasonable, objective assessment of the grounds on which it considered the policies in its first reason for refusal to be engaged; and did not demonstrate that a balancing exercise had been undertaken to show how the evidence before it had been weighed and assessed. The [Council] behaved unreasonably in terms of the process followed by the Planning Committee and the failure to provide persuasive evidence to support the stated refusal reasons before and at the time of reach its decision.</i> '
3.13	The Commissioner concluded that ' <i>Whilst disparity and disagreement are inherent and reasonable characteristics of the planning process, in this instance, the [Council] was unable to produce credible evidence to substantiate its reasons for refusing permission. On this basis of this unreasonable behaviour, it caused an unnecessary appeal and a full award of costs should be made to the claimant.</i> '

4.0	Financial & Resource Implications
4.1	A full award of costs has been made against the Council for causing an unnecessary appeal. The Council will be required to pay the appellant's costs including the appeal fee; senior counsel/legal fees; planning consultant fees; and environmental statement consultancy team.
4.2	The Council also has to pay for its own appeal related costs including officer time and appointing counsel to advise on the appeal and represent it at the hearing.
5.0	Equality or Good Relations Implications / Rural Needs Assessment
5.1	No adverse impacts identified.
6.0	Appendices – Documents Attached
	Appendix 1 – copy of main appeal decision (allowed) Appendix 2 – copy of costs decisions (allowed)

Appeal Reference:	2021/A0131
Appeal by:	Dargan Road Biogas Ltd. against the refusal of full planning permission
Development:	A centralised anaerobic digestion (CAD) plant to include a bunded tank farm, (6 no. digester tanks, 2 no. buffer tanks, 1 no. storage tank and associated pump rooms), biogas holder, biogas conditioning system, temperature control system, waste water treatment plant (WWTP), motor circuit control room building, hot/cold water recovery system, feedstock reception and digestate treatment building, product storage building, odour control system and associated tanks, emergency gas flare, back-up boiler, administration/office building, car parking, 3 no. weighbridges, fire water tank and pumphouse, pipelines to existing combined heat and power (CHP) plant engines, switchgear, earth bunding, 3 no. accesses to existing Giant's Park service road infrastructure and ancillary plant/site works
Location:	Lands to the north-west of existing Belfast City Council Waste Transfer Station at 2a Dargan Road, Belfast
Application Reference:	LA04/2019/1540/F
Procedure:	Informal Hearing on 12 th and 13 th January 2023
Decision by:	Commissioner Julie de-Courcey, dated 6 th March 2023

Decision

1. The appeal is allowed and full planning permission is granted, subject to the conditions set out below.
2. An Environmental Statement (ES) accompanied the planning application subject of this appeal. This was supplemented by addenda dated December 2019 and October 2020. As required by the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 [the Regulations], I have taken into consideration all environmental information presented in relation to the planning application and appeal proposal in reaching my conclusions.

Claim for Costs

3. The appellant made a claim for costs against Belfast City Council (BCC). That claim is the subject of a separate decision.

Preliminary Matters

4. Notwithstanding that that its Planning Officers recommended approval of the proposal on 4 occasions, the Local Planning Authority's (LPA) corporate stance on the planning application subject of this appeal is set out in the two reasons for refusal on the decision notice issued by BCC on 27 September 2021.
5. The 5.15 hectare (ha) appeal site is part of 138 ha site that is subject of the North Foreshore Giant's Park Comprehensive Masterplan (CMP). The CMP was prepared by BCC in anticipation of closure of this former landfill site and following designation of the wider area as a mixed-use zoning in the draft Belfast Metropolitan Area Plan (dBMAP). The Plan required preparation of a CMP to set out the concept for the site, identify objectives and priorities and set out an appropriate mix of land uses. The CMP was published in 2009, after dBMAP in 2004 and approved by the former Department of the Environment Planning in January 2010.
6. A third party (TP) asserted that an assessment of the cumulative effects of the proposed development combined with existing, approved, planned and "*reasonably foreseeable*" for the overall CMP site (whether or not the subject of a current planning application) should have been carried out.
7. There was no evidence that the CMP was or should have been subject to assessment under The Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004. There was no indication that the planning applications in respect of either the existing Belfast Harbour Film Studios (BHFS) on the adjoining site or its approved phase 2 extension were required to consider the cumulative impact of existing, approved and development for which extant planning permission exists in addition to that planned within the overall site covered by the CMP but not yet subject of a planning application.
8. Reference was made to the Planning Inspectorate's (PINS) "*Advice Note Nine: Rochdale Envelope*" and "*Advice Note Seventeen: Cumulative effects assessment relevant to nationally significant infrastructure projects*" (NSIPs). Both publications are concerned with operation of the Planning Act 2008 that is intended to speed up the process for approving major new infrastructure developments. Aside from the issue of the weight to be given to that advice in this jurisdiction, the Planning Act 2008 as amended, identifies thresholds for what is considered a NSIP in England and Wales. The threshold for generating stations is lower in England than Wales but that is 50 megawatts (MW). At a generating capacity of 4.1 MW, the appeal proposal falls short of that so would not be considered a NSIP in that context. Accordingly, I am not persuaded that the guidance is applicable in this instance.
9. Pursuant to Regulation 11(2), Schedule 4 of the Regulations sets out matters for inclusion in an ES. Section 5 (e) requires a description of the likely significant effects of the development resulting from the cumulation of effects with other existing and/or approved development, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources. That statutory requirement does not support the contention that consideration of cumulative impact should include proposed development that is not subject of a current planning application or that is "*reasonably foreseeable*".

10. It would be reasonable to assess the cumulative environmental impact of future proposed development within the overall CMP site together with existing and/or approved development in the context of any subsequent planning applications. This is not an instance where concerns about “*project splitting*” reasonably engage.
11. There was no evidence that advertisement or notification requirements imposed by planning or environmental legislation were not observed in respect of the application subject of this appeal; no such deficiencies are perceived. In that context, the contention that consultation on and publicity for the proposed development should have, as a minimum, matched the scope of that associated with the CMP, does not weigh against the current proposal.
12. The appellant may be BCC’s “*development partner*” but the proposal must still be considered in the context of planning law, policy and guidance. Therefore, little weight is attached to that contractual relationship between those parties.
13. The appointment of Giant’s Park Belfast Limited (GPBL) as a “*preferred developer*” in commercial negotiations with BCC as landowners or any property rights afforded to that company, confers little weight on a proposal or proposals that have yet to be subject of a formal planning application; nor does it create any presumption in favour of any such proposed development.
14. That the proposed development allegedly clashes with the vision for the site set out in BCC’s “*Expression of Interest (Development Brief)*” to tenderers, where there was no mention of the proposed CAD, is not germane to my consideration of this appeal. Its compatibility with surrounding land uses and the character of the area are separate, valid considerations that are assessed in this decision.

Reasons

15. The main issues in this appeal are:
 - Whether the proposed development is acceptable in principle;
 - Impact on the area’s environmental quality, amenity, character and appearance;
 - Compatibility with surrounding land uses;
 - Adequacy of the submitted environmental information (EI) including further environmental information (FEI) in the addenda to the ES; and
 - Whether the proposed development is likely to have direct or indirect significant effects on environmental assets.

Site and area

16. The appeal site lies to the north of Dargan Road, on low-lying ground adjacent to Belfast Lough, on reclaimed lands that are that are part of the North Foreshore or “Giant’s Park”. It comprises a former landfill whose use as such by BCC ended in 2007 when the site was capped and landscaped. It is predominantly flat and open in character but levels rise to the north where the landscape has a more undulating profile across the wider North Foreshore lands.

17. The immediate site context is as follows:

- To the south-east of the site is Dargan Road Waste Transfer Station that the appellant advised is licensed to accept 165,000 tonnes per annum of non-hazardous waste. To its north is an existing combined heat and power (CHP) engine compound. The appellant advised that this was installed as part of a landfill gas management system that originally comprised 5 no. CHP engines. As the supply of landfill gas depleted, only 2 are now used to generate electricity. The proposed development will use the 3 remaining CHP engines to generate heat and electricity from biogas;
- To the north-east of the appeal site is Belfast Harbour Film Studios (BHFS) [phase 1]. Phase 2 of this development has been approved to the south of phase 1 and to the east of the appeal site;
- To the south of Dargan Road are a variety of industrial and commercial facilities;
- Dargan Road is the main access to Belfast Port and connects to the M2 motorway at Fortwilliam Roundabout. It comprises a 4-lane dual carriageway. Two “spine” roads lead northwards off Dargan Road with a link between the two. These roads adjoin 3 of the appeal site’s 4 boundaries; and
- The nearest residential properties are more than 0.5km from the appeal site in the Fortwilliam area to the west with the NI Railway line and M2 motorway located in the intervening landscape.

18. Chapter 2 of the ES provides a more detailed description of the site including plans for redevelopment of the remainder of Giant’s Park. All this evidence has been taken account of in assessing the proposal’s compatibility with its environs.

Proposal

19. The proposal is for a Centralised Anaerobic Digestion (CAD) plant that would power the 3 no. existing CHP engines with an installed capacity 4.1 MW. Allowing for annual maintenance, the gas engines are expected to export 4.1 MW of electricity for 8,000 hours per year (around 91% uptime) giving a total electricity exportation of 32,800 MWh/per annum (pa) from up to 99,999 tonnes pa of organic feedstock.
20. Chapter 3 of the ES sets out a detailed description of the proposal, the built elements of the proposed facility and how these integrate into the processes that would take place on site. It advises on: feedstock delivery; feedstock reception; pre-treatment; AD; biogas collection; piping of biogas to the 3 existing CHP engines located to the east of the site, across the internal access road; post-digestion; waste water treatment plant; odour control system; plant design and abatement systems; the individual elements of the proposed development; landfill gas extraction system; proposed plant operations; and plant construction. In addition to the brief description of the processes set out in the next paragraph, all of this evidence has been taken account of in assessing the proposal’s environmental impact.
21. The facility has primarily been designed to process two main feedstock types: organic fine fraction of Municipal Solid Waste (MSW) i.e. food waste; and Source Separated Organic Waste (SSO) i.e. brown bin (food/garden) waste. The feedstock types would be processed in physically separate process lines to ensure no cross-contamination between the waste streams, The plant would accept up to 49,999.5

tonnes pa per process line. During the AD process micro-organisms would break down the biodegradable material, in the absence of oxygen in an enclosed system. The process produces a methane-rich biogas and compost-like material known as digestate. The existing 3 no. CHP engines would convert the biogas into heat and electricity. Part of the generated electricity would be used to power the AD plant with the remainder exported to the national grid; the correspondent proportions were not available. An export meter is already in situ, adjacent to the existing CHP engines, to facilitate export to the grid. The heat would be captured and used within the plant for, amongst other things, heating the digestion tanks and drying the digestate.

22. The EI says that it is expected that each process line would produce between 5-8,000 tonnes pa of digestate. This would vary dependent on the quality of the input feedstock. However, the volume of output would be reduced by pre-treatment (screening out unsuitable materials) and drying after the AD process. Subject to the digestate being produced using only those source-segregated input materials listed within the Anaerobic Digestate Quality Protocol endorsed by Northern Ireland Environment Agency (NIEA), the appellant advised that outputs from AD would normally be regarded as having ceased to be waste. The dried digestate from SSO waste would be processed and bagged on site as a fertiliser. Following thermal drying, the digestate from MSW organic fines would be disposed to landfill off-site.

Scoping

23. Regulation 5 (2) of the Regulations requires that the environmental impact assessment shall identify, describe and assess in an appropriate manner, in the light of each individual case, the direct and indirect significant (*my emphasis*) effects of the proposed development. A TP highlighted that some of the topics identified by BCC in its scoping opinion, in accordance with Regulation 8 (1) (b) of the Regulations, had not be addressed by the EI as required by Regulation 11 (3) (c). Chapter 4 of the ES dealt with “*ES Screening and Scoping*”. At paragraphs 4.16 - 4.17 inclusive and 4.37 – 4.39 inclusive, the appellant persuasively explained why those issues were not considered further. This was supplemented in their letter to BCC of 20 April 2020. Therefore, although the full range of issues subject of the scoping opinion were not pursued in individual chapters, the appellant addressed them; and consideration of them was not omitted. For the reasons given in the appellant’s evidence, none of the matters cited by the TP could reasonably be argued to result in potential significant effects given the site’s context and its former use. Accordingly, the EI is not deficient in that respect.

Local Development Plans

24. Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires that regard must be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Where regard is to be had to the LDP, Section 6 (4) of the Act requires that the determination must be made in accordance with the plan unless material considerations indicate otherwise.
25. In 2017, the purported adoption of the Belfast Metropolitan Area Plan 2015 (BMAP) was declared unlawful by the Court of Appeal. Therefore, although past their stated

end date, the Belfast Urban Area Plan 2001 (BUAP) and the Belfast Harbour Local Plan 1990-2005 (BHLP) are the statutory development plans for the area in accordance with the Schedule to The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 as amended. A further consequence of the judgement is that the draft Belfast Metropolitan Area Plan (dBMAP), published in 2004, is a material consideration in the appeal.

26. In the BUAP the site is unzoned land within the development limit of Belfast. The BHLP includes the site within an extensive zoning for Industry and Commerce/ Nature Conservation/ Open Space (Map 4), as part of Proposal IC1. Proposal NC3 is that the North Foreshore will be developed for a mixture of nature conservation, open space, industry and commerce. What was meant by “*Industry and Commerce*” was not specified. The Plan was adopted in 1991 and Article 2 of The Planning (Northern Ireland) Order 1991 did not define the terms “*industry*”, “*industrial*” or “*commerce*”. The proposed use does not fall within any of the classes within the Schedule to the Planning (Use Classes) Order (Northern Ireland) 1989 nor was it included in Article 3(5) thereof as a *sui generis* use. In that context, the proposed use of the appeal site comes within the broad, undefined remit of “*Industry and Commerce*” as given their everyday meaning. The principle of the proposed development is consistent with both statutory development plans.
27. Policy IC3 of the BHLP says that the Department will endeavour to improve the quality of new industrial development through the encouragement of better design and finishes of buildings and the use of landscaping. Policy ENV1 requires landscape proposals to be appropriate to their location within the harbour area.
28. Map 3/001 – Belfast Harbour Area of the dBMAP shows the appeal site within the 47.4 ha Zoning BHA 07 Employment/Industry North Foreshore that is subject to 8 no. Key Site Requirements (KSRs). The first 2 of those relate to the principle of the proposed development. The first says that development shall only include 6 uses one of which is waste management facilities. The 2nd KSR says that development of the site shall only be permitted in accordance with an overall comprehensive masterplan to be agreed with the Department outlining the design concept, objectives and priorities for the site. The North Foreshore Giant’s Park Comprehensive Masterplan (CMP), referred to in paragraph 5 of this decision, was subsequently published. Pending the CMP, dBMAP gave no indication of where permitted uses would be accommodated within the overall site.
29. The CMP’s Location Map showed the site approximately occupied by BHFS, BCC Waste Transfer Station and the existing CHP engines as “*ARC 21 lands for waste management facilities*”. The remainder of the area to the west of that annotation was labelled “*Environmental Resource Recovery Park*” with “*Public Open Space*” to the north of both areas. The Zone Diagram and Schedule of Accommodation divide the overall site into 15 zones. The appeal site seemingly comprises Zones 6 and 8. The 3 ha Zone 6 is for logistical warehousing, depending on demand and the 1.2 ha within Zone 8, the southern end of the appeal site, for phased development initially temporary Roads Service Park & Ride (5 years) (phase 1), later logistical warehousing. The “*ARC 21 waste management facilities*” occupied Zone 15 comprising: the existing waste transfer station: proposed organic composting facility; and landfill gas generation facility.

30. The Commission's report on the Public Local Inquiry (PLI) into dBMAP recommended that Zoning BHA 07 and neighbouring BHA 19 – Open Space Lands on the North Foreshore adjacent to the M2 Motorway be deleted and replaced by a new mixed-use zoning with consequent amendments to the wording of the 1st and 2nd KSRs. BMAP included this recommendation; and the appeal site is part of the 127.2 ha Zoning BHA 05 Mixed Use Site North Foreshore, shown on Map No. 3/001 – Belfast Harbour Area. The uses permitted by the 1st KSR included waste management and recycling facilities and all 4 Class B industrial and business uses as specified in the Planning (Use Classes) Order (Northern Ireland) 2004. As with the 2004 draft, the 2nd KSR says that development of the site shall only be permitted in accordance with an overall comprehensive masterplan to be agreed with the Department outlining the design concept, objectives and priorities for the site. Whilst the CMP was published before the Commission's report issued, it post-dated close of the PLI. Given that BMAP had been subject to public consultation and PLI, more weight is attached to it than dBMAP.
31. The proposed use is consistent with the 1st KSR of BMAP Zoning BHA 05. In the intervening period since publication of the CMP, Arc 21 sought planning permission in respect of an alternate site and the portion of Zone 15 not occupied by the waste transfer station and CHP engines has been developed by BHFS, with phase 1 operational and phase 2 subject of extant planning permission. Thus there is no specifically earmarked provision for additional waste management within the CMP. Zone 4 to the north-east of the appeal site that is to be part of the 2nd phase of the "*resource recovery village*" was said to be a possible commercial waste management facility.
32. The first sentence of the wording of the 2nd KSR is permissive where the proposal is in accordance (*my emphasis*) with the CMP – not in general accordance/conformity or broad compliance. As the waste management and recycling use was shown on Zone 15 and not Zones 6 and/or 8, the proposal offends that KSR.
33. There is no indication that BMAP will be adopted; on the contrary there is no evidence that it will not. However, that: the Department for Infrastructure (DfI) has issued a Direction that BCC's draft Plan Strategy (dPS) be adopted subject to Modifications specified therein; and the report on the independent examination on the Lisburn & Castlereagh City Council dPS has been forwarded to DfI, suggests that it will not. However, given its advanced stage in the development plan process, significant weight is given to it.
34. BCC asserted that loss of this site for logistical warehousing and displacement of associated potential jobs would be at odds with BMAP's BMA Employment Strategy that seeks to sustain balanced economic growth and job creation. Apart from the fact that the proposed development would generate direct and indirect employment during both its construction and operational phases, no further precise detail was given as to how it would be offended other than those concerns about displacement. There was no indication of: a shortfall in provision of a generous and continuous supply of land for employment uses; an estimate of the likely number of jobs displaced etc that would make retention of this site for more labour-intensive use that the proposed CAD vital to realisation of the Employment Strategy. Indeed, BCC said that the latest evidence gathered as part of the LDP process did not identify an

undersupply of employment land. The evidence BCC tabled in this respect invited comparison to the GPBL pre-application proposal with reference to deprivation indices and statistics relating to demography and economic activity in North Belfast; but was not persuasive of the point being pursued. Moreover, the alternative use within Zone 4, for a possible commercial waste management facility, specifically provides for such displacement within the overall site subject of the CMP. At any rate, the consideration of displacement needs to be looked at in a more strategic context if the concern relating to the BMA Employment Strategy were to be persuasive; the site subject of the CMP and Zoning BHA 05 is only one element of that wider picture.

35. The CMP and BMAP identify waste management and recycling as acceptable within the overall site subject of Zoning BHA 05. The former did not stipulate that there was need for a waste management facility within the site subject of the CMP, it was merely deemed acceptable in principle. Neither was there a specified requirement that a location-specific case for need would have to be met over and above applicable regional policy. BMAP did not identify waste management and recycling as suitable uses within Zoning BHA 05 only if promoted by Arc 21; again, they are considered acceptable in principle. However, with the material change in circumstances regarding Zone 15 in the 13+ years since publication of the CMP, there is no definitively earmarked site on which that use could be accommodated.
36. Phases 1 and 2 of the BHFS were granted planning permission on Zone 15 of the CMP despite being a *sui generis* use that did not accord with either the 1st or 2nd KSR of BMAP Zoning BHA 05. BCC's Planning Officers addressed this in their report of 24 August 2021 to the Planning Committee in respect of the application subject of this appeal at paragraphs 3.4, 3.5 and 3.7. The following noteworthy points are taken directly from that report as opposed to being my analysis of the issues:
 - The agreed CMP is conceptual and it is unclear from the document how definitive the spatial configuration of uses across the zoning is. In any event, greater weight should be afforded to the Zoning BHA 05 itself as the CMP is a subordinate policy document. Moreover, it was published in 2009, does not reflect the planning permission granted for BHFS (phase 1) and is arguably outdated;
 - When planning permission was granted for BHFS phase 1, the Planning Committee accepted the Case Officer report that advised that the proposal "*conformed in principle*" with Zoning BHA 05 in recognition of the broad zoning of the land for employment uses;
 - The Planning Committee did not grant permission on the basis that there was no longer a requirement for waste management facilities; and
 - BCC's decision to grant planning permission for BHFS on land assigned for Arc 21 waste management facilities in the CMP establishes the principle of it taking a flexible approach to zoned uses under Zoning BHA 05. The planning process often has to be reactive to changing circumstances on the ground.

37. BCC said that the reason that BHFS were granted planning permission contrary to the CMP was based on the “*considerably compelling economic case around the significant investment and job creation that the film studios would bring to the city*”. In considers that the appeal proposal would have much less economic benefit in this regard. Albeit that no evidence was given as to the comparative value of the BHFS development, BCC makes the salient point that each proposal must be considered on its own merits. That said, apart from the relative weight attached to each proposal’s economic benefit, it is difficult to distinguish the analyses of the proposal for phase 2 of BHFS from the current scheme in terms of the provisions of the CMP and BMAP Zoning BHA 05; both were considered concurrently, yet a more liberal interpretation of BMAP policy seems to have been applied to the former.
38. The proposed development would make use of 3 of the existing CHP engines, secure redevelopment of the former landfill site and yield significant associated environmental, economic and social benefits, identified in paragraph 58 pf this decision. Account has also been taken of the regional policy and legislation set out below in paragraphs 36 – 38 inclusive. On those bases, even if primacy were accorded to BMAP rather than the statutory LDPs, the material considerations to which significant weight is attached would be sufficient to outweigh the presumption in favour of development in accordance with the LDP.
39. Whilst BCC’s dPS is a material consideration, it has limited weight until adopted. Its Policies W1 – Environmental impact of a waste management facility and W2 – Waste collection and treatment facilities largely reflect Polices WM1 Environmental Impact of a Waste Management Facility and WM2 Waste Collection and Treatment Facilities of Planning Policy Statement 11: “*Planning and Waste Management*” (PPS 11). BCC’s concern related specifically to criterion b. of Policy W1 of its dPS that mirrors the 2nd bullet point of Policy WM1 of PPS 11 “Planning and Waste Management (PPS 11), which will be considered in due course. It is noted that Policy EC1 – Delivering inclusive economic growth includes clean technology within the business sectors with strong growth potential whose development will be supported subject to normal planning considerations. BCC considered that the proposal fails that test given its concerns about incompatibility of the proposed development with land uses in the area.
40. BCC’s LDP will be the spatial articulation of its Community Plan “*The Belfast Agenda*” that, despite its statutory basis and fundamental relationship with the LDP is not, of itself, a yardstick against which to assess this proposal. Pending adoption of the LDP, little weight is accorded to its provisions.
41. For all the above reasons, BCC’s second reason for refusal is not sustained.

Regional Policy

42. The Regional Development Strategy sets out wider strategic policy relevant to the proposal in RG5: Deliver a sustainable and secure energy supply and RG 10: Manage our waste sustainably.

43. In December 2021 the Department for the Economy (DfE) published the NI Energy Strategy “*The Path to Net Zero Energy*”. Of the three targets, two are particularly pertinent to this proposal:
- Renewables: Meet at least 70% of electricity consumption from a diverse mix of renewable sources by 2030; and
 - Green Economy: Double the size of our low carbon and renewable energy economy to a turnover of more than £2 billion by 2030.
44. Thereafter, Section 15 Climate Change Act (Northern Ireland) 2022 increased the renewables target for 2030 to 80%. There was no rebuttal of the appellant’s evidence that, for the 12 month period April 2021 to March 2022, 43.8% of total energy consumption in NI was generated from renewable sources.
45. The Strategic Planning Policy Statement for Northern Ireland “*Planning for Sustainable Development*” (SPPS) sets out the transitional arrangements that will operate until such times as the local Council adopts a Plan Strategy for the whole of the Council area. As no Plan Strategy has been adopted for the BCC area, the SPPS and the retained Planning Policy Statements (PPSs) apply. These include: PPS 2: “*Nature Conservation*”; PPS 11; and “PPS18 “*Renewable Energy*”. Although not cited in the SPPS, the Department’s update on extant planning guidance prepared by the Department of the Environment, published on 18 October 2019 included Draft Supplementary Planning Guidance to PPS 18 “*Renewable Energy*” Anaerobic Digestion (AD).

PPS 11

46. PPS 11 sets out the regional planning policies for the development of waste management facilities. Having considered the proposal in the context of Policy WM2 Waste Collection and Treatment Facilities, BCC had no issue with need for the proposed facility. However, as it remained a TP concern, it is material in determination of this appeal. Policy WM2 states that proposals for the development of a waste collection or treatment facility will be permitted where 4 criteria are met.
47. Criterion (a) requires that there is a need for the facility as established through the Waste Management Strategy (WMS) and the relevant Waste Management Plan (WMP). The proposal is consistent with the wider aims of waste management policy (established through the WMS and WMP) in that the AD process moves waste up the hierarchy from disposal to recycling and recovery, diverting organic waste from landfill. Noted is the appellant’s un rebutted verbal evidence that the need for the facility is made more acute by virtue of: Mullaghglass Quarry not taking municipal waste: the Arc 21 incinerator has been refused planning permission; and Kilroot waste incinerator is subject of an on-going judicial review.
48. By virtue of a November 2013 update on PPS 11 following publication of the revised WMS “*Delivering Resource Efficiency*”, Best Practicable Environmental option (BPEO) is no longer a material consideration in the planning process so criterion (b) of Policy WM 2 is not applicable.

49. Criterion (c) requires that the proposed facility complies with one or more of 5 locational criteria. The appeal site is a former landfill site and the proposal would bring previously developed, derelict or contaminated land back into productive use. Thereby it would satisfy two of the criteria. It is also located within an industrial or port area: whether it is of a character appropriate to the development remains to be considered. However, as at least 2 of the criteria are satisfied, the proposal complies with criterion (c).
50. Criterion (d) requires that 5 further criteria are satisfied. The proposed development would meet at least 4 of those for the following reasons:
- The appeal site adjoins the M2 motorway and Dargan Road is the main access route to the Port of Belfast;
 - As set out in Chapter 3 of the ES, the sorting and processing of waste would be carried out within a purpose-built facility;
 - On the basis of the EI and input of statutory consultees to the decision-making process, there is no persuasive evidence that the built development associated with the proposed methods of handling, storage, treatment and processing of waste is not appropriate to the nature and hazards of the waste(s) concerned; and
 - The proposal would generate heat and electricity.

The 5th criterion requires that the proposed development would not result in an unacceptable adverse impact that cannot be prevented to appropriately controlled by mitigating measures. This consideration is concluded on later in this decision.

51. There is no planning policy requirement that the decision-maker investigate: contractual surety of the supply of waste; or the proposal's commercial viability. Nevertheless, on the basis of the appellant's rebuttal of TP concerns raised in respect of a raft of such matters and BCC's Planning Officers' objective assessment of that evidence, I note that those concerns did not weigh against the proposal when recommendation to approve the planning application was made to their Planning Committee on 20 April 2021. I concur with that analysis, which was thorough, considered and robust. Accordingly, little weight attaches to the TP concerns in those respects.
52. Policy WM1 Environmental Impact of a Waste Management Facility of PPS 11 requires that proposals for their development of waste management facilities will be subject to a thorough examination of environmental effects and will only be permitted where it can be demonstrated that all of 12 listed criteria are met. BCC's concerns related to the 2nd and 9th criteria, in part, whereby the proposal is designed to be compatible with the character of the surrounding area and adjacent land uses; and the types of waste to be treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air resources that cannot be prevented or appropriately controlled by mitigating measures. As TP concerns about impact on water and soil resources are no longer being pursued, in addition to the identified criteria, matters encompassed in the 1st and 3rd criteria must be considered. This shall be done in due course.

53. In the interim it is noted that, in respect of “*Compatibility with Adjacent Development*”, the justification and amplification text to Policy WM1 says that it is not always necessary or appropriate to separate waste management facilities from residential or other sensitive uses, provided that they will not cause detriment to amenity by reason of noise, dust or noxious emissions. It adds that development will not be restricted solely because it differs from the predominant land use in the locality. This echoes legacy BCC’s vision at page 17 of the CMP where it identified the North Foreshore Giant’s Park site as presenting it with a unique opportunity to transform a former landfill site into an area where economic development, waste management and open space can co-exist in a way that creates jobs, facilitates future waste management and provides a valuable open space resource to create a better Belfast.
54. In respect of the BCC Waste Transfer Station to the south-east of the appeal site, there was no suggestion that the proposed development would be at odds with Policy WM5 – Development in the vicinity of Waste Management Facilities. The submitted contention was that account should be taken of it in the context of the proposed leisure-led, mixed use development at North Foreshore. The appeal proposal may have implications for that planned development and, if Policy WM5 still applicable when any future planning application is being considered, would be a material consideration in its determination if planning permission for the CAD is forthcoming. However, it is beyond the remit of this appeal to consider the implications of Policy WM5 for that pre-application proposal in the context of the development currently being considered.

PPS 18

55. PPS18’s aim (consistent with that of the SPPS) is to facilitate the siting of renewable energy generating facilities in appropriate locations in order to achieve renewable energy targets and to realise the benefits of such energy. Both documents set out a qualified presumption in favour of renewable energy development unless they would have unacceptable adverse effects which are not outweighed by the wider environmental, economic and social benefits of the development. In relation to such benefits, Policy RE1 of PPS18 advises that they be given “*significant*” weight in determining an application. However, paragraph 6.225 of the SPPS says that they be given “*appropriate*” weight. In accordance with paragraph 1.12 of the SPPS, appropriate weight will be given to those considerations.
56. Policy RE 1 Renewable Energy Development says that development that generates energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on: (a) public safety, human health, or residential amenity; (b) visual amenity and landscape character; (c) biodiversity, nature conservation or built heritage interests; (d) local natural resources, such as air quality or water quality; and (e) public access to the countryside. Of those, BCC’s and TP concerns relate to: the public safety and human health elements of criterion (a); criterion (b); and local natural resources, such as air quality that is the bailiwick of criterion (d). These considerations shall be weighed in due course.

57. In respect of a CHP scheme, Policy RE 1 says that proposals need to demonstrate that the benefits of the scheme outweigh the need for transportation and an end user is identified. The Best Practice Guidance (BPG) to PPS 18 says at paragraph 3.3.2 that acceptable sites for CAD facilities handling large quantities of MSW are likely to include those in close proximity to a waste transfer station. As already set out, the proposal would utilise existing infrastructure in the form of the 3 no. CHP engines within the appeal site, which is located within an industrial/commercial area that includes the BCC Waste Transfer Station to the south-east. Given the site's location within an established industrial/commercial area, it could be advantageous from both an environmental and commercial point of view to locate close to potential customers. This element of policy is satisfied.

Environmental, Economic and Social Benefits

58. The appellant's evidence, principally at Chapters 13 and 14 of the ES, is that the proposed development would yield environmental, economic and social benefits including:
- With a capital spend of around £40m, it would create employment during the construction phase (213 direct per month & 141 indirect jobs over an assumed 24 month period) and its operation (22 direct & 40 indirect jobs);
 - Generation of £34.4m of Gross Value Added during the construction phase (direct & indirect) and £7.7m pa during operation (direct & indirect);
 - An annual rates payment of up to £121,000;
 - Contribution to climate change measures required in energy and waste management policy;
 - The generation of low-carbon, renewable energy (see "Proposal" section above) and production of fertiliser from local organic waste material;
 - Contribution to renewable energy targets and reduction in reliance on fossil fuels over an operating life-time of approximately 25 years;
 - Reduction in greenhouse gas emissions and pathogens;
 - Redevelopment of the former landfill site; and
 - Potential to attract other industrial/business uses to the North Foreshore who seek to avail of the renewable heat and energy that the facility will generate.
59. A Statement of Authority is contained within both chapters identifying the author(s), their credentials, membership of professional bodies and experience. There is no reason to doubt their objectivity. BCC's Economic Development Unit advised that the approach and methodology that were applied in determining the proposal's economic impacts are robust, having employed well-recognised models and assessment tools. Having objectively considered the EI and this opinion, there is no persuasive evidence that the forecasts are over-optimistic.
60. When taking into account the wider environmental, economic and social benefits presented, it is considered appropriate to attach significant weight to these considerations.

PPS 4

61. By virtue of Article 3 (4) (o) of The Planning (Use Classes) Order (Northern Ireland) 2015 the proposed use is *sui generis*. The Preamble to Planning Policy Statement 4: “*Planning and Economic Development*” (PPS 4) says that it does not provide policy for waste disposal or waste management facilities, which are dealt with in other PPSs. However, it adds that the policy approach and associated guidance contained within PPS 4 may (*my emphasis*) be useful in assessing proposals for other *sui generis* employment uses. The first reason for refusal refers to Policies PED 8 and PED 9 (a) of PPS4.
62. Criterion (a) of Policy PED 9 General Criteria for Economic Development of PPS 4 is concerned with the compatibility of a proposal for economic development with surrounding land uses. Although specifically concerned with waste management facilities, the second criterion of Policy WM 1 of PPS 11, addresses the same concern. Policy PED 8 Development Incompatible with Economic Development Uses gives rise to largely the same considerations as the 2nd bullet point of Policy WM1 of PPS 11 save for the former including approved as well as economic development uses and including the issue of prejudice to their future operation. The policy is subject to Supplementary Planning Guidance that requires 3 tests to be met instances involving “*sensitive industrial enterprises*”.
63. Paragraph 1.2 of the SPG to Policy PED 8 of PPS 4 refers to the “higher end” of the economic development spectrum offering employment in specialised jobs, significant sales in markets outside Northern Ireland and that may be significant to the regional economy. However, this description of businesses that might be considered “*sensitive industrial enterprises*” must be read in the round not only with the previous sentence but also paragraphs 1.1 and 1.2 thereof. Although the cited examples of industries that the SPG might apply to is not exhaustive, there is no persuasive evidence that the business conducted by BHFS requires a “*particularly contaminant free environment*”. In that context, I am not persuaded that the additional protection for existing “*sensitive industrial enterprises*” that the SPG to Policy PED 8 is applicable in this instance whether regardless of the weight attached to PPS 4.
64. BCC referred to BHFS (phases 1 and 2) as “*environmentally sensitive uses in a commercial context*”. In oral evidence clarification was given that, unlike the TP, reliance was not being placed on the SPG to Policy PED 8. Its concern was general incompatibility with BHFS and the proposed leisure-led, mixed-use development of the North Shore. There is no such definition in PPS 4 or associated policy provisions that might apply to uses considered to be “*environmentally sensitive uses in a commercial context*”.
65. If the proposal complies with the contended provisions of PPS 11 and PPS 18, then it would not be inappropriate to return to PPS 4 to see what, if any, further consideration it merits in the context of what is said in its Preamble.

Visual Impact and landscape character

66. The proposed development's landscape and visual impacts were assessed at Chapter 12 of the ES, updated in Chapter 3 of the first addendum and Chapter 6 of the second addendum. The updated information took account of the cumulative impact of the proposed development, that existing and the approved phase 2 of BHFS. The TP objection in this respect related not to the adequacy of the associated EI but the proposed development's impact on character.
67. Existing mature trees limit views from sections of Dargan Road looking northwards over the North Foreshore and appeal site. At gaps in the vegetation or the junctions with the two spine roads leading to the North Foreshore, the site is seen in the context of the existing BHFS. The site presents itself as a vacant, degraded, brownfield, poor quality landscape that is of low importance in landscape and visual amenity terms.
68. The tallest proposed tank within the appeal development would be 23.7m. A single circular chimney would extend to 30m high. The photomontages at Appendix 3.2 of the first addendum to the ES show the existing views from 5 locations on the spine roads leading north from Dargan Road that extend along the west and east sides of the appeal site. The views are between 5 – 266m from the site. From close range views from the easternmost spine road, looking westwards, the proposed development would block view of the Belfast Hills, be visually dominant by virtue of its scale, massing and extent and have significant visual effects. From views of up to 266m, the proposed complex would be visually dominant, albeit less so with distance, and seen as industrial in character.
69. Development along Dargan Road is industrial and commercial in appearance, scale and character. Travelling westwards along it, the Film Studios are visually predominant in the foreground with the Belfast Hills providing a backdrop. Phase 1 of the BHFS comprises: 2 film studios and sound stages approximately 33,000 sq.ft each; two workshop buildings approximately 11,000 sq.ft. each; and a 3 storey 37,000 sq.ft office and production building. The approved phase 2 development would have a more extensive built footprint than the existing premises. Due to their scale, massing, design and finish, the existing and approved BHFS buildings are industrial in character and appearance. The high magnitude of change that the proposed development would represent from shorter range views would be dissipated by the site context with adjacent large-scale industrial/commercial premises.
70. The photomontages at Appendix 6.2 of the second addendum to the ES are longer range views. That from Dargan Road, 246m away, shows both the proposed building/structures and those existing and approved at the BHFS seen on the skyline. From this vantage the proposed development would be consistent with the established character of the area. From Edgewater Road, 941m to the east, the existing and approved BHFS would visually predominate. From views from Belfast Castle Demense (2.3km to the north-west) and Cavehill County Park (2.6km to the north-west), the proposed development is consistent with the scale and extent of both phases of the BHFS and the wider setting of Dargan Road, West Bank Road and with the M2 motorway in the foreground. From these vantages, the proposed

development would not change the character from that of existing and approved development nor result in significant additional impact on landscape character and visual amenity.

71. The proposed development's form and design is reflective of its function. However, consistent with Policy IC3 of the BHLP, further consideration was given to its finishes to minimise visual impact. Whilst the proposed development would alter the view from the site's immediate environs, it would not unacceptably change the area's overall character when considered in context and in the round. The scale would be appropriate in the receiving landscape and compatible when considered with the existing and approved development in the area and the wider physical context.
72. The landscape and visual Impact assessment was predicated on: the proposed landscaping scheme in addition to retention of existing boundary vegetation; and revised proposals for the buildings' and tanks' finish. The latest version of the former is found at Appendix 3.1 of the 1st ES addendum. As it matures, the proposed landscaping scheme would make a valuable contribution to largely screening views of the proposed yard, operational areas and lower extent of the AD plant. Therefore, conditions are needed to ensure: the safeguarding of existing trees during the construction phase; implementation of the agreed landscaping proposals; maintenance of those provisions; and ensuring that the structures' finishes are in accordance with the approved plans.
73. Subject to imposition of those conditions, the proposal is consistent with Policies IC3 and ENV1 of the BHLP, the 3rd bullet point/criterion of Policy WM1 of PPS 11 and criterion (b) of Policy RE1 of PPS 18

Compatibility with neighbouring land uses

74. Evidence was submitted of the number of complaints that NIEA's Resource Efficiency Division (letter of 26 March 2021) received for the period 1 January 2020 to 5 March 2021 in respect of an AD facility at Granville Ecopark (Mid-Ulster District) in respect of noise, odour and noise & odour. Account has also been taken that a resident of the area local to that facility spoke to BCC's Planning Committee about his personal experience of associated nuisance. Other than a TP describing the facility as "*being located in the middle of a heavily industrialised business park, which includes a number of other industrial producers*", there is no evidence as to how it is perceived to be on all fours with the appeal proposal in terms of considerations such as: the nature of the proposal including feedstock; processing; volume of waste; whether it was the subject of EIA; what conditions were imposed on the planning permission; and whether these have been complied with. In that evidential context, limited weight is given to Granville Ecopark as a comparator to the appeal proposal. In contrast, there is specific EI relating to the potential impacts that the current proposal is likely to give rise to in respect of those considerations and it is on that basis that I shall consider whether the effects would be significant.

Noise & Vibration

75. The potential impact of noise and vibration from the proposed development, during both the construction and operational phases, were considered at Chapter 7 of the

ES in accordance with associated British Standards. BCC's EHD has no issue with the general methodology that was set out in paragraph 7.10 of Chapter 7 of the ES; it is comprehensive and robust. The assessment included:

- Undertaking a baseline noise survey and determining background sound pressure levels to establish appropriate and representative background noise levels for both day and night-time;
- Identification of 5 noise-sensitive receptors both on and off the North Foreshore site including phase 1 of the BHFS to the north-east of the site and residential properties on Shore Road separated from the appeal site by the M2 motorway and Fortwilliam Roundabout; and
- Noise modelling to predict the impact of the proposed development on identified receptors during both phases of the proposed development. This included consideration of: HGV movements associated with the proposed development; inter-relationships with transportation and ecology in relation to potential disturbance; and noise from the existing CHP engines that would remain the dominant noise source further to construction of the proposed development.

76. Subject to mitigation at the construction phase, the assessment concluded that there would generally be no significant noise impacts associated with the proposed development. The impacts of the construction and operational phases were therefore assessed as negative (slight): *“where impacts will be observable but where the scale of impact is unlikely to be of material significance in the locality”*. Nevertheless, there would be some noise impact on BHFS during the construction phase, particularly in respect of piling. BCC Planning Officers noted in one of their reports to the Planning Committee that: best practice guidance does not safeguard commercial uses during the construction process; and that construction noise, including piling, would occur during the build for other built development proposals for the site including logistical warehousing. The associated potential impact in this respect from development of the appeal site would arise regardless of the use. This consideration must be balanced against the positive impacts of the site's regeneration. Assumptions underlying the construction phase assessment and associated mitigations could be subject of a condition on any forthcoming planning permission to secure implementation of an agreed Final Construction Noise and Vibration Management Plan in order to minimise impact on BHFS and require, as a minimum, the mitigation measures contained in the ES and addenda. This would strike an acceptable balance between safeguarding the established use and redeveloping the brownfield appeal site.

77. The updated noise and vibration impact assessment at Chapter 4 of ES II considered the impact of the proposed development on the phase 2 of BHFS that was approved in August 2020, subsequent to submission of the planning application subject of this appeal. It identified two additional receptors namely the BHFS phase 2 building and its amenity area. Notwithstanding that: The Phase 2 development site is located in a non-residential area and commercial in nature; and that the noise impact assessment submitted with the planning application for phase 2 of BHFS said that *“The majority of the proposed operational activities will be undertaken within the relevant buildings”*, consistent with the conservative approach to assessment of the potential impact of noise and vibration on the existing BHFS in

the original ES assessment, the stricter limits applicable to residential receptors were applied to these additional receptors to ensure a “worst case” scenario. At any rate, the noise assessment for the two additional receptors indicates that the predicted noise levels would be consistent with standards required for residential neighbours. Therefore, no additional mitigation would be required during either phase of the development; a stance that BCC’s EHD agreed with. On the basis of the EI, there is no persuasive evidence that noise from operation of the proposed development would preclude BHFS from outdoor filming of the frequency envisaged in its ES for its phase 2 development.

78. The planning consultancy who objected to the proposed development on behalf of the owners of BHFS (Belfast Harbour Commissioners) raised concerns in April 2020 about noise impact. Subsequent to submission of the 2nd addendum to the ES in October 2020, that addressed the impact of noise and vibration on the then current planning application for the phase 2 development and the issue of piling, this objection was not followed up on. With the FEI, those concerns have not been found to weigh against the development. The appellant gave un rebutted evidence that their baseline data on the prevailing noise environment was used by BHFS in that application; suggesting that its reliability was not disputed.
79. It is noted that based on advice from its EHD, BCC’s Planning Officers concluded in their final report to its Planning Committee that “*the film studios and proposed CAD facility would be compatible in terms of noise impacts*”. This was predicated on a comprehensive “note” from the EHD appended to the report, dated 7 May 2021. This is consistent with my conclusion on the issue based on the submitted EI.
80. In this evidential context, I am not persuaded that sensitive receptors further removed from the appeal site than either phase of the BHFS complex would experience an unacceptable adverse impact associated with noise and/or vibration during either the proposed development’s construction or operational phases.
81. Subject to imposition of the aforementioned condition, the proposal is consistent with criterion (a) of Policy RE1 of PPS 18 as it relates to human health or residential amenity.

Odour & Air Quality

82. The potential air quality impacts that could arise as a result of the proposed CAD plant to power the existing CHP engines, during the construction and operational phases, was considered at Chapter 6 of the ES in accordance with: guidance published by the Institute of Air Quality Management; the Air Quality Strategy for England, Scotland, Wales and Northern Ireland (2007); the Air Quality Standards Regulations 2010; guidance from the Department for Environment, Food & Rural Affairs (DEFRA) and Environment Agency; and guidance on using dispersion modelling and identifying target odour levels at the nearest sensitive locations published by the Environment Agency for England and Wales in consultation with Northern Ireland Environment Agency (NIEA). BCC’s EHD has no issue with the methodology that was set out in Chapter 6 of the ES; it is comprehensive and robust. The assessment considered:

- The construction process associated with the proposed development and the impact this would have on the surrounding sensitive receptors;
 - The impact on existing air quality at sensitive receptors within the vicinity of the proposed development during the operational phase; and
 - The impacts that the proposed development would have on ecologically sensitive receptors once operational. This included predicted nitrogen concentrations at designated sites within 2km of the proposed plant.
83. The ES contained a detailed description of proposed mitigation measures at both phases of the proposed development – paragraphs 6.147 and 6.148. If planning permission is forthcoming, conditions would be necessary in respect of submission of a Final Dust Management Plan and a Final Construction Environmental Management Plan. On that basis: no significant impacts would result as a consequence of the construction phase of the development; and existing and approved sensitive receptors would not experience a significant air quality impact as deduced from the results of the AERMOD air quality assessment, which predicts pollutant concentrations to be significantly lower than the appropriate guideline limits during the operational phase. Given the above, it can be concluded that residual effects from the construction and operation of the proposed development would be negative (slight) i.e. where impacts will be observable but where the scale of the impact is unlikely to be of material significance in the locality.
84. The existing BHFS complex was considered as a sensitive receptor in the original ES. This was a robust and conservative basis of assessment; and it was concluded that there would be no unacceptable impact. The updated air quality impact assessment at Chapter 3 of the ES 2nd addendum considered the impact of the proposed development on the phase 2 of BHFS. It identified two additional receptors namely its closest building and closest associated external area. The updated assessment of air quality and odour from the operational phase concluded that the additional receptor locations would meet the same criteria as is applicable to human receptor locations. As the updated assessment concluded that the air quality and odour impact would be below the relevant limits applicable to human receptors, no additional mitigation would be necessary as a result of the phase 2 permitted development.
85. BCC's Planning Officers concluded in their final report to its Planning Committee, based on advice from its EHD, that *"the film studios and proposed CAD facility would be compatible in terms of ambient air quality impacts"*. The same conclusion was reached in respect of odour impacts. This was predicated on a comprehensive "note" from the EHD appended to the report, dated 7 May 2021. This is consistent with my conclusion on the issue based on the submitted EI.
86. In this evidential context, I am not persuaded that that sensitive receptors further removed from the appeal site than either phase of BHFS would experience an unacceptable adverse impact associated with air quality and/or odour during either the proposed development's construction or operational phases.

87. As the assessment of the significance of the associated environmental impacts in respect of air quality, odour and the integrity of European Sites were predicated on the description of the proposal at Chapter 3 of the ES, planning conditions would be needed in respect of waste streams accepted at the facility and the annual quantum. As the permitted waste streams could be specified by condition, there is no need to stipulate that no other feedstock should be used or specify waste that should not be accepted.
88. The processing of digestate and its “end use” as described in the ES was set out earlier in this decision; spreading within the site is not proposed. In the absence of assurance that this would be covered by the separate permitting regime and to safeguard interests of acknowledged importance, the inclusion of an associated condition would not be inconsistent with the provisions of paragraph 5.65 of the SPPS.
89. Subject to imposition of conditions, the proposal is consistent with the 9th bullet point/ criterion of Policy WM1 of PPS 11 and criterion (d) of Policy RE1 of PPS 18.

Traffic, birds & vermin

90. TP remaining concerns relating to traffic related to the potential odour from waste being delivered to site and from its possible spillage. Measures for management and mitigation of these potential environmental impacts are set out at Chapters 3 and 15 of the ES. One of the considerations subject of the latter is airport safeguarding given the site’s relative proximity to George Best Belfast City Airport (GBBCA). Paragraph 15.52 of the ES acknowledges that waste management facilities have the potential to attract scavenging birds but mitigation to reduce the site’s attractiveness to them has been built into the process flow/design of the proposed development. The following paragraph states that all delivery/collection vehicles entering and leaving the site will be contractually obliged to be covered. Paragraph 15.54 adds that upon entering the site and passing through the weighbridge, drivers would be directed to enter the reception building via fast acting roller shutter doors that would immediately close on entry ensuring that all waste is unloaded within an enclosed, controlled environment. Provided such measures are implemented, the TP concerns would not be justified.
91. Execution of contractual obligation is a distinct matter from enforcement of planning control. Discussion as to whether this aspect of the process would be controlled by associated permitting was inconclusive. Appendix 4.2 of the ES 2nd addendum comprises a Service Management Plan that, as written, is aimed at achieving efficient freight operations to minimise congestion. It could be amended to require incorporation of the cited mitigation measures in the ES. Together with a condition specifying that there must be no external storage of waste at any time, associated TP concerns are addressed.

Adequacy of EI

92. The “*Rochdale Envelope*” referred to earlier arises from two cases: *R v Rochdale MBC ex parte Milne (no. 1)* and *R v Rochdale MBC ex parte Tew [1999]* and *R v Rochdale MBC ex parte Milne (no. 2) [2000]* (‘the judgement’). Whilst the ensuing

PINS guidance that those cases gave rise to is not applicable in this instance, the issue of precedent remains to be considered. The appeal proposal is for full planning permission. Other than the criticism that insufficient consideration has been given to proposed and “*reasonably foreseeable*” development within the scope of the 138ha subject of the CMP that is not yet subject of a current planning application, there was no specific indication as to how the proposal is perceived to be at odds with the *Rochdale* cases.

93. In considering whether the current proposal is consistent with that precedent, consideration has been given to:

- The appellant has given an adequate description of the project and their environmental assessment has taken a cautious approach to assessing likely significant effects that has fed through into the mitigation measures envisaged. They considered issues such as contamination, dust and construction noise and vibration and did not postpone proper assessment of the likely significant environmental impacts and requisite mitigation until after the grant of planning permission;
- An Outline Construction Environmental Management Plan (OCEMP) was submitted as Appendix 3.2 of the ES. Its page 5 explains that it details the environmental monitoring and mitigation measures that are to be implemented during construction work to minimise the effects of site operations on sensitive receptors. The detailed mitigation and control mechanisms therein are informed by the associated environmental assessments. Any conditions requiring post-consent agreement of those matters with BCC would require, as a minimum, the mitigation measures identified in the ES and its addenda;
- It is common practice that an outline Construction Environmental Management Plan (CEMP) provides a framework from which a final CEMP will be developed, post-consent. BCC’s associated draft conditions referring to post-consent agreement/approval or my endorsement of them is not acknowledgement that the EI and associated assessment is deficient or incomplete; and
- The environmental information was updated to take account of submission and approval of the planning application for the BHFS phase 2 development during the life-time of the application subject of this appeal.

94. In all, the evidence on which my decision is based is “*sufficient information to enable ‘the main’, or the ‘likely significant’ effects on the environment to be assessed....and the mitigation measures to be described*” (paragraph 122 of the judgement). No inconsistency with the *Rochdale* cases or short-comings in the scope of the EI, including FEI, is perceived.

Habitats Regulation Assessment

95. Whilst the appeal site is not subject to environmental designation, it is within 0.5km of a number of national, European and international designated sites. Policy NH 1 - European and Ramsar Sites – International of Planning Policy Statement 2: “*Nature Conservation*” states that planning permission will only be granted for a

development proposal that, either individually or in combination with existing and/or proposed plans or projects is not likely to have a significant effect on a European Site. It adds that where a development is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the decision-maker shall make an appropriate assessment (AA) of the implications for the site in view of its conservation objectives. This policy requirement derives from Article 6(3) of the Habitats Directive which establishes the requirement that any plan or project likely to have a significant effect on a SAC site shall be subject to an AA.

96. Shared Environmental Services (SES) carried out a HRA of the proposal on BCC's behalf. The Stage 1 Screening Assessment was carried out in accordance with the cautious approach required by *People over Wind & Sweetman* and concluded that any conceivable effect on any European site could not objectively be ruled out. In carrying out the Stage 2 AA, SES took account of responses from a range of statutory consultees in assessing mitigation measures, sites and features and in combination effects. It concluded that, provided the mitigation measures detailed in the assessment are conditioned in any planning approval, there would be no adverse effects on the sites' integrity.
97. Ecology was considered at Chapter 11 of the ES and a shadow Habitat Regulations Assessment (sHRA) carried out. The issue was reconsidered in Chapter 2 of the ES 2nd addendum and a revised sHRA submitted. Having also proceeded to Stage 2 AA, the appellant reached the same conclusion as SES.
98. Having objectively considered this evidence and subject to the imposition of associated planning conditions, the proposed development is not likely to have a significant effect on the integrity of the designated sites in view of their conservation objectives nor does reasonable scientific doubt remain in this respect. Accordingly, the proposal is consistent with associated legal and policy requirements.

Environmental impact

99. The totality of the submitted EI assessed the proposal's impact on the considerations, as appropriate, set out in paragraph 6.321 of the SPPS. The remaining environmental concerns being pursued have all been considered and, for all of the foregoing reasons, there is no persuasive evidence that the proposal would cause demonstrable harm to human health or result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures. As there is no persuasive evidence that the proposed development would give rise to significant risk of damage to the environment, the precautionary principle, referred to at paragraph 6.322 of the SPPS, does not engage. Therefore, the proposal is consistent with: the 5th bullet point of Policy WM2 of PPS 11 and that policy in the round; and the 1st and 2nd bullet points of Policy WM1 of PPS 11 and also that policy as a whole. As the proposal is compatible with the 2nd bullet point of Policy WM1, it is also consistent with criterion (a) of Policy PED 9 of PPS 4.
100. Irrespective of the disputed weight that should be given to a proposed development not yet subject of a planning application and to PPS 4 in light of its Preamble, the SPG to its Policy PED 8 is concerned with "*sensitive industrial enterprises*". Whilst

the leisure-led, mixed-use development earmarked for the North Foreshore includes a research and development hub, there is no evidence that this would include “*sensitive industrial enterprises*”. As required by paragraph 6.317 of the SPPS, particular attention has been given to the proposal’s potential impact on neighbouring areas and the need to separate incompatible land uses. Having concluded on a range of potential environmental impacts that the proposed development would give rise to, none are considered inconsistent with law or regional policy. On that basis Policy PED 8 does not weigh against the proposal. Accordingly, whatever the weight given to the provisions of PPS 4, the proposal is consistent with them.

Perception of Harm

101. Evidence was submitted on the likely economic, environmental and social benefits that would be associated with this proposal and also the planned leisure-led mixed-use development of the North Foreshore area that is subject of a Proposal of Application Notice (PAN) and Pre-Application Discussion (PAD). The proposal relates to indoor and outdoor leisure and recreation use, hotels, food and beverage units, petrol filling station and research and development hub. It is not for me to make a binary choice between the two or undertake a cost-benefit analysis of their relative economic worth; rather to consider the current proposal on its own merits.
102. Perception of harm arising from the proposed development is a material consideration. However, in deciding the weight to attach to it, the decision-maker is entitled to have regard to the extent which perceived risks have objective justification.
103. The proposal would not give rise to significant environmental effects in respect of the parties’ concerns about: noise and vibration; odour and air quality; the identified issues about traffic, birds and vermin; compatibility with existing and approved land uses in the vicinity and it would be consistent with associated regional policy in those respects. Given the outcome of the HRA, there is no persuasive evidence that the proposed development would be incompatible with plans to establish “*an exemplar RSPB nature reserve*” on the northern 200 acres of North Foreshore Giant’s Park. Reference was made to RSPB’s Window on Wildlife at Airport Road West as a comparator. That it is in the vicinity of GBBCA bolsters that conclusion. In that evidential context, the degree of concern that is objectively justified is limited both in respect of actual or perceived impacts.
104. On the issue of proposed development’s compatibility with nearby economic development enterprises, paragraph 6.90 of the SPPS refers to operational/ established or approved economic development use/enterprises. Irrespective of the weight that should attach to a pre-application proposal, subject of a PAN and PAD, having objectively assessed the totality of the evidence before me, I am not persuaded that the proposal would: significantly prejudice development of the North Foreshore Giant’s Park for leisure-led, mixed-use development; or be detrimental to the attractiveness of BHFS to end users and/or investors.
105. Having found the proposal to be consistent with Policy WM1 of PPS 11 and Policies PED 8 and PED 9 (a) of PPS 4, I am not persuaded by BCC’s stance that although

not having advance technical based or scientific evidence of incompatibility between the appeal proposal, BHFS and the pre-application proposal, that determining weight should be given to its concern “*around the environmentally sensitive nature of those uses in a commercial context*”. In all, BCC’s first reason for refusal is not sustained.

Further planning conditions

106. The magnitude of the proposed development’s likely impact on hydrology and drainage was considered in Chapter 8 of the ES and in the Outline CEMP. Paragraphs 8.74 – 8.91 of the latter sets out associated mitigation measures to be employed during the proposed development’s construction and operational phases. Associated planning conditions are necessary to ensure implementation of those measures.
107. In light of the site’s previous use for landfill, EI on land contamination was submitted as Chapter 9 of the ES and Chapter 2 of the 1st addendum, which included a Remediation Strategy and Landfill Gas Extraction System Report as Appendices 2.1 and 2.2 respectively. On the basis of that FEI, in its advice of 7 May 2021, BCC’s EHD was satisfied that outstanding matters could be dealt with by way of suggested conditions on any forthcoming planning permission. Having considered the totality of the EI and this expert opinion, I am satisfied that the imposition of associated conditions would be necessary in order to mitigate significant environmental impact in respect of land contamination.
108. Transportation impacts of the proposed development were considered in Chapter 10 of the ES and Chapter 7 its 2nd addendum. To ensure that the forecast impacts are not significant, conditions are needed to ensure that: access to the site is constructed as approved; parking, turning and manoeuvring areas within it are provided and kept free for those purposes; and implementation of the agreed Travel Plan.

Conclusion

109. BCC has not sustained either of its reasons for refusal. Having considered there to be no likely significant environmental impacts and concluded that the weight given to the perception of harm to proposals for further development of the North Foreshore Giant’s Park is not determining, concerns about blight of the area’s regeneration do not weigh against this proposal. Remaining TP concerns have been assessed and do not attract determining weight. Accordingly, the appeal is allowed subject to the conditions set out below.

Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
2. The Anaerobic Digester shall not exceed a maximum of 99,999 tonnes of permitted waste per annum in accordance with written records that must be made available to the Local Planning Authority upon request.

3. The feedstock accepted at the facility shall be limited to MSW organic fines (European Waste Catalogue code 19 12 12) and the Codes set out in the Environmental Statement at Appendix 3.1.
4. No digestate from the facility shall be spread within the site. It shall only be disposed of in the manner set out in the Environmental Statement at Chapter 3.
5. There must be no external storage of waste at any time.
6. No works (including site preparation, clearance or construction works) shall commence on site until a Final Service Management Plan has been submitted to and approved in writing by the Local Planning Authority. As a minimum, this Plan must conform to the measures set out in Appendix 4.2 of the 1st addendum to the Environmental Statement dated December 2019. It must include details of the methods to be employed in order to avoid waste spillage noise in external areas and ensure opening of waste loads in internal areas behind closed doors. Site operations and management must be carried out in accordance with the Final Service Management Plan.
7. No works (including site preparation, clearance or construction works) shall commence on site until a Final Construction Noise and Vibration Management Plan has been submitted to and approved in writing by the Local Planning Authority. As a minimum, this Plan must conform to the measures set out in the Environmental Statement submitted to the Local Planning Authority in June 2019 and those set out in Chapter 4 of the 2nd addendum dated October 2020. It must outline the methods to be employed to minimise any noise and vibration impacts associated with site preparation and construction works, demonstrating the use of 'best practicable means'. The Plan must have regard to BS 5228:2009+A1:2014 Parts 1 and 2 Code of practice for noise and vibration control on construction and open sites (or successor publications) and demonstrate that site preparatory and construction works will achieve the BS5228 'ABC method' (or successor publication) Category A noise threshold value for daytime and Saturdays at relevant sensitive receptors. All site preparation and construction works must be carried out in accordance with the approved Final Construction Noise and Vibration Management Plan.
8. No works (including site preparation, clearance or construction works) shall commence on site until a Final Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. As a minimum this Plan must conform to the measures set out in the Outline Construction Environmental Management Plan (authored by RPS Group, dated June 2019). All site preparation and construction works thereafter must be carried out in accordance with the approved Construction Environmental Management Plan
9. Notwithstanding details submitted to date, no works (including site preparation, clearance or construction works) shall commence on site until a Final Dust Management Plan has been submitted to approved in writing by the Local Planning Authority. As a minimum this Plan must conform to the measures set out in the Outline Construction Environmental Management Plan (authored by RPS Group, dated June 2019). It must outline the methods to be employed to minimise any dust impacts associated with site preparation and construction works, demonstrating the

use of 'best practicable means'. The Plan must have regard to the Institute of Air Quality Management Guidance on the Assessment of dust from demolition and construction 2014. All site preparation and construction works thereafter must be carried out in accordance with the approved Final Dust Management Plan.

10. Prior to the commencement of any works hereby approved, an Arboricultural Impact Assessment in accordance with BS: 5837:2012 (or successor publication) shall be submitted to and agreed in writing by the Local Planning Authority. This will identify, evaluate and mitigate, where appropriate, the extent of any direct and indirect impacts on existing trees that may arise as a result of any site layout proposal. The development shall be carried out in accordance with the approved details.
11. Prior to any work commencing (including site preparation, clearance or construction works), protective barriers (fencing) and ground protection shall be erected/installed, as specified in BS 5837: 2012 (Section 6.2) or successor publication, to all trees to be retained within the site and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from the site. Within the fenced area, no activities associated with building operations shall take place, no storage of materials and the ground levels within those areas shall not be altered.
12. All trees within the site shall be retained unless shown on the approved drawings as being removed. Any existing or proposed trees or planting indicated on the approved plans which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged, diseased or are dying, shall be replaced during the next planting season with other trees or planting of a location, species and size to be first approved in writing by the Local Planning Authority.
13. No retained tree shall be cut down, uprooted or destroyed or have its roots damaged within the crown spread, nor shall arboricultural work or tree surgery take place or any retained tree be topped or lipped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any approved arboricultural work or tree surgery shall be carried out in accordance with BS 3998, 2010 or successor publication.
14. If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted in the same location and shall be of such a size, species and planted at such time as agreed with writing with the Local Planning Authority.
15. All soft landscaping works shall be carried out in accordance with the details on Dwg.no: 6448-L-001 A Proposed Landscape Works. The works shall be carried out prior to the commissioning of the development hereby approved or before the end of the first planting season thereafter, whichever is sooner, and shall be permanently retained thereafter. Any trees or plants shown on the approved scheme which, within a period of 5 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 similar species and size, details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

16. The development hereby permitted shall be constructed and finished in accordance with the approved details including the annotated finished colours for buildings and tanks.
17. No development (including site preparation, clearance or construction works) shall commence on site until details of the method of sewage disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
18. No development (including site preparation, clearance or construction works) shall commence on site until details of the method of foul and surface water drainage, including calculations for surface water drainage of the site and a programme for implementation of those works, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
19. No works (including site preparation, clearance or construction works) shall commence on site until a Detailed Remediation Strategy is submitted to and approved in writing by the Local Planning Authority. The Detailed Remediation Strategy must be based on the capping, landfill gas extraction infrastructure and building protection measures and proposals contained within the:
 - RPS Remedial Strategy Report at Appendix 2.1 of the 1st addendum to the Environmental Statement dated December 2019;
 - RPS Report at Appendix 2.2 of the 1st addendum to the Environmental Statement dated December 2019 entitled “*Dargan Road Biogas Limited - Gas Extraction System*”; and
 - Letter from RPS to Belfast City Council, referenced IBR1061, dated 24 February 2020 whose subject was “*Dargan Road Biogas Limited Centralised Anaerobic Digestion (CAD) Plant - Planning Application Ref: LA04/2019/1540/F*”.

The Detailed Remediation Strategy must demonstrate how the identified pollutant linkages are to be demonstrably broken and that they no longer pose a potential risk to human health. In particular, it must provide final detail on:

- The capping systems to be installed;
- The gas protection measures to be installed in all buildings requiring gas protection, which must be compliant with BS 8485:2015+A1:2019 and Belfast City Council’s North Foreshore Developer’s Guidance Note;
- The hydrocarbon vapour protection membrane to be installed in all buildings requiring protection:
- The gas abstraction system to be installed on the development site;
- How the proposed remedial works are to be verified.

The development shall be carried out in accordance with the approved Detailed Remediation Strategy.

20. In order to demonstrate that the agreed remedial measures have been incorporated into the development, prior to its operation, a Verification Report shall be submitted

to and agreed in writing by the Local Planning Authority. The Verification Report must be in accordance with relevant Environmental Agency guidance, British Standards, Construction Industry Research and Information Association and Land Contamination: Risk Management (LCRM) guidance or successor publications. It must demonstrate that the mitigation measures outlined in the agreed Detailed Remediation Strategy have been implemented and have broken the relevant pollutant linkages and that the site no longer poses a potential risk to human health.

21. If during the development works, new contamination risks are encountered on the site that have not previously been identified, works must cease and the Local Planning Authority shall be immediately notified in writing. The new contamination shall be fully investigated in accordance with best practice and Land Contamination: Risk Management (LCRM) guidance or successor publication. In the event of unacceptable risks being identified, a further remediation strategy shall be submitted to and approved in writing by the Local Planning Authority. That further remediation strategy must be implemented and the CAD facility shall not be commissioned until a further Verification Report shall be submitted to and agreed in writing by the Local Planning Authority.
22. The development hereby permitted shall not become operational until the vehicular accesses have been constructed in accordance with Drawing no. 3239 – PL03 Proposed Site Layout Plan.
23. The development hereby permitted shall not become operational until hard surfaced areas have been constructed in accordance with Drawing no. 3239 – PL03 Proposed Site Layout Plan. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.
24. The development hereby permitted shall not become operational until a minimum of 8 no. secure cycle parking spaces have been provided within the site. They shall be permanently retained as such.
25. The development hereby permitted shall not operate unless in accordance with the Travel Plan included as Appendix 4.1 of the 1st addendum to the Environmental Statement dated December 2019. The Site Operator shall provide those employed at the site will access to the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed in writing with DfI Roads.

This decision relates to:

3239 – PL01	Site Location Plan;
3239 – PL03	Proposed Site Layout Plan;
3239 – PL04	Proposed Site Drainage Plan;
3239 – PL05	Proposed Autotrack Plan;
3239 – PL06	Existing and proposed site sections;
3239 – PL07	Proposed Main Building, Pipe Bridges & Fire Water Tank floor plans, Carbon Filter and elevation;
3239 – PL08	Proposed Main Building Southern, Eastern & Western Elevations & Chemical Storage Tanks plan and elevations & Fire water tank elevations;

3239 – PL09	Proposed Buildings Northern elevation & Hot/cold recovery system and Fire pumphouse plans and elevations;
3239 – PL10	Biogas conditioning system Plant and tanks and Biogas flare Floor plans and elevations;
3239 – PL11	Proposed bund wall Floor plans and elevations;
3239 – PL12 Rev A	Proposed Digester Tanks, Buffer Tanks & Pump Rooms Floor plans and elevations;
3239 – PL13	Proposed Biogas Holder, Temperature Control System and AD Chemical Dosing Tank Floor plans and elevations;
3239 – PL14	Wastewater Treatment Plant, Tanks and Product Storage & MCC Building Floor plans and elevations;
3239 – PL15	Existing CHP's (<i>sic</i>) 1, 2 & 3, WEHB, Oil Store Switchgear Container and NIE Kiosk Floor plans and elevations;
3239 – PL16	Proposed gates, fence, Weighbridge, Weighbridge Kiosk & Smouldering Loads Bay Floor plans and elevations; and
Dwg.no: 6448-L-001 A	Proposed Landscape Works

COMMISSIONER JULIE DE-COURCEY

Note: The validity of this decision may be challenged by applying to the High Court for a judicial review. This must be done within three months of the date of the decision.

Attendance at Hearing

* Denotes participation by remote means

Belfast City Council:	Ms D Kiley BL, instructed by Ms N Largey, Belfast City Council Mr E Baker, Belfast City Council, Planning Mr R Nolan, Belfast City Council, Planning Ms N Largey, BCC Legal Services (observing only)
Third Party:	Mr K Carlin, Carlin Planning * Mr K Mc Kay, Giant's Park Belfast Ltd * Mr G Kennedy, Giant's Park Belfast Ltd * Mr G Hadley, Giant's Park Belfast Ltd *
Appellant:	Mr S Beattie KC instructed by Clyde Shanks Ms C Mc Parland, Clyde Shanks Mr S Carr, Irwin Carr Mr A Bunbury, Park Hood Mr R Dougan, Vision Design Mr T Bell, Clyde Shanks (observing only) Mr S Hegarty, Dargan Road Biogas (observing only) Mr R Agus, MRA Partnership Mr P Hull, Flood Risk Consulting * Mr J Mc Grath, RPS * Ms D Mayes, Barton Wilmore * Mr T Dearing, Savills * Dr J O'Neill, James O'Neill Associates * Mr T Bell, Clyde Shanks (observing only) Mr S Hegarty, Dargan Road Biogas (observing only)

List Of Documents

Belfast City Council:	'LPA1' 'LPA2' 'LPA3'	Statement of Case (SoC) Response to Appellant's SoC Response to Objector's SoC
Third Party:	'TP1'	SoC by Giants Park Belfast Limited
Appellants:	'APP1' 'APP2'	SoC by Clyde Shanks Ltd Composite response to BCC's and TP's SoCs

Appeal Reference:	2021/A0131
Appeal against:	The refusal of full planning permission for a copy from appeal decision] for [centralised anaerobic digestion (CAD) plant to include a bunded tank farm, (6 no. digester tanks, 2 no. buffer tanks, 1 no. storage tank and associated pump rooms), biogas holder, biogas conditioning system, temperature control system, waste water treatment plant (WWTP), motor circuit control room building, hot/cold water recovery system, feedstock reception and digestate treatment building, product storage building, odour control system and associated tanks, emergency gas flare, back-up boiler, administration/office building, car parking, 3 no. weighbridges, fire water tank and pumphouse, pipelines to existing combined heat and power (CHP) plant engines, switchgear, earth bunding, 3 no. accesses to existing Giant's Park service road infrastructure and ancillary plant/site works
Location:	Lands to the north-west of existing Belfast City Council Waste Transfer Station at 2a Dargan Road, Belfast
Claim by:	Dargan Road Biogas Ltd
Claim against:	Belfast City Council for a full award of costs
Decision by:	Commissioner Julie de-Courcey, dated 6 th March 2023

Decision

1. A full award of costs is made.

Reasons

2. In accordance with the Commission's publication "*Costs Award Guidance*" costs will normally only be awarded where all four of the following conditions are met:
 - The claim relates to a relevant type of appeal;
 - The claim is timely;
 - The party against whom the award is sought has acted unreasonably; and
 - The unreasonable behaviour has caused the party claiming costs to incur unnecessary or wasted expense.

Eligibility

3. The planning application to which the appeal relates was determined under the Planning Act (Northern Ireland) 2011 [the Act]. An appeal was made in accordance with Section 58 thereof against the refusal of full planning permission. Therefore, the Commission has the power to make an order as to the costs of parties in accordance with Section 205 of the Act.

Timeliness

4. Paragraph 20 of the Commission's aforementioned publication states that where a hearing takes place, any costs claim should be made as soon as reasonably practicable after the behaviour that triggered that claim. If, for example, it is being argued that another party was responsible for causing an unnecessary appeal, the costs claim should accompany the claiming party's statement of case. As the claim for costs was submitted with the appellant's statement of case, it was made in a timely manner.

Unreasonable Behaviour

5. The claimant drew attention to paragraph 14 of the Commission's "*Costs Award Guidance*" that sets out examples of behaviours that may be found to be unreasonable and is relying on the first namely causing an unnecessary appeal as it considers the respondent "*unable to produce any credible evidence to substantiate its reasons for refusing planning permission*".
6. The claimant's point about additional speaking rights not being afforded to them at Belfast City Council's (BCC) Planning Committee's (PC) meeting of 24 August 2021 is a matter that needs to be raised directly with it if considered contrary to procedure or if the corporate protocol in that respect is deemed to be unfair. That issue aside, my reading of the costs claim is not disputing the PC's authority to depart from its Planning Officers' recommendations, the challenge is to the rationale and robustness of its reasons for doing so.
7. The claimant referred to the planning application being presented to the PC on four occasions and subject of one Pre-Determination Hearing. The length of time taken to issue a decision on the application subject of this appeal is not part of their case alleging unreasonable behaviour. Part of a quotation from the PC Minutes that the claimant included in support of that position included mention of the length of time the application has been in the planning system; that must be read in the round. My understanding of the purpose of the chronology, that comprises almost half of their costs claim, is that it is provided to illustrate and supplement their contention that the PC caused an unnecessary appeal as set out in paragraph 5 above.
8. The respondent commented on the respective roles of the Planning Officers and PC and the latter's entitlement to make a decision contrary to the recommendation of its officers. That is not part of the claimant's allegation of unreasonable behaviour; their evidence focuses on what they see as the PC's lack of any credible evidence to substantiate its reasons for refusing planning permission.

9. The first reason for refusal of the application subject of the appeal giving rise to this claim for costs cited non-compliance with, amongst other things, Policies PED 8 Development Incompatible with Economic Development Uses and PED 9 (a) General Criteria for Economic Development of Planning Policy Statement 4: *"Planning and Economic Development"* (PPS 4). Its Preamble says that it does not provide policy for waste disposal or waste management facilities, which are dealt with in other PPSs. However, it adds that the policy approach and associated guidance contained within PPS 4 may (*my emphasis*) be useful in assessing proposals for other *sui generis* employment uses. Uncertainty in interpreting and applying this discretionary provision could have been prevented had direction been given as to when it might be considered of utility; none was provided. Albeit that those policies largely replicate associated provisions of Policy WM1 - Environmental Impact of a Waste Management Facility of Planning Policy Statement 11: *"Planning and Waste Management"* (PPS 11), the respondent's reference to PPS 4 was not, of itself, unreasonable or misplaced.
10. None of the policy relied on it he first reason for refusal relate to planned or proposed development in the way that criterion (ii) of Policy RE 1 Renewable Energy Development of Planning Policy Statement 18: *"Renewable Energy"* provides for those subject of valid but undetermined applications let alone those at earlier stages in the process namely a Proposal of Application Notice (PAN) and Pre-Application Discussion (PAD). Notwithstanding that, the respondent did not act unreasonably in considering the proposal's impact on the proposed development by Giant's Park Belfast Limited (GBPL) as a material consideration for the purposes of application of Sections 6 (4) and 45 (1) of the Planning Act (Northern Ireland) 2011. Whether the weight attached to that consideration was commensurate with the evidence is an issue considered in the appeal decision.
11. Annex 1 – Additional Note from Environmental Health BCC was appended to the final report presented to the PC on 24 August 2021. This informed its Planning Officers' advice that *"there are no technical reasons why the proposed CAD facility would be incompatible with either the film studios or GBPL proposals"*. The respondent had no issue with the totality of the accompanying environmental information that showed, amongst other things, that the proposal would not be likely to give rise to significant effects in respect of: noise and vibration; air quality and dust; visual impact and landscape character; traffic; and birds or vermin subject to mitigation measures being secured by the imposition of conditions on any forthcoming planning permission.
12. There being no technical or scientific-based reasons underpinning the refusal reason, it was difficult to discern the substance of the respondent's case for how the proposed development would be incompatible with the character of the surrounding area and adjacent uses, including the GBPL proposal, and prejudice their future operation. Much of the evidence in this respect seemingly related to its perceived benefits/disadvantages when compared to the GBPL proposal whereas the claimant was entitled to have their application considered on its own merits irrespective of GPBL being BCC's preferred development partner. In its statement of case the respondent expanded on why its PC perceived there to be incompatibility and in its rebuttal of the claimant's statement of case in respect of the planning appeal said that it's argument was *"more nuanced around the environmentally sensitive nature of those uses in a commercial context"*. The respondent specifically

refers to the BCC statement of case in asserting that its first reason for refusal is reasonable. Albeit that its evidence has not been considered persuasive in allowing the appeal, it reads as a *post facto* justification for the PC's decision in the absence of scientific or technical evidence to support its approach.

13. The second reason for refusal of the planning application subject of the appeal to which this costs claim relates refers to the proposal's alleged incompatibility with Policy BHA 05 of the draft Belfast Metropolitan Area Plan (2015); the plan actually provides for Zoning BHA 05 Mixed Use Site North Foreshore. For the sake of consistency with the decision on the planning appeal, this 2014 version of the draft plan shall be referred to as BMAP.
14. BCC acknowledged that the statutory development plans for the area are the Belfast Urban Area Plan 2001 (BUAP) and the Belfast Harbour Local Plan 1990-2005 (BHLP). However, it considered that greater weight should be given to BMAP because of the advanced stage that it had reached in the development plan process. Of itself, that was not unreasonable but a matter of judgement.
15. When its Planning Officers' report was placed in front of the PC for the final time (24 August 2021), Members were reminded that:
 - There was a precedent of permitting uses on the overall site subject of the North Foreshore Giant's Park Comprehensive Masterplan (CMP) that did not accord with its provisions i.e. Belfast Harbour Film Studios (BHFS) had been built and planning permission granted for its phase 2 extension;
 - The CMP is conceptual and it is unclear from the document how definitive the spatial configuration of uses across the zoning is. In any event, greater weight should be afforded to the Zoning BHA 05 itself as the CMP is a subordinate policy document. Moreover it was published in 2009, does not reflect the planning permission granted for BHFS phase 1 and is arguably outdated;
 - When planning permission was granted for BHFS phase 1, the PC accepted the Case Officer report that advised that the proposal "*conformed in principle*" with Zoning BHA 05 in recognition of the broad zoning of the land for employment uses;
 - The PC did not grant permission on the basis that there was no longer a requirement for waste management facilities. There was no evidence that the granting of planning permission for BHFS meant that waste management facilities were no longer required on the wider lands comprised within Zoning BHA 05; and
 - BCC's decision to grant planning permission for BHFS on land assigned for Arc 21 waste management facilities in the CMP established the principle of it taking a flexible approach to uses prescribed by Zoning BHA 05.
16. As instructed at paragraph 1.1 of that final report to the PC, it has been read in conjunction with the cited items. However, it is reasonable to expect that the report would provide a clear, composite picture as to how all material considerations were weighed in informing the PC's decision on the proposal. However, there was no

indication of the weight that was given to the listed considerations in the preceding paragraph in distinguishing the approach taken in this case to that taken in determining the BHFS proposals in the context of the provisions of the CMP and BMAP Zoning BHA 05. The planning application for phase 2 of BHFS and that subject of the appeal to which this costs claim relates were under consideration at the same time. However, a more liberal interpretation of BMAP policy seems to have been applied the BHFS proposal. There was no indication of the weight given to the aforementioned considerations in this instance or on what basis the proposals were apparently distinguishable with regard to the application of BMAP policy.

17. The report said that planning permission was granted for BHFS contrary to the CMP due not only to recognition of the broad zoning of the overall lands for employment uses but also the contribution that the film studios would make to the local economy. No evidence was given as to the comparative value of the BHFS development to the proposal being determined. It was not apparent that evidence of this proposal's wider environmental, economic and social benefits (WEESB) were objectively assessed on their own merits in the final balancing exercise. Whilst the weight given to economic considerations may have tipped the balance in favour of BHFS, the applicant was nevertheless entitled to know what weight, if any, was given to: the divergent application of policy associated with BMAP Zoning BHA 05 in all three applications; and the WEESB associated with their proposal.
18. The respondent refers to relevant material considerations as including the Regional Development Strategy 2035, Strategic Planning Policy Statement for Northern Ireland (SPPS) Planning for Sustainable Development and various (unspecified) Planning Policy Statements. However, from the final report to the PC or the Minutes of that meeting, there is no indication what weight was given to them.
19. When the claimant's chronology of the PC's consideration of their proposal is considered in conjunction with the foregoing, is persuasive that the respondent did not: undertake reasonable, objective assessment of the grounds on which it considered the policies in its first reason for refusal to be engaged; and did not demonstrate that a balancing exercise had been undertaken to show how the evidence before it had been weighted and assessed. The respondent behaved unreasonably in terms of the process followed by the PC and the failure to provide persuasive evidence to support the stated refusal reasons before and at the time of reaching its decision.
20. The PC had several opportunities to assess and review the proposal with input from their professional and legal advisers. Where the PC departed from their advice, it should have observed its own "*Operating Protocol Belfast City Council Planning Committee*" whereby it is required to:
 - a. Fully explain the rationale for the decision, based on proper planning considerations;
 - b. Make a decision in accordance with the LDP and any other associated planning policy; and
 - c. Give clearly identified planning reasons for departing from the LDP and demonstrating how they justify that departure.

Minutes show that its decision was taken against advice from Planning Officers that moving to refuse was based on “*no technical objections*”, “*no technical reasons*” and was “*unreasonable*”. Whilst disparity and disagreement are inherent and reasonable characteristics of the planning process, in this instance, the respondent has been unable to produce credible evidence to substantiate its reasons for refusing permission. On this basis of this unreasonable behaviour it caused an unnecessary appeal and a full award of costs should be made to the claimant.

Unnecessary or Wasted expenses

21. In claiming for an award of costs, the claimant said the expenses incurred included:

- a. The appeal fee;
- b. Senior Counsel/Legal fees to provide advice, attend meetings, prepare written submission and attend and give evidence at the hearing;
- c. Planning consultant fees to provide advice, attend meetings, submit the appeal, prepare written submissions and attending and giving evidence at the hearing; and
- d. Environmental Statement consultant team to provide advice, attend meetings, prepare written submission and attending and giving evidence at the hearing.

Order

It is hereby ordered that Belfast City Council shall pay to Dargan Road Biogas Ltd the full costs of the appeal proceedings incurred in:

- a. The appeal fee;
- b. Senior Counsel/Legal fees to provide advice, attend meetings, prepare written submission and attend and give evidence at the hearing;
- c. Planning consultant fees to provide advice, attend meetings, submit the appeal, prepare written submissions and attending and giving evidence at the hearing; and
- d. Environmental Statement consultant team to provide advice, attend meetings, prepare written submission and attending and giving evidence at the hearing.

On receipt of this order Dargan Road Biogas Ltd may submit details of those costs to Belfast City Council with a view to reaching agreement on the amount. If the parties are unable to agree, the claimant may refer the matter to the Taxing Master of the High Court for a detailed assessment.

COMMISSIONER JULIE DE-COURCEY

Documents

Claimant: Costs claim dated 1st July 2022 by Clyde Shanks

Respondent: Response from Belfast City Council dated 8th August 2022

This page is intentionally left blank



Subject:	Delegation of Local applications with NI Water objections
Date:	18 April 2023
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
Contact Officer(s):	Ed Baker, Planning Manager (Development Management) Ciara Reville, Principal Planning Officer

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

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

1.0	Purpose of Report or Summary of Main Issues
1.1	The Planning Committee will recall that at its meetings on 27 June 2022, 14 November 2022 14 February 2023 and 14 March 2023, it agreed to delegate authority to the Director of Planning and Building Control the determination of a number of Local applications to which NI Water had objected.
1.2	The Council continues to receive objections from NIW to some Local applications. The purpose of this report is to seek the Committee's agreement to delegate to officers those Local planning applications to which NI Water has objected as set out at Appendix 1 .
1.3	For the avoidance of doubt, it is only those applications which would have been delegated to officers under the Scheme of Delegation were it not for the objection from NI Water which are proposed to be delegated. Therefore, any of the Local applications listed at Appendix 1 which it may later transpire require to be referred to the Committee for other reason/s (other than the NI Water objection) will be reported to the Committee to determine. Individual

	Members can also still request that the applications at Appendix 1 are referred to the Committee under paragraph 3.8.1 of the Scheme of Delegation.
2.0	Recommendation
2.1	That the Committee agrees to delegate to the Director of Planning and Building Control those Local planning applications to which NI Water has objected set out at Appendix 1 .
3.0	Main Report
	<u>Background</u>
3.1	The Committee will be aware from the Committee Workshop on 18 November 2021 that NI Water has objected to a significant number of Local applications on grounds of insufficient waste-water infrastructure capacity.
3.2	As advised at the Committee Workshop, officers have been engaging with NI Water to try to resolve those objections. Whilst progress is being made, and NI Water is actively considering a threshold for the scale and nature of development above which they would like to be consulted on future planning application, the objections to these Local applications remain.
	<u>Scheme of Delegation</u>
3.3	Members will be aware that the Council operates a Scheme of Delegation for Planning which identifies which matters are to be determined by the Committee and which are delegated to officers.
3.4	Paragraph 3.8.5 (f) of the Scheme of Delegation (January 2020) states that planning applications are not delegated where <i>'There is an objection from a statutory consultee and the recommendation of the Planning Officer is to approve.'</i> This means that those applications are required to be determined by the Planning Committee.
3.5	The Planning (General Permitted Development) Order (Northern Ireland) 2016 identifies NI Water as a statutory consultee <i>'...where a development proposal is likely to significantly impact upon the availability of suitable water and sewerage infrastructure to service development proposals.'</i>
3.6	This means that where NI Water has lodged an objection to a Local application and the officer recommendation is to approve, the application cannot be delegated and must be determined by the Committee.
3.7	Therefore, at its meeting on 27 June 2022, 14 November 2022, 14 February 2023 and 14 March 2023, the Committee agreed to delegate 97, 25 and 18 Local applications respectively with NI Water objections to the Director of Planning and Building Control. This has avoided the potential need to report all 150 applications individually to the Committee. To have reported all those applications to the Committee would have been logistically extremely difficult, costly and would have resulted in further delays for applicants.
	<u>Nature of NI Water objections</u>
3.8	NI Water has lodged objections to Local applications for one or both of the following reasons. <ul style="list-style-type: none"> a) There is insufficient capacity at the local Waste Water Treatment Plant to support the proposed development; and/or b) There is insufficient network capacity within existing Combined Storm Overflows to support the development.

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

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

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

	DEA	REFERENCE	DATE RECEIVED	PROPOSED	ADDRESS
1	Botanic	LA04/2022/0679/F	07/12/2023	Change of use from retail unit to restaurant	3 BEDFORD SQUARE TOWN PARKS BELFAST ANTRIM BT2 7ES
2	Botanic	LA04/2022/2110/F	16/11/2023	3 Storey building. Ground floor retail, 1st floor 1 bedroom apartment and 2nd floor 2 bedroom apartment.	96 Donegall Pass, Belfast. BT7 1BX
3	Botanic	LA04/2023/2603/F	29/01/2023	Change of Use of Offices to 7 No. 1 Bedroom short-term private-rental apartments and alterations to rear return.	15 MALONE ROAD MALONE LOWER BELFAST ANTRIM BT9 6RT
4	Botanic	LA04/2023/2694/F	14/02/2023	Change of use from offices to 6no. short-term stay apartments including 3 storey rear extension and internal alterations.	139 UNIVERSITY STREET MALONE LOWER BELFAST ANTRIM BT7 1HP
5	Botanic	LA04/2023/2754/F	24/02/2023	Change of Use of 1st, 2nd 3rd and 4th floors of vacant office accommodation to 12 No. 1 bedroom short term serviced apartments with ancillary building works.	1-5 ROYAL AVENUE TOWN PARKS BELFAST ANTRIM BT1 1FB
6	Castle	LA04/2022/0988/F	29/03/2022	Change of use to café including awning, screening and seating to front and installation of extract duckwork	634-636 Antrim Road Belfast BT15 5GP
7	Botanic	LA04/2022/2268/F	9/12/2022	Conversion of Masonic Hall to provide 11 apartments including the demolition of rear return and erection of two-storey extension	13 Park Road, Belfast BT7 2FW
8	Titanic	LA04/2022/2319/F	16/12/2022	Demolition of existing property and redevelopment of site with 4 storey apt block comprising 8No 2 Bed Apartments	118-122 CASTLEREAGH ROAD BT5 5FS
9	Ormiston	LA04/2023/2709/F	03/02/2023	Demolition of existing buildings and erection of social housing development comprising 30 no. apartments across 3 buildings with amenity space, landscaping, car parking and associated site works	Lands at Apartment Blocks 1-3 Clonaver Drive Belfast BT4 2FB

This page is intentionally left blank



Subject:	Inflationary uplift of Planning and Regional Property Certificate Fees
Date:	18 April 2023
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
Contact Officer(s):	Ed Baker, Planning Manager (Development Management)

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

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

1.0	Purpose of Report or Summary of Main Issues
1.1	To advise the Committee that the Department for Infrastructure has introduced an inflationary uplift of planning fees as of 06 April 2023. SOLACE has also agreed to an increase in fees for Regional Property Certificates.
2.0	Recommendation
2.1	That the Committee notes the report.
3.0	Main Report
	<u>Background</u>
3.1	The Planning Fees (Amendment) Regulations (NI) stipulate the fees required for submission of a planning application. These are set centrally by the Department for Infrastructure (DfI). DfI last implemented an inflationary uplift to planning fees in 2019.
3.2	The NI Audit Office and Public Accounts Committee reviews of the NI planning system in 2022 both make recommendations to improve the financial sustainability of the system.

3.3	The NI Audit Office recommendation is: ' <i>...that the Department and councils work in partnership to ensure that the planning system is financially sustainable in the longer term.</i> '
3.4	Similarly, Recommendation 11 of the Public Accounts Committee report recommends that: ' <i>The planning system must be financially sustainable and this requires an appropriate, long-term funding model. The Committee recommends that all those involved in delivering planning work together to achieve this. In the short term the Department should take the lead on bringing forward legislation on planning fees as a matter of urgency.</i> '
3.5	Officers are very clear that the new inflationary uplift of planning fees does not address either of these recommendations, including the requirement to address the long-term financial sustainability of the NI planning system. A much more thorough review is required with collaboration between DfI, councils, customers and industry. In the shorter term, and as a minimum, there should be consideration of the introduction of fees for current non-chargeable applications such as Proposal of Application Notices (PANs), Discharge of Conditions, Non-Material Changes etc.
3.6	DfI's current work programme for reform of the NI planning system does not address either of the NI Audit Office or Public Accounts Committee recommendations in respect of financial sustainability of the system. However, DfI has verbally recognised this and the Council continues to lobby the Department on this point. <u>Inflationary Uplift</u>
3.7	The Planning (Fees) (Amendment) Regulations (NI) 2023 came into effect on 06 April 2023 and applies a one-year inflationary uplift of 12.3% (based on RPI as at August 2022) across all existing fee categories. For example, this means that: <ul style="list-style-type: none"> • an extension, improvement or alteration of a dwellinghouse has increased from £291 to £327; • the erection of a single dwellinghouse has risen from £868 to £965; and • the erection of 50 dwellings has increased from £18,492 to £20,777.
3.8	A copy of the amended fee regulations is provided at Appendix 1 . <u>Increase to Regional Property Certificate Fees</u>
3.9	SOLACE has agreed to a 20% uplift in fees for Regional Property Certificates. A 15% uplift came into effect on 06 April 2023 and the 20% uplift will be implemented mid-May 2023.
4.0	Financial & Resource Implications
4.1	The increase in planning fees set by DfI is welcomed as the Council's planning income continues to significantly fall short of overall costs to provide the service (both Planning Policy and Development Management functions). In 2022/23, planning fee income was £496k down on projected income due to the impact of COVID-19 (for example, the Council continues to receive less applications for Grade A offices as more people work from home). The turbulent global economy has also impacted on investment and planning activity.
4.2	Notwithstanding, the inflationary uplift of planning fees does not address the financial sustainability of the NI planning system and further reform is required. This will require collaboration between DfI, councils, customers and industry.
5.0	Equality or Good Relations Implications / Rural Needs Assessment
5.1	No adverse impacts identified.

6.0	Appendices – Documents Attached
	Appendix 1 – Copy of the Planning (Fees) (Amendment) Regulations (NI) 2023

This page is intentionally left blank

2023 No. 37

PLANNING

The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2023

Made - - - -

15th March 2023

Coming into operation

6th April 2023

The Department for Infrastructure makes the following Regulations in exercise of the powers conferred by sections 223(1), (9) and 247(1) of the Planning Act (Northern Ireland) 2011^(a) and now vested in it^(b).

Citation and commencement

1. These Regulations may be cited as the Planning (Fees) (Amendment) Regulations (Northern Ireland) 2023 and shall come into operation on 6th April 2023.

Amendment of the Planning (Fees) Regulations (Northern Ireland) 2015

2.—(1) The Planning (Fees) Regulations (Northern Ireland) 2015^(c) shall be amended in accordance with paragraphs (2) to (7).

(2) In regulation 8(1) (amount of reduced fees and refunds) for “£65” substitute “£73”.

(3) In regulation 9(1) (fees for applications for express consent to display advertisements) for “£193” substitute “£217”.

(4) In regulation 11 (fee for an application for planning permission for EIA development) for “£10,844” substitute “12,177”.

(5) In regulation 12 (fees for applications for certificates of lawful use or development)—

(a) in paragraph (3)(b) for “£257” substitute “£289”; and

(b) in paragraph (4) for “£257” substitute “£289” and for “£12,850” substitute “£14,450”.

(6) In Schedule 1 (fees in respect of applications for planning permission or for approval of reserved matters)—

(a) in Part 1, in paragraph 4(2) and (3) for “£565” substitute “£634”; and

(b) for Part 2, substitute Part 2 as set out in the Schedule to these Regulations.

(7) In Schedule 2 (fees for hazardous substances consent)—

(a) for “£347” in each position where it occurs substitute “£390”;

(b) for “£435” substitute “£488”; and

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

(b) S.R. 2016 No. 76 – see Article 8 and Part 2 of Schedule 5 of the Departments (Transfer of Functions) Order (Northern Ireland) 2016

(c) S.R. 2015 No. 73 as amended by S.R. 2015 No. 398 and S.R. 2019 No. 112

(c) for “£694” substitute “£779”.

Sealed with the Official Seal of the Department for Infrastructure on 15th March 2023



Alistair Beggs

A senior officer of the Department for Infrastructure

SCHEDULE

Regulation 2(6)(b)

SUBSTITUTION OF PART 2 OF SCHEDULE 1 TO THE PLANNING (FEES) REGULATIONS (NORTHERN IRELAND) 2015

“PART 2

SCALES OF FEES

<i>Category of Development</i>	<i>Fee payable</i>
1. All buildings (other than a single dwellinghouse).	Outline Applications £289 for each 0.1 hectare of the site area subject to a maximum of £11,560.
2. Single dwellinghouse.	Outline Applications £486.
3. The erection of a dwellinghouse.	(a) Reserved matters where the application is for a single dwellinghouse, £486; (b) Full where the application is for a single dwellinghouse, £975; (c) Full and reserved matters For 2 or more dwellinghouses— (i) where the number of dwellinghouses to be created by the development is 50 or fewer, £1,145 for two dwellinghouses and £409 for each additional dwelling house; (ii) where the number of dwellinghouses to be created by the development exceeds 50, £20,777; and an additional £121 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £304,401.
4. The extension, improvement or alteration of an existing dwellinghouse, including the erection of a building or the carrying out of other operations within the curtilage of a dwellinghouse for purposes ancillary to the enjoyment of the dwellinghouse as such, or the erection or construction of gates, fences, walls or other means of enclosure along a boundary or a curtilage of an existing dwellinghouse.	£327 for each dwelling.
5. The erection of industrial, commercial, community and other buildings, other than dwellinghouses or buildings covered by category 4.	Full and Reserved Matters (a) where no floor space is to be created by the development, £208; (b) where the area of gross floor space to be created by the development does

	not exceed 40 sq.m., £208;
	(c) where the area of the gross floor space to be created by the development exceeds 40 sq.m., but does not exceed 75 sq.m., £409;
	(d) where the area of the gross floor space to be created by the development exceeds 75 sq.m., but does not exceed 3,750 sq.m., £409 for each 75 sq.m. of that area;
	(e) where the area of gross floor space to be created by the development exceeds 3,750 sq.m., £20,450; and an additional £121 for each 75 sq.m., in excess of 3,750 sq.m., subject to a maximum in total of £304,316.
6. The erection, alteration or replacement of plant and machinery including telecommunications/datacommunications equipment, a single wind turbine and wind farms.	(a) where the site area does not exceed 5 hectares, £409 for each 0.1 hectare of the site area;
	(b) where the site area exceeds 5 hectares, £20,450; and an additional £121 for each 0.1 hectare in excess of 5 hectares, subject to a maximum in total of £304,316.
7. The erection, on land used for the purposes of agriculture, of buildings to be used for agricultural purposes and for agricultural and commercial glasshouses.	£1,087 for each 500 sq.m. of floor space subject to a maximum of £14,403.
8. The winning and working of peat.	£2,162 for each 5 hectares of the site area subject to a maximum of £38,916.
9. (a) The winning and working of minerals (other than peat).	£418 per 0.1 hectare of the site area subject to a maximum of £46,816.
(b) The carrying out of any operations connected with exploratory drilling for oil or natural gas.	
(c) The use of land for the disposal of refuse or waste materials or for the deposit of material remaining after minerals have been extracted from land or the use of land for the storage of minerals in the open.	
(d) The carrying out of any other operation not coming within any of the above categories.	
10. The construction of single level car parks, service roads and other means of access on land used for the purpose of a single undertaking, where the development is required for a purpose incidental to the existing use of the land.	£289.
11. (a) The continuance of a use of land or the retention of buildings or works on land, without	£289.

compliance with a condition subject to which a previous planning permission has been granted (including a condition requiring discontinuance of the use or the removal of the building or works at the end of the specified period).

(b) An application to develop land without compliance with a condition subject to which a previous planning permission has been granted.

12. An application for a material change of use.
- (a) where the application relates to a dwellinghouse, £793 for the first dwellinghouse and £289 for each additional dwellinghouse subject to a maximum of £14,450;
 - (b) for any other change of use, £289 for each 75 sq.m., of floor space subject to a maximum of £14,450.
13. Any other application not falling within categories 1-12. £952.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Planning (Fees) Regulations (Northern Ireland) 2015 which prescribe the fee payable in respect of applications made under the Planning Act (Northern Ireland) 2011. The Regulations increase planning fees by approximately 12.3% overall.

The Explanatory Memorandum is available alongside the instrument on the Government's legislation website: www.legislation.gov.uk.

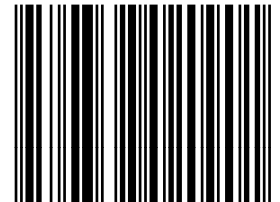
© Crown copyright 2023

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of His Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

£6.90

<http://www.legislation.gov.uk/id/misr/2023/37>

ISBN 978-0-33-802090-1



9 780338 020901

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 18 April 2023	
Application ID: LA04/2022/1280/F	Target Date:
Proposal: Proposed social housing led, mixed tenure residential development comprising of 52 no. dwellinghouses and 87 no. apartments with public open space, children's play park, landscaping, car parking, associated site works and infrastructure and access arrangements from Blackstaff Road (139 no. units in total).	Location: Former Kennedy Enterprise Centre (north of Westwood Shopping Centre), Blackstaff Road, Belfast BT11 9DT.
Referral Route: Major development	
Recommendation:	Refusal
Applicant Name and Address: Johncorp (No.2) Ltd C/O Rushmere House Cadogan Park Belfast BT9	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE
Executive Summary: This application seeks full planning permission for a proposed social housing led, mixed tenure residential development comprising of 52 no. dwellinghouses and 87 no. apartments with public open space, children's play park, landscaping, car parking, associated site works and infrastructure and access arrangements from Blackstaff Road (139 no. units in total). Further information is awaited from the applicant on the nature of the proposed tenure mix. The site comprises land last used for industrial purposes. The site benefits from an extant permission for retail use (extension to the Westwood Centre). The site is currently vacant and the majority of former industrial/employment buildings have been demolished. The key issues to be considered in the assessment of this application are: <ul style="list-style-type: none"> • The principle of the proposed residential use at this location • Loss of employment land last used as industrial • Loss of retail land within the designated Westwood District Centre • Compatibility of housing with adjacent uses • Design and layout • Housing need • Access, parking and traffic management • Other environmental considerations – Drainage, Contamination, Noise, Impact on Designated Sites/Natural Heritage Assets The application site is located in an industrial/employment and commercial area. The site is adjacent to the Westwood Shopping Centre and close to the Kennedy Centre. Surrounding lands	

in the immediate context are all in non-residential uses. Officers consider that the introduction of a residential development in this area would not be compatible with the surrounding existing land uses some of which operate 24/7. Furthermore, many of the existing businesses in the area operate unrestricted hours/noise levels and in addition would benefit from permitted development rights to expand or changes within their current Use Class. The development has the potential to adversely impact on existing businesses should it be approved.

In draft Belfast Metropolitan Area Plan (dBMAP) (v2004), the site is zoned as a Major Area of existing Employment/Industry (Ref: BT 011/30). In dBMAP (v2014), the site is designated as part of the Westwood District Centre (Ref: BT 010/5) following the granting of an extension to the Westwood Centre in the interim period between the publication of the Draft Plans. Within the Belfast Urban Area Plan 2001 (BUAP), the site is not zoned and is white-land within the settlement development limit. Whilst the zoning of the site has changed between the draft plans, a residential use on the site would not comply with either version of dBMAP.

NI Water has objected to the application on grounds that sufficient waste-water treatment capacity is not available at present for the proposed development and foul sewage network capacity issues. NIEA has raised concerns regarding foul sewage arrangements. These issues are dealt with in detail in the main report.

NIHE confirms that there is a need for affordable housing in the area. This is a material consideration. However, Officers advise that this housing need is not sufficient to override the serious concerns about the appropriateness of the site for any form of housing.

The Senior Urban Design Officer raises concerns regarding the suitability of the proposed residential use at this location, design concerns including the outlook from proposed units, pedestrian routes through the site, linear parking areas, boundary treatments and articulation of apartments/houses.

One representation has been received from an adjoining business, raising concerns regarding safety risk, traffic impact and impact on/of adjoining existing businesses.

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 representation received, the proposed development is considered unacceptable. It is recommended that full planning permission is refused for the reasons set out in the report.

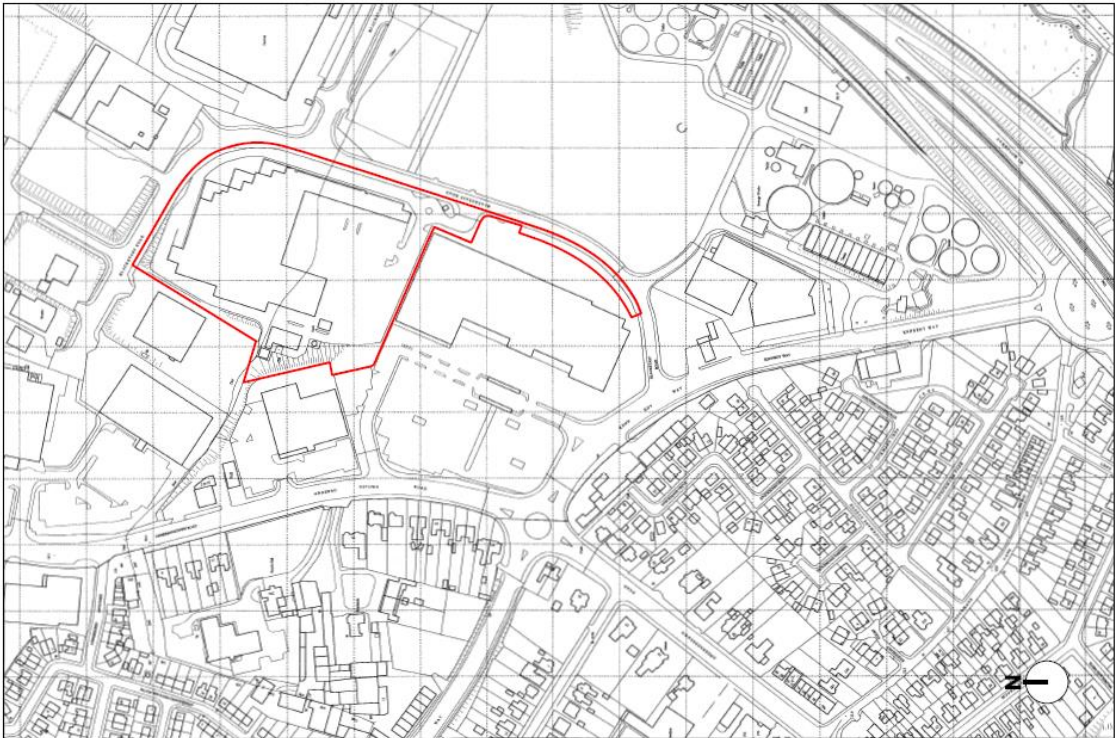
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of reasons for refusal and to deal with any other matters which may arise.

Officer Report

1.0

Drawings

Site Location Plan



Proposed Site Layout (Drawing No. 4B)



Selection of Proposed Elevations - House Types



Proposed Elevations – Apartments
Block A – Blackstaff Road Elevation



Block B – Blackstaff Road Elevation



Block C – Blackstaff Road Elevation



Block D – Blackstaff Road Elevation





Landscaping



Proposed CGIs





	 
<p>2.0</p> <p>2.1</p>	<p>Characteristics of the Site and Area</p> <p>The site comprises a former industrial complex and is located in an existing commercial and industrial/employment area. The majority of the buildings on the site have been demolished or are in a state of poor disrepair. The Westwood Centre and associated car parking abuts the site to the immediate south. Lidl supermarket is located to the immediate west. There are significant level changes between ground levels/finished floor levels of the site and the abutting lands/ buildings to the south and west. The Kennedy Centre is situated to the north/north west. Existing industrial/employment premises are located to the north and east. Belfast City Council Civic Amenity Site is located opposite the site on the eastern side of the Blackstaff Road.</p>
<p>3.0</p> <p>3.1</p>	<p>Description of Proposal</p> <p>The application proposes a social housing led, mixed tenure residential development comprising of 52 no. dwellinghouses and 87 no. apartments with public open space, children's play park, landscaping, car parking, associated site works and infrastructure and access arrangements from Blackstaff Road (139 no. units in total). However, the application does not confirm what the tenure mix would be and this information is awaited. The Design and Access Statement indicates that the scheme will comprise of social and private houses and apartments but no further breakdown has been provided.</p>

3.2	The application follows a Pre-Application Discussion (PAD) with officers.
4.0 4.1	<p>Planning Assessment of Policy and Other Material Considerations</p> <p>Policy Context</p> <p>Regional Planning Policy</p> <ul style="list-style-type: none"> • Regional Development Strategy 2035 (RDS) • Strategic Planning Policy Statement for Northern Ireland (SPPS) • Planning Policy Statement 3 (PPS 3) – Access, Parking and Movement • Planning Policy Statement 4 (PPS 4) – Planning and Economic Development • Planning Policy Statement 7 (PPS 7) – Quality Residential Environments • Planning Policy Statement 3 (PPS 8) – Open Space, Sport and Outdoor Recreation • Planning Policy Statement 12 (PPS 12) – Housing in Settlements • Planning Policy Statement 13 (PPS 13) – Transportation and Landuse • Planning Policy Statement 15 (PPS 15) – Flood Risk <p>Local Planning Policy Context</p> <ul style="list-style-type: none"> • Belfast Urban Area Plan (2001) BUAP • Draft Belfast Metropolitan Area Plan 2015 (v2004) • Draft Belfast Metropolitan Area Plan 2015 (v2014) • Belfast Local Development Plan Draft Plan Strategy 2035 <p>Other Material Considerations</p> <ul style="list-style-type: none"> • Developer Contribution Framework • Creating Places • Belfast Agenda <p>4.2 Relevant Planning History</p> <p>On the site:-</p> <p>LA04/2020/0975/PAN - Proposed residential development with associated car parking and access, Lands to south and west of Blackstaff Road (north of Westwood Shopping Centre, Belfast. PAN acceptable 16.06.20.</p> <p>LA04/2020/0700/PAD - Proposed mixed tenure social and affordable residential development, Lands to the south and west of Blackstaff Road (north of Westwood Shopping Centre), Belfast.</p> <p>LA04/2018/0968/F - Application under Section 54 of the Planning Act (Northern Ireland) 2011 in respect to planning permission LA04/2017/1399/F for the variation of conditions 2, 3 and 4 to allow for the reallocation of approved convenience and comparison floorspace between Unit 11 and Unit H, Westwood Shopping Centre, Kennedy Way, Belfast, BT11 9BQ. Permission granted 07.08.2018</p> <p>Z/2011/1494/F - Proposed extension and alterations to existing Westwood Centre to provide new car parking, new retail and ancillary storage incorporating a 35,000 ft sq food store, Westwood Shopping Centre, Kennedy Way, Belfast, BT11 9BQ. Permission granted 29.11.2012</p>

	<p>Z/2004/2742/F - Proposed extension to existing Westwood Shopping Centre to provide new retail and storage units incorporating a 35,000 sq.ft foodstore along with additional carparking, Westwood Shopping Centre, Kennedy Way, Belfast. BT11 9BQ. Permission granted 03.12.2008.</p> <p>Adjacent to the site:-</p> <p>LA04/2022/1280/F - Partial redevelopment of former Kennedy Way Waste Water Treatment Works to include the development of new Mechanical & Electrical (M&E) workshops, storage, changing facilities and ancillary offices (development to include three new buildings 1) the main hub building; 2) a store to hold an alternative bottled water supply; and 3) a generator store), access improvements, parking, service yards, storage areas, contractors compound, boundary fencing, cesspool, solar PV panels and landscaping, Former NI Water Ltd Sewage Treatment Works Blackstaff Road Belfast BT11 9DT. Decision pending. This application is due to be considered at the April 2023 Planning Committee.</p>
4.3	Consultations
4.3.1	<p>Statutory Consultations</p> <p>Responses from statutory consultees are summarised below. Further detail concerning their feedback is provided in the main assessment section of the report, where appropriate.</p> <p>DFI Roads – Objection but further information received and being considered.</p> <p>DFI Rivers Agency – No objection subject to a condition.</p> <p>NI Water – Objection</p> <p>DAERA NIEA – <i>Water Management Unit</i> - potential to adversely affect the surface water environment, <i>Regulation Unit</i> – No objections subject to conditions, <i>Natural Environment Division</i> – No objection</p>
4.3.2	<p>Non-Statutory Consultations</p> <p>Responses from non-statutory consultees are summarised below. Further detail concerning their feedback is provided in the main assessment section of the report, where appropriate.</p> <p>BCC Environmental Health – Whilst not providing an objection, they raise concerns regarding noise impacts associated with existing adjacent commercial and industrial/employment uses and potential future conflicts that may evolve under permitted development rights.</p> <p>BCC Economic Development Unit - Employability and skills related Developer Contributions Section 76 clauses should be applied during the construction phase of the development.</p> <p>BCC Urban Design Officer – Whilst not providing an objection, raises concerns regarding the suitability of residential development at this location and design concerns including outlook from proposed units, pedestrian routes through the site, linear parking areas, boundary treatments, articulation of apartments/houses.</p> <p>BCC Waste Management Team – No objections.</p> <p>NIHE – Should the Council be minded to approve a residential development on the site and it is satisfied that a high quality attractive environment for households to live and work can be achieved, the Housing Executive would seek to impose the affordable</p>

	<p>housing in the emerging Draft Plan Strategy and ensure at least 20% of any housing proposals were affordable.</p> <p>Crown Estates – No objection.</p> <p>SES – Project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.</p> <p>NIE – No objection.</p> <p>BCC Plans and Policy Team – No objection – advises that prevailing regional policy applies including SPPS and PPS 4. Consideration should be given to the implications of introducing a residential use to this location and the long-term viability of the overall employment zoning.</p> <p>BCC Landscape Planning and Development Team – No objection.</p> <p>BCC Tree Officer – Recommends further tree and landscaping and suitable tree planting species.</p> <p>PSNI – Notable concern highlighted regarding pedestrian linkages to the surrounding area and the informal alleyway to the Kennedy Centre. General advice provided on designing out crime.</p>
4.4	Representations
4.4.1	<p>The application has been advertised and neighbours notified. One third-party objection has been received and raises the following issues:</p> <ul style="list-style-type: none"> • Safety risk <ul style="list-style-type: none"> ○ Housing families and young children on a busy industrial estate. ○ HGV traffic transiting adjacent (high frequency & 24 hours per day). ○ In the past there have been serious pedestrian/vehicle collisions at the bend where this housing estate is planned to be located. A previous employee was seriously injured with a broken pelvis. • Traffic <ul style="list-style-type: none"> ○ Currently only one way in and out of the industrial estate. ○ Intensification of existing access which is extremely congested and has had numerous road traffic accidents in the past. ○ The number of parking spaces for the planned development looks insufficient. This would lead to parking on the Blackstaff Road where HGVs are meeting frequently. Further congestion. ○ Traffic is already an issue leaving the estate and traffic lights / roundabout would be essential. ○ U-Store construction is nearing completion and would add to already heavily congested road. ○ Would need another separate entrance/exit if this was to go ahead. • Environment <ul style="list-style-type: none"> ○ Several industrial sites located within the industrial estate. ○ Noise issues/complaints from new residents. We operate 24 hours per day, 7 days per week and have waste extraction and compactors on our site that may disturb residents during the night. ○ Air quality/smell/pest complaints (e.g. Recycling centre, sewage treatment works, Keenan Seafoods and North Down Group).
4.4.2	The matters raised in the representation are considered in the report.

	PLANNING ASSESSMENT
5.0	Key Issues
5.1	<p>The key issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> • The principle of the proposed residential use at this location • Loss of employment land last used as industrial • Loss of retail land within the designated Westwood District Centre • Compatibility of housing with adjacent uses • Design and layout • Housing need • Access, parking and traffic management • Other environmental considerations – Drainage, Contamination, Noise, Impact on Designated Sites/Natural Heritage Assets
5.2	Development Plan Context
5.2.1	Section 6(4) of the Planning Act (Northern Ireland) 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
5.2.2	The adoption of the Belfast Metropolitan Area Plan (BMAP) in 2014 was declared unlawful as a result of a judgement in the court of appeal delivered on 18 May 2017. This means that the Belfast Urban Area Plan 2001 (BUAP) provides the statutory plan context for the area.
5.2.3	Both versions of dBMAP 2015 (v2004 and v2014) are material considerations. Draft BMAP 2015 (dBMAP 2014), in its most recent, post-examination form remains is considered to have significant weight. It was at the most advanced stage possible prior to adoption. However, in assessing this application regard is also had to the provisions of draft BMAP which was published in 2004 (dBMAP 2004).
5.2.4	<p><i>Belfast Urban Area Plan 2001 (BUAP)</i></p> <p>The site is located on un-zoned white-land within the development limits of Belfast. BUAP states that the Westwood Centre offers a major opportunity for enhancing shopping provision in the west of the city.</p>
5.2.5	<p><i>Draft BMAP (2004 and 2014) designations</i></p> <p>In dBMAP (v2004) the site is within settlement development limit and zoned as a Major Area of existing Employment/Industry (Ref: BT 011/30). In dBMAP (v2014) the site is also within the settlement development limit and designated as part of the Westwood District Centre (Ref: BT 010/5).</p>
5.2.6	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material

	consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.
5.3	Principle of the proposed residential use at this location
5.3.1	Policy SFG2 of the RDS seeks to grow the population of the City of Belfast. Policy SFG3 of the RDS seeks to enhance the role of Belfast City Centre as the regional capital and focus of administration, commerce, specialised services and cultural amenities.
5.3.2	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, PPS4 and PPS7 remain applicable under 'transitional arrangements'.
5.3.3	Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-17 highlight the importance of creating shared space, paragraphs 4.18-22 details that sustainable economic growth will be supported. whilst paragraphs 4.23-27 stress the importance of good design.
5.3.4	The proposed residential development is proposed to be located on land last used for economic development purposes and therefore falls to be assessed under Policy PED 7 and PED 8 of PPS 4 – Planning and Economic Development. The assessment is set out in detail below. The proposal is also required to be assessed under retail policy set out in the SPPS and the residential proposal is assessed in accordance with relevant policy set out in the SPPS and Policy QD 1 of PPS 7 – Quality Residential Developments. The area within which the residential development is proposed to be located is an existing commercial and industrial/employment area and it is considered that the principle of residential development at this location would be incompatible with the surrounding context and would be unacceptable due to the potential conflict that could arise with existing adjacent commercial and industrial businesses. The assessment of Policy is set out below.
5.4	Policy Considerations
5.4.1	In dBMAP (v 2014) the site is zoned as a Major Area of existing Employment/Industry. Policy PED 7 - of PPS 4 states that in respect of 'Zoned' land that <i>'Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.'</i>
5.4.2	In this case planning permission was granted for an extension to the Westwood Centre (Z/2011/1494/F) on 29 November 2012. A previous permission (Z/2004/2742/F) for a similar development was approved on 03 December 2008. Planning approval Z/2011/1494/F has been enacted and although no development has been carried out on the application site the permission remains live.
5.4.3	Under the BUAP the site is un-zoned and therefore Policy PED 7 would apply insofar as it relates to un-zoned land. Policy PED 7 states that in respect of 'Un-zoned' land that <i>'On un-zoned land a development proposal that would result in the loss of an existing Class B2, B3 or B4 use, or land last used for these purposes, to other uses will only be permitted where it is demonstrated'</i> that the proposal complies with a number of criteria which are set out and considered below. The site was last used for economic development uses.

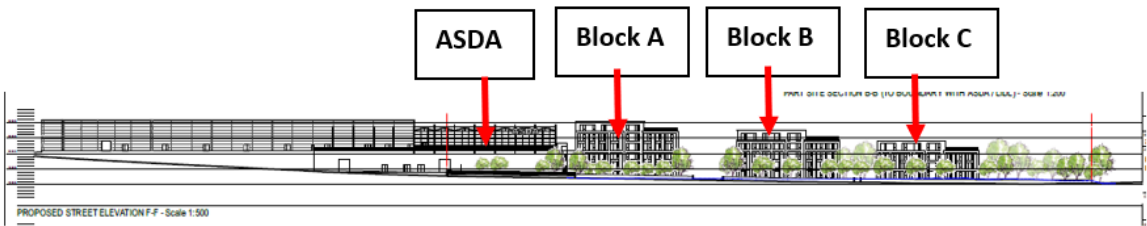
5.4.4	<p>The proposal is assessed below against the criteria set out in Policy PED 7.</p> <ul style="list-style-type: none"> • redevelopment for a Class B1 business use or other suitable employment use would make a significant contribution to the local economy; <i>Not applicable the proposed development is for a residential use.</i> • the proposal is a specific mixed-use regeneration initiative which contains a significant element of economic development use and may also include residential or community use, and which will bring substantial community benefits that outweigh the loss of land for economic development use; <i>The proposal is not for a mixed use and does not contain an element of economic development.</i> • the proposal is for the development of a compatible sui generis employment use of a scale, nature and form appropriate to the location; <i>The proposed development does not include any employment use.</i> • the present use has a significant adverse impact on the character or amenities of the surrounding area; <i>The present use of the site is currently vacant land which is capable of redevelopment.</i> • the site is unsuitable for modern industrial, storage or distribution purposes; <i>There is no evidence to suggest that the site could not be redeveloped for modern industrial, storage or distribution purposes.</i> • an alternative use would secure the long-term future of a building or buildings of architectural or historical interest or importance, whether statutorily listed or not; <i>There are no buildings of heritage value located on the site.</i> • there is a firm proposal to replicate existing economic benefits on an alternative site in the vicinity. <i>There is no associated proposals to replicate economic benefits on an alternative site in the vicinity.</i>
5.4.5	<p>The proposal does not meet the criteria set out in Policy PED 7. Notwithstanding, officers consider that greater weight should be attached to the more recent zoning as a designated District Centre given the advanced stage that dBMAP (v2014) had reached, as well as the planning permission for extension of the Westwood Centre, which remains extant (Z/2011/1494/F).</p>
5.4.6	<p>Policy PED 8 of PPS 4 states that ‘A proposal for development in the vicinity of an existing or approved economic development use that would be incompatible with this use or that would prejudice its future operation will be refused.’ The amplification text sets out a number of examples of where these circumstances could potentially arise and states that ‘new development, such as housing, could prejudice the continued existence of a particular economic development use.’</p>
5.4.7	<p>The amplification text further states that ‘The requirements of non-planning legislation, for example those relating to public health and environmental pollution, may result in costly new requirements and restrictions being imposed on such businesses as a consequence of new neighbouring development. In such circumstances, the Department may refuse planning permission for new development in order to avoid jeopardising employment in the existing enterprise.’</p>
5.4.8	<p>It is the view of officers that the introduction of a residential use in this commercial and industrial/employment area would be incompatible with surrounding land uses which do not have restrictions regarding hours of opening/operation, delivery times and noise levels. Furthermore, such businesses would benefit from permitted development rights</p>

	which could allow them to lawfully expand their operations without requiring planning permission or move within the Use Classes Order.
5.4.9	The objection received from a neighbouring business (Huhtamaki) advises that it operates 24/7 and that its waste extraction and compactors operate at night. The objection also states that HGV traffic pass through adjacent on a high frequency basis and 24 hours per day and have raised concerns regarding noise issues/complaints arising from new residents. Officers consider that the issues set out in the objection provides evidence that the proposed development would be incompatible with its immediate surrounding context.
5.4.10	The objection also raises concerns regarding air quality/small and pest complaints as a result if existing operators in the area. The proposal is considered to be incompatible with the existing surrounding context and fails to satisfy Policy PED 8 of PPS 4. Environmental Health has considered the Noise Impact Assessment and subsequent Addendums that have been submitted in support of the application and raise concerns regarding the potential risk due to the complexity of the location and future impacts that may reasonably be expected to occur given the predominantly commercial nature of the area
5.5	Loss of Land Designated as a District Centre
5.5.1	The SPPS states that ' <i>Planning Authorities should retain and consolidate existing district and local centres as a focus for local everyday shopping</i> '. The site is designated in the most recent development plan i.e. dBMAP (v2014) as part of the Westwood District Centre. The plan is silent on a residential use within this designation. District centres are essentially zoned as retail / commercial spaces within the city and the BUAP recognises that the Westwood Centre offers a major opportunity for enhancing shopping provision in the west of the city. The proposed use would limit potential further expansion of the retail function of the Westwood District Centre and could lead to additional retail development being relocated to less appropriate locations. As such, it is considered that the principle of housing at this location is unacceptable. The proposal is contrary to the designation in dBMAP (v2014) which designates the site as a District Centre and paragraph 6.276 of the SPPS, as it fails to retain and consolidate this existing district centre as a focus for local everyday shopping and it has the potential to undermine the function of the district centre. Refusal is also recommended on this basis.
5.5.2	Whilst the development plan context has changed from employment/industry zoning to a designated district centre in draft BMAP versions, this does not justify the proposed residential use on the site.
5.6	Compatibility of housing with adjacent uses
5.6.1	Environmental Health notes that the proposed housing is in a predominantly brownfield commercial/industrial area and is surrounded to the east and north by a busy road frequented by HGVs servicing the various commercial businesses in the area. The commercial premises nearby include: two supermarkets with service delivery yards immediately neighbouring the site, a refrigerator trailer park, a Council waste recycling site, a 24hr printing/packaging business, a wholesale distributor of fresh food produce, and a fish products premises. The neighbouring businesses have unrestricted operational times for access/activities. At least four of the neighbouring businesses currently operate at night as well as during the day. There are no restrictions in terms of noise levels that apply to these existing uses and as such the introduction of a sensitive use such as residential has the potential to adversely impact on existing businesses.

5.6.2	Environmental Health advises that the decision regarding the suitability of the site for residential end use should consider the risk of potential conflict in future with the existing other commercial uses/activities in terms of potential impacts that may evolve under permitted development rights and how any complaints associated with these would be effectively investigated and indeed resolved. An objection from an adjacent business raises concerns regarding potential noise complaints arising from new residents.
5.6.3	The Environmental Health response advises that the Noise Impact Assessments <i>'revealed high road traffic noise impacting some areas of the site closest to the Blackstaff Rd and low frequency noise activity impacting other areas of the site at night. It was advised by RSK [applicant's consultant] that the source of the low frequency noise was most likely from refrigerated vehicles in the area. There are also numerous pieces of plant and equipment mounted at rooftop and rear walls of neighbouring commercial premises which were identified as needing further consideration. RSK subsequently provided further information and assessment of plant and equipment impact using predictive noise modelling inputting noise measurements and/or data for the plant and equipment identified close to the development. The modelled predictions of plant noise at two of the worst-case receptor locations across the site was then used by RSK within detailed façade calculations to determine a sound reduction specification for windows and alternative means of ventilation and to demonstrate that internal noise levels within habitable rooms could be achieved against specific assessment criteria.'</i>
5.6.4	The Environmental Health response further advises that <i>'Noise associated with lower frequencies can be particularly problematic to mitigate.</i> The applicant's noise consultants have provided information on examples of glazing configurations which Environmental Health, whilst cautious regarding the methodology employed, consider that it may be possible to provide a window with the necessary sound reduction performance identified in the Noise Impact Assessment.
5.6.5	However, Environmental Health has raised concerns about the calculations submitted by the noise consultants which applied a relaxation of the low frequency noise <i>'Where there is a complex site location surrounded by many different types of noise sources such as road traffic and various commercial activities, the potential for and hence the significance of any uncertainty increases. For that reason, it was not considered appropriate to apply this relaxation of the noise impact.'</i> This uncertainty raises serious concerns for planning officers as to whether appropriate measures can mitigate against the high noise levels likely to occur on the site/surrounding area.
5.6.6	The applicant's Noise Impact Assessment (NIA) identifies two of the key noise sources as plant noise from a vent on the gable wall of ASDA and predicted refrigerated trailer noise associated with a potential worst-case scenario of 35 refrigerated HGVs located at the AGRO Merchant lorry park at Blackstaff Road immediately to the north of the site. The Environmental Health response advises that the NIA predicts a noise level which is significantly higher than the upper noise threshold limit within private amenity areas suggested in the WHO 1999 Community Guidelines on Noise as the level whereby there the potential for onset of serious annoyance.
5.6.7	The applicant's noise consultants have presented confirmation by email that the applicant has agreement, in principle from ASDA, to allow the applicant/developer to fit an in-line duct attenuator to this fan to significantly reduce the noise impact on the nearest proposed rear gardens. This would require works beyond the site boundary and could not be included as a condition. Officers note that no formal confirmation of agreement with ASDA/Westwood Centre to carry out such works has been forthcoming and that this mitigation measure would need to be secured by a Section 76 planning agreement.

5.6.8	<p>Officers have advised that the lorry park does not benefit from planning permission and Environmental Health response states that the NIA suggests that the low frequency noise impacting the site may be strongly associated with the operation of these trailers. However, it should be noted that the night-time noise measurement survey was unattended and did not definitively identify this site as the main and only source of low frequency noise activity. Other businesses operating nearby such as North Down group involve the loading and dispatch of refrigerated delivery trucks which commence operations as early as 4am and use the Blackstaff Rd access route in and out. In addition, Keenans Seafoods, also located along Blackstaff Road to the west and north of the site, require access by refrigerated vans/trucks at various times of the day including night-time. It would therefore be inappropriate to interpret that the absence of activities at the AGRO Merchant lorry park site would necessarily make a significant reduction to noise impacting the site. The NIA would have to be reviewed/revised to consider the extant approved use of that site as a waste facility and consider activity noise from North Down and Keenan Seafoods which the latest plant and equipment noise modelling assessment did not include (accepted by Environmental Health on the basis that a worst case had been factored in for the AGRO site).</p>
5.6.9	<p>With regard to the proposed amenity areas, the NIA states that noise in most external amenity areas will not exceed the 50-55 dBL_{Aeq,T} ideal range. However, Environmental Health stresses that the guidance does not refer to this is an “ideal range”, but lower and upper limits. Environmental Health advises that these limits at which the WHO has suggested have the potential to result in onset of annoyance (50dBL_{Aeq}) and potential for onset of serious annoyance (55dBL_{Aeq}).</p>
5.6.10	<p>Environmental Health advises that the applicant’s predicted noise levels for the communal area of Block A next to the ASDA service yard is based on noise from plant only. Whereas, the impact of road noise should also be taken into account, which were noted as high as 65dBL_{Aeq}. The communal amenity areas to the proposed blocks of apartments (including roof terrace areas) would be exposed to noise levels more than the WHO guidelines upper threshold limit of 55dBL_{Aeq}. Information remains outstanding in respect of noise impact from road traffic and plant on the terrace areas.</p>
5.6.11	<p>Environmental Health refers to the guidance which states that <i>‘the acoustic environment of external amenity areas that are an intrinsic part of the overall design should always be assessed and noise levels should ideally not be above the range 50-55dBL_{Aeq,16hr}.’</i> Development should be designed to achieve the lowest practicable noise levels in these external amenity spaces but should not be prohibited. In this case, the amenity areas are considered an intrinsic part of the overall scheme and necessary to provide a quality residential environment and planning officers consider that the proposal has failed to demonstrate that the noise impact on amenity areas across the development is satisfactory.</p>
5.6.12	<p>In conclusion, Environmental Health advises that the development location has been considered in terms of noise impact associated with existing neighbouring uses and activities operating during the day and over the assessment period. Environmental Health highlights that there is potential for other noise sources to impact on the proposed development that either were not or cannot be captured during the noise measurement survey. For example, there could be seasonal operational variations at other neighbouring sites as well as logistical variations on different days of the week) and potential for other noisy activities at some point in the future to commence at neighbouring sites through permitted development rights available to those neighbouring commercial/light industrial uses. The surrounding business premises would also be able to change activities in accordance with the Use Classes Order.</p>

5.6.13	Environmental Health is of the view that although the noise assessment has demonstrated that facades may mitigate against existing noise as measured and modelled on site, the location still presents a potential risk in terms of its complex location and future impacts that may reasonably be expected to occur given the predominantly commercial nature of the area. Whilst Environmental Health has provided draft conditions, these are on a without prejudice basis. They indicate that these are numerous and onerous which in itself demonstrates the complexities involved in deciding to develop this site for residential end use among an established commercial/ industrial area with numerous existing and potential future noise sources.
5.6.14	Officers conclude that the proposed housing is incompatible with its commercial surroundings. The site is not considered suitable for housing and the proposal is contrary to paragraphs 4.11, 4.25-27 and 4.34 of the Strategic Planning Policy Statement, Policy PED 8 of Planning Policy Statement 4, and criteria (a) and (h) of Policy QD 1 of Planning Policy Statement 7 – Quality Residential Environments. Refusal is recommended on this basis.
5.7.	Design and Layout
5.7.1	The proposal has been assessed against the SPPS and Policy QD1 of PPS 7 as follows.
5.7.2	<p>Policy QD1 of PPS7 states that <i>‘Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area’</i> Furthermore, <i>‘All proposals for residential development will be expected to conform to all of the following criteria:’</i></p> <p><i>a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;</i></p>
5.7.3	The proposal consists of a mix of 139 residential units with a density of 55.6 units per hectare. The Westwood Shopping Centre and Lidl Supermarket abut the site to the south and west and their floor levels sit at a much higher level than the application site. Belfast City Council Civic Amenity Site is located opposite the site to the east. NI Water Former Waste Water Treatment Works which is the subject of a separate planning application (LA04/2022/1479/F) is located to the south east. Existing established industrial/employment sites are located to the north, west and north east and include Huhtamaki, North Down Group, Keenan Seafoods and Virgin Media along with a number of other businesses located within Fern Business Park, Holly Business Park and within the wider Blackstaff industrial estate. The Kennedy Shopping Centre is located to the west/north west with a service yard accessed via Blackstaff Road. The surrounding area is characterised by commercial and industrial/employment development some of which operates 24 hours per day, 7 days a week without controls on hours of operation, delivery times, noise levels.
5.7.4	There are no residential units in the immediate surrounding context and the nearest housing is located off Kennedy Way (at Stockman’s Avenue/Drive) 275m to the south of the site and on Andersonstown Road 112m to the west of the site. Officers consider that, if approved, residential development at this location would result in the introduction of an incompatible use within the existing commercial and industrial/employment area and such a development would be out of keeping with the existing character and appearance

	<p>of the surrounding context. The Senior Urban Design Officer considers that the site would effectively be an island site surrounded by uses that would not be considered complementary or 'good neighbours' to residential use and has expressed serious reservations about the suitability of this site for residential use given the immediately surrounding industrial and commercial/retail context and the pressures these competing uses place on the site. The provision of housing in this industrial and commercial context would represent poor place-making.</p>
5.7.5	<p>In terms of house types, the development proposes a social led housing scheme comprising 139 units which comprise of 4 apartment blocks providing 87 apartments, and 52 houses including 46 two storey dwellings, 4 two and a half storey dwellings and 2 single storey dwellings. The Design and Access Statement indicates that the scheme will comprise of social and private houses and apartments but no further breakdown has been provided.</p>
5.7.6	<p>Three apartment blocks (Blocks A, B and C) are proposed to be located fronting onto Blackstaff Road (eastern boundary) and vary in height. The tallest most southerly block (Block A) is 6 storeys high (18.5m high) reducing to 5 storeys (16.25m high), the middle block (Block B) is 5 storeys (15.5m) reducing to four storeys (13.2m) and the northern block (Block C) is 4 storeys (12.5m) reducing to 3 storeys (10.15m) high. The fourth block located at the north-western portion of the site is similar in design to Block C albeit with a contrasting predominantly red brick finish as opposed to the buff brick finish on Block C. Block D is also 4 storeys high (12.5m high) reducing to 3 storeys (10.15m). Block A is proposed to sit adjacent to the adjoining ASDA store, part of the Westwood District Centre and the 6 storey element is comparable in height to that of the adjacent Asda store as illustrated in the contextual elevation below. The scale of apartment Blocks B and C reduce along Blackstaff Road from 5 storeys to 3 storeys. Adjoining development to the east, north is generally akin to 2 storeys in height. Taking account of the surrounding context i.e. predominantly large scale commercial and industrial buildings the height and scale of apartment blocks and proposed houses is considered acceptable.</p>  <p>Contextual Elevation – Blackstaff Road</p>
5.7.7	<p>The 52 houses are proposed to be laid out in a number of terraces some of which front onto a central communal amenity area. Other terraces are proposed back-to-back with garden or garden and parking to the rear of the properties. Two detached bungalows are provided to cater for residents with mobility needs. The design of the proposed dwellings includes a variety of contemporary house types/apartment blocks and a limited palette of materials/external finishes which include red and buff facing brick, dark grey cladding panels, dark coloured PPC aluminium doors and windows (to apartments), grey PVC windows and doors for houses and concrete roof tiles. The use of a limited palette of materials across the development would serve to provide a cohesive design approach and unify the development.</p>
5.7.8	<p>The Urban Design Officer considers that greater depth could be applied to the facades of the four apartment blocks by way of deeper window/door reveals and the potential for more vertical and horizontal shifts in the form including the insertion of terraces and</p>

5.7.9

variation in roof forms to enhance the residential character of these 4 blocks. The applicant has been provided with the opportunity to address this and in response has noted the suggestions but no amendments have been proposed. Whilst it is considered that the suggested improvements would improve the design quality, the design of the proposed apartments and houses is nevertheless considered acceptable.

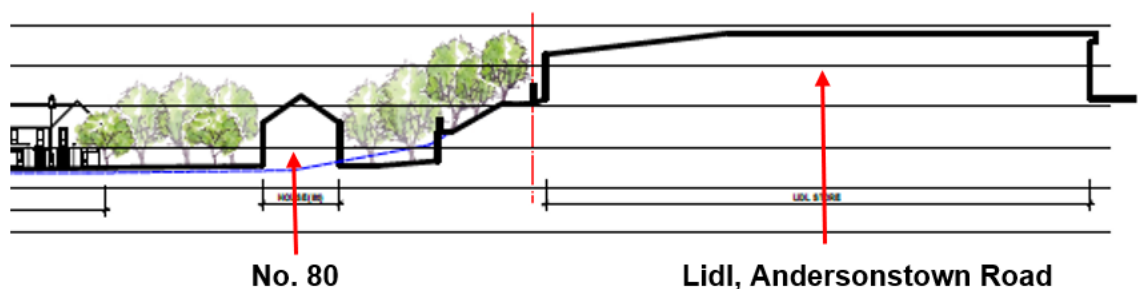
The change in levels between the finished floor levels of dwellings numbered 77-83 and 86 (which are located in the south-western part of the site) and the ground level of the Westwood Centre Car park / rear of Lidl ranges from between c.7.4 m and 8.1m. A new 4m high retaining wall is proposed along the rear boundary of these properties as set out on Drawing Nos. 4A – Proposed Site Plan and 05 – Proposed Site Plan – Boundary Treatments (see extract below). The retaining wall will be supported by an existing steep embankment along part of the site's western boundary. The embankment continues further along the site boundary enclosing a triangular portion of the site which is proposed to be gated. Trees and boundary screen planting are proposed on the existing embankment. The 4m high retaining wall supported by the existing embankment will be located within 8 – 11 metres of the rear wall of the aforementioned dwellings and would result in a poor outlook for prospective occupiers of these properties as illustrated in the section drawing below. The rear of Lidl Supermarket would sit in close proximity to the top of the embankment which is marginally lower than the ridge height of dwellings numbered 77- 83.


*Extract from Drawing No. 5 – Proposed Site Plan – Boundary Treatments
(4m high retaining wall coloured yellow)*



Lidl

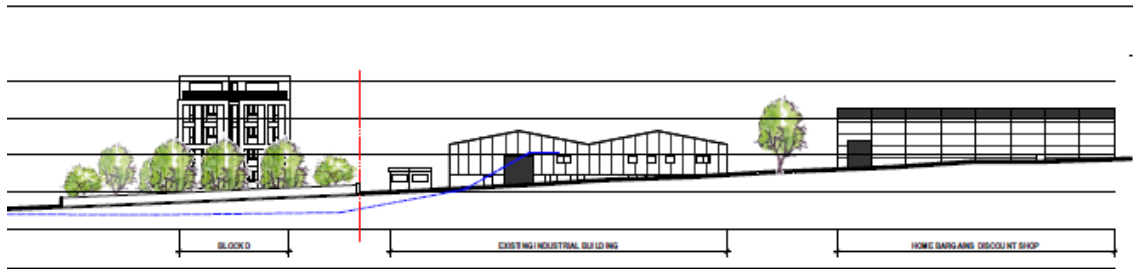
Extract from Drawing No. 83 – Site Sections (Section H-H)



5.7.10	<p>Boundary Treatments would vary across the site, however, there is a predominance of close boarded fences to delineate gardens particularly rear gardens and as a consequence, concerns arise regarding the resultant visual impact. The Urban Design and Tree Officers consider that there is further opportunity to include additional planting particularly in rear gardens to soften what would be large expanses of unbroken and continuous close boarded fencing particularly within gardens of numbers 93 - 117 in the northern central part of the site. The Tree Officer also considers there to be too much close boarded fencing to the rear of units numbered 93 – 117 and has raised concerns regarding the visual appearance of this fencing which will be viewed through the gaps between the housing blocks and along the Blackstaff Road to the north. The Tree Officer considers the proposal for 9 trees within rear gardens (dwellings numbered 70, 72, 74, 75, 76, 77, 82, 86, 87) to be inappropriate and advises that efforts should be made to secure additional suitable tree planting within private gardens. The applicant was provided with the opportunity to address the Tree Officer's comments. No amendments were proposed by the applicant's team to address this matter.</p>
5.7.11	<p>Boundary treatment along the Blackstaff Road is predominantly a low level brick wall with metal railings above (1.1m high) which is considered acceptable. Trees are also proposed along the boundary which will help soften the visual impact of the proposed development. The Tree Officer considers that it would be appropriate for a mix of trees to be planted along the Blackstaff Road rather than one variety which he considers is susceptible to fungal disease and shorter lifespans. Boundary treatment enclosing the amenity space adjacent to Block A comprises a low red brick wall with a close boarded acoustic fence above (2.5m high) fronting onto Blackstaff Road and a 2.5m solid timber fence along the southern boundary of the amenity area along with a 1.8m high hit and miss fence along the western boundary of the amenity area.</p>
5.7.12	<p>Dwellings numbered 70-76 located along the southern portion of the site would have a rear outlook onto the side wall of the adjoining Westwood Centre/Asda Supermarket (see section below). Whilst boundary treatments are proposed and include planting (boundary screen planting and 5 trees within individual gardens of dwellings numbered 70, 72, 74, 75, 76 on Drawing 04A – Site Layout) and a 2.5m timber close boarded fence the side wall of ASDA (c.18m high) located 16.6m from the rear of these dwellings would dominate views from the rear of these properties resulting in a poor outlook for prospective residents. Given the orientation of the site and the path of the sun it is considered that the proximity of the Westwood Centre/Asda Supermarket would give rise to overshadowing of a significant portion of the rear gardens of these properties resulting in a poor environment for prospective occupants.</p> <p><i>Extract from Drawing No. 83 – Site Sections (Section I-I)</i></p> 
5.7.13	<p>The primary view from apartments in Block D which face west would result in prospective occupants looking westwards into the existing adjacent warehouse building currently occupied by Virgin Media, the ground level of which sits c. 2.3m above the ground level and finished floor level of Block D. Four new trees are proposed along part of the</p>

boundary. Notwithstanding, it is considered that landscaping along part of the boundary would not mitigate the poor outlook to the adjacent warehouse and commercial buildings beyond from this viewpoint as illustrated in the section drawing below. The Senior Urban Design Officer considers that residents of Block D would be subject to close range views west (c. 21m between Block D and the adjacent warehouse) onto a large two storey industrial building, yard and telecommunications tower and to the north views would be directed towards a mix of industrial units complete with large working yards, storage areas and loading/parking bays. It is noted that the parking of lorries/trailers on a site to the north, opposite the proposed Block D does not benefit from planning permission and an enforcement investigation has been opened regarding this issue and is ongoing.

Extract from Drawing No. 82b – Site Sections (Section G-G)

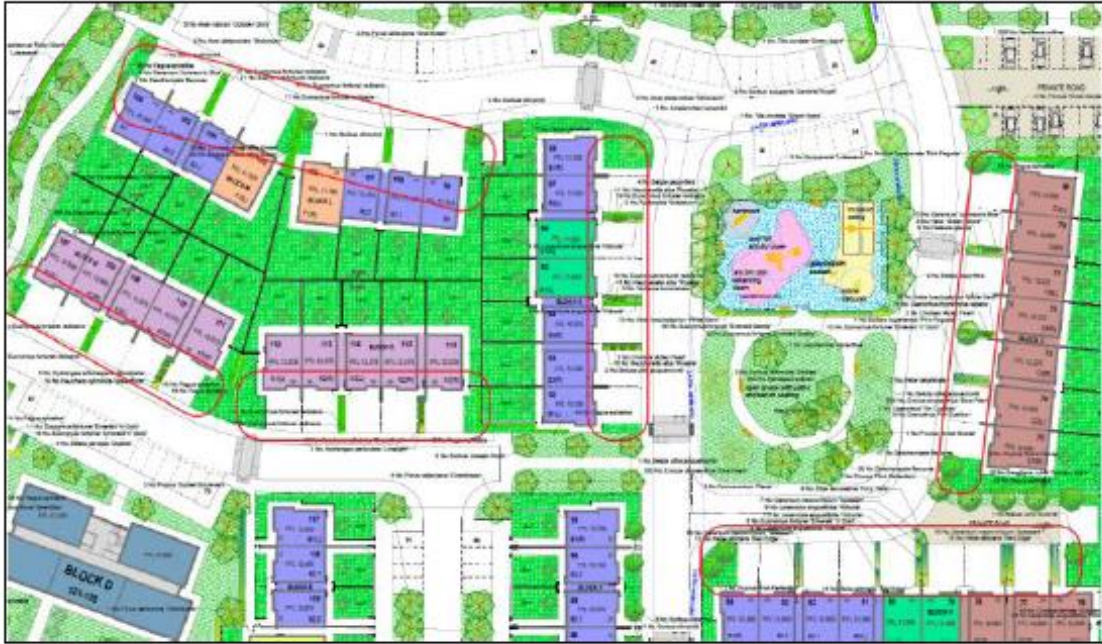


5.7.14

Views from the apartment Blocks A, B and C looking eastwards would overlook the Council's Civic Amenity Site, existing industrial development at Holly Business Park further east and the former NI Water Waste Water Treatment Works site. Outlook from the apartments in a north easterly direction will overlook Fern Business Park, the North Down Group premises, Huhtamaki premises as well as the industrial/employment units located beyond. Block A is also positioned within metres of the southern boundary of the site and the NE corner of the immediately adjacent Asda superstore, with its side elevation overlooking the flat roof of Asda and its roof top equipment. The resultant impact would provide a poor outlook for prospective occupants resulting in a poor quality residential environment. This opinion is shared by the Senior Urban Design Officer.

5.7.15

The outlook from houses looking onto the central public open space is welcomed. However, this does not apply to all units. Parking has been provided in the form of in-curtilage parking for 42 houses (numbered 70 – 117 excluding nos. 87-92), rear parking for 10 houses (numbered 87-92 and 118 – 121) and communal parking for the four apartment blocks (A, B, C and D). In curtilage parking is provided in the main to the front of the houses with a few located to the side and rear. The resultant impact is that the outlook from the front of many of the dwellings would be over areas dominated by car parking with little or no front gardens/open space and minimal landscaping proposed to soften these areas resulting in a layout which offers a poor quality outlook for prospective occupants. The Senior Urban Design Officer considers that linear parking to the front of apartment Block A, B and C would benefit from being broken up further to reduce their visual dominance. The Tree Officer considers that appropriate proposed planting and planted boundaries could be used to delineate public and private spaces particularly to the front of properties highlighted in red on the plan below to achieve a higher quality streetscape and reduce the visual impact of vehicle parking to the front of dwellings. The applicant was provided with the opportunity to address the Tree Officer's comments. However, no amendments were proposed by the applicant's team to address this matter.



5.7.16 In summary, it is the view of officers that the proposed residential development within an existing established commercial and industrial/employment area would be out of character with the surrounding context. In addition, the proposed poor outlook from apartments as demonstrated above would result in a poor quality environment for prospective officers and would fail to satisfy criterion (a) of Policy QD 1 of PPS 7. Refusal is recommended on this basis.

b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

5.7.17 The site does not lie within an area of archaeological potential and there are no archaeological or built heritage on the site. There are no landscape features on the site which are worthy of retention and existing trees on site are to be removed.

c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

5.7.18 Policy OS 2 of PPS 8 (Open Space, Sport and Recreation) states that 'The Department will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development' and that 'A normal expectation will be at least 10% of the total site area.' (residential developments of 300 units or more require 15% of the total site area).

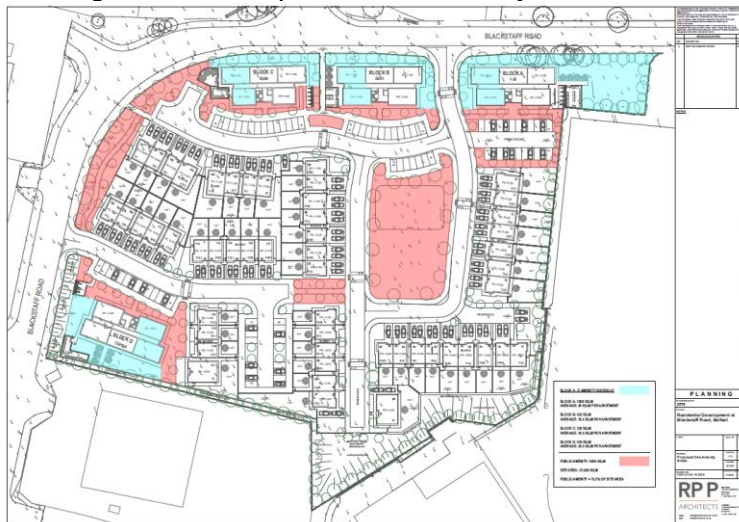
5.7.19 The applicant has provided the map below which sets out a breakdown of private (communal) amenity space (coloured blue) and public amenity space (coloured pink) within the development which states that public amenity space equates to 13.5% of the site area. BCC Landscape Planning and Development Team (LPDT) advise that they are satisfied that the overall provision of proposed amenity open space (13.5% of the total site area) for a development of this scale and consider it compliant with

recommendations set out in Policy OS 2 of PPS8 Open Space, Sport and Outdoor Recreation.

5.7.20

Officers consider that a number of areas which include narrow strips around the car parking areas associated with Blocks A, B and C do not satisfy the requirements of public open space and have not been included in the officers' calculations. Notwithstanding, the overall provision of public open space equates to 10.7% and the proposal is considered to satisfy this requirement of Policy OS 2.

Drawing No. 81 – Proposed Site Amenity Areas



5.7.21

Policy OS2 further states that *'For residential development of 100 units or more, or for development sites of 5 hectares or more, an equipped children's play area will be required as an integral part of the development.'* The largest public open space area provided for within the central part of the site includes a communal amenity area and the provision of an equipped children's play area which is welcomed by the Tree Officer. BCC LPDT consider that the proposed open space is integral to the overall design and layout of the development, especially in the creation of a green, central core and are supportive of the proposed equipped children's play area. An equipped children's play area is proposed within the communal open space area and therefore this policy requirement is satisfied.

5.7.22

In terms of private amenity, the proposal makes provision for a range of rear garden sizes and communal amenity areas at apartments for future residents. Creating Places states that *'a variety of different garden sizes should be provided and back garden provision should therefore be calculated as an average space standard for the development as a whole, and should be around 70 sq m per house or greater.'* Individual gardens in the houses proposed range from 38 sqm to 171 sqm. The average amount of amenity provision per house is 70.96 sqm and therefore meets the recommended standard.

5.7.23

The long-term management of communal open space areas would normally be secured through the use of a Section 76 Planning Agreement.

5.7.24

Amenity space for the four apartment blocks is provided in the form of communal roof terraces for each apartment and communal amenity space around the buildings. This is calculated as an average of 40 sqm per unit for Block A, 18.5 sqm per unit for Block B, 19.5 sqm per unit for Block C and 29.5 sqm per unit for Block D. 'Creating Places' recommends that communal open space *'should range from a minimum of 10 sq m per unit to around 30 sq m per unit'*. The proposed level of amenity space per apartment are

	within or exceed the recommended ranges and are considered acceptable. The apartments would also benefit from the proximity to the central communal area of open space within the development.
5.7.25	Roof terraces are proposed on all for apartment blocks. Environmental Health response indicates that it has not been satisfactorily demonstrated that noise levels across the site would be acceptable.
5.7.26	A landscape plan and associated landscape management plan have been submitted which proposes planting within the development. LDPT welcome the inclusion of a range of soft landscaped areas, including tree, shrub, hedge and buffer planting and consider that landscape proposals will help improve amenity value for residents and enhance local biodiversity and that the proposed species mix and planting specifications are acceptable, and are also content with information submitted as part of the Landscape Management Plan. The Tree Officer considers the proposal for 9 trees within rear gardens to be inappropriate and advises that efforts should be made to secure additional suitable tree planting within private gardens.
5.7.27	In reference to Policy QD1 of PPS7 Quality Residential Environments, adequate provision has also been made for private and public open space with the inclusion of amenity areas within the development.
5.7.28	The proposal is considered to comply with the recommended standards set out in Creating Places and Policy OS 2 and complies with Policy QD1 criterion (c). <i>d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;</i>
5.7.29	The application site is located adjacent to two designated district centres (Westwood and Kennedy Centres) which provide a range of facilities to cater for the needs of prospective occupants. Notwithstanding, given the scale of the development no such facilities are required. <i>(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;</i>
5.7.30	There are two proposed vehicular access points to the development site off Blackstaff Road although these access roads are not connected within the development and no traffic calming measures have been provided. The applicant has indicated that the current layout limits the potential for the site to be used as a rat-run. The Senior Urban Design Officer has raised concerns that the layout primarily caters for the needs of the private car over the needs of the pedestrian and considers that connecting both internal streets to provide a more permeable layout across the site and avoid a design approach that relies on a series of 'dead-ends' (four in total) would have been appropriate.
5.7.31	The PSNI response advises that <i>'This new development is located within a brown field site and this could have implications given that this is residential building amongst commercial space whereby there may be more activity during various hours of the day and the pedestrian access through the entire development could be a cause for concern.'</i>
5.7.32	No formal pedestrian linkages have been provided to link the site with surrounding amenities. There is an existing footpath along Blackstaff Road which links to Kennedy Way and the wider area. There is also an existing informal pedestrian route through to

	<p>the Kennedy Centre car park to the west from Blackstaff Way. This is not controlled by the applicant whose team advised that this pedestrian route is closed at night-time and is not relied upon to serve the development. In any event, the use of this link provides access to the car park of the Kennedy Centre with no direct/dedicated pedestrian link to the Andersonstown Road or surrounding amenities. Prospective occupants of the development, including children would be required to walk along the footpath which runs from the site along Blackstaff Road through the informal link to a car park serving the Kennedy Centre and would be required to navigate their way through the Kennedy Centre car park to the Andersonstown Road to access local amenities such as schools and public transport.</p>																																																		
5.7.33	<p>Accessing the bus service along Kennedy Way would potentially require residents to cross the busy 4 lane carriageway with the existing pedestrian crossing some distance away (c. 500m) from the junction of Blackstaff Road and Kennedy Way at the junction of Kennedy Way and the Andersonstown Road.</p>																																																		
5.7.34	<p>The PSNI was requested to provide a view on connectivity to the surrounding developments via the informal link. In response the PSNI advised that <i>‘The potential pedestrian linkages to the surrounding area and the alleyway which forms part of this would carry risk of notable concern.’</i> The PSNI response also states that in respect of vehicular traffic <i>‘Local Police suggest that there would be concerns with the infrastructure in respect of vehicle access via Kennedy Way. This is an extremely busy/congested junction and the additional 139 units will only increase vehicular footfall in the area.’</i></p>																																																		
5.7.35	<p>Notwithstanding the above concerns raised by the PSNI, DFI Roads has verbally advised that they have no objections on road safety grounds. However, officers consider that the proposal fails to provide adequate connectivity to surrounding amenities and no pedestrian linkages to surrounding amenities are proposed to serve prospective occupants of the proposed development. It is therefore considered that the proposal fails to meet criterion (e) of Policy QD 1.</p> <p><i>(f) adequate and appropriate provision is made for parking;</i></p>																																																		
5.7.36	<p>The Transport Assessment sets out the parking requirements in accordance with PPS 3 and Creating Places. The total number of spaces required is 253.</p> <p>Table 3-1: PPS3 Parking Requirements</p> <table><tr><th>Housing Type</th><th>No. of Bedrooms</th><th>In-curtilage Spaces</th><th>Parking Standards</th><th>No. of Units</th><th>Spaces Required</th></tr><tr><td rowspan="3">Terrace</td><td>2</td><td>2</td><td>2.25</td><td>28</td><td>63</td></tr><tr><td>3</td><td>2</td><td>2.5</td><td>12</td><td>30</td></tr><tr><td>4</td><td>2</td><td>2.75</td><td>4</td><td>11</td></tr><tr><td>Detached</td><td>2</td><td>2</td><td>2.75</td><td>6</td><td>17</td></tr><tr><td></td><td>3</td><td>2</td><td>2.75</td><td>2</td><td>6</td></tr><tr><td rowspan="2">Apartments</td><td>1</td><td rowspan="2">N/A</td><td>1.25</td><td>7</td><td>9</td></tr><tr><td>2</td><td>1.5</td><td>79</td><td>119</td></tr><tr><td colspan="4">Total</td><td>138</td><td>253</td></tr></table>	Housing Type	No. of Bedrooms	In-curtilage Spaces	Parking Standards	No. of Units	Spaces Required	Terrace	2	2	2.25	28	63	3	2	2.5	12	30	4	2	2.75	4	11	Detached	2	2	2.75	6	17		3	2	2.75	2	6	Apartments	1	N/A	1.25	7	9	2	1.5	79	119	Total				138	253
Housing Type	No. of Bedrooms	In-curtilage Spaces	Parking Standards	No. of Units	Spaces Required																																														
Terrace	2	2	2.25	28	63																																														
	3	2	2.5	12	30																																														
	4	2	2.75	4	11																																														
Detached	2	2	2.75	6	17																																														
	3	2	2.75	2	6																																														
Apartments	1	N/A	1.25	7	9																																														
	2		1.5	79	119																																														
Total				138	253																																														
5.7.37	<p>Policy AMP 7 of PPS 3 states that <i>‘Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department’s published standards or any reduction provided for in an area of parking restraint designated in a development</i></p>																																																		

	<p><i>plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic'</i> The policy goes on to set out a number on instances where a reduced level of car parking may be acceptable which include <i>'where, through a Transport Assessment, it forms part of a package of measures to promote alternative transport modes; or where the development is in a highly accessible location well served by public transport;'</i> Parking is provided in the form of private in curtilage spaces (84) and communal spaces (86). In total 170 spaces are proposed to serve the development. Cycle parking is proposed at a number of locations throughout the development including adjacent to Apartment Blocks A, C and D providing 52 cycle parking spaces.</p>
5.7.38	<p>DFI Roads is expected to be satisfied with the level of car parking proposed and its arrangement given a commitment from the developer to enact a Travel Plan which sets out proposals for green travel measures to support the reduced level of parking, namely the provision of travel cards for the first three years of occupation of each dwelling and discounted membership of a car club for 3 years. Such measures would normally be secured through a Section 76 Agreement. The proposed development is considered to comply with PPS3 and criterion (f) of Policy QD 1.</p> <p><i>(g) the design of the development draws upon the best local traditions of form, materials and detailing;</i></p>
5.7.39	<p>The built form, predominantly characterised by proposed apartments blocks and rows of two storey terraced dwellings reflects the character of residential developments found in the wider area such as along and off the Andersonstown Road. The mix of red brick and buff brick finish reflects the finishes and materials of established dwellings within the wider vicinity of the site. The proposed design of the development is considered to comply criterion (g) of Policy QD 1.</p> <p><i>h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;</i></p>
5.7.40	<p>The concerns about the compatibility of the proposed housing with adjacent commercial uses is addressed in the previous section of the report.</p> <p>The proposal itself would not give rise to unacceptable overlooking, loss of light, overshadowing or adverse impacts on adjacent properties (the primary concern being the adverse impact of adjacent land-uses on the proposed housing). In this regard, the proposal is compliant with criterion h).</p> <p><i>i) the development is designed to deter crime and promote personal safety.</i></p>
5.7.41	<p>The Planning Statement accompanying the application states that <i>'The proposed development has been designed to Secured by Design standards with the site and individual properties adequately enclosed and defended by appropriate boundary treatments. Careful consideration has also been given to the site layout to ensure that there are no isolated areas of communal open space which are not overlooked and that could give rise to anti-social behaviour. The dwellings have been arranged to overlook the areas of open space within the site to allow passive surveillance for the safety and security of those using the areas. The communal areas will be appropriately and adequately lit by street-light at night.'</i></p>
5.7.42	<p>The applicant has indicated that <i>'As the development will be developed and managed by a social housing provider it will be subject to 'Designing Out Crime' design review. This post planning process will help mitigate against antisocial behaviour. The development</i></p>

	<p><i>will be registered by 'Secure by Design' and evaluated against their criteria. All social housing projects are required to meet these requirements.'</i></p> <p>The PSNI in their response provides advice on designing out crime. The Senior Urban Design Officer also highlights that such matters require to be considered early in the design and considers the site somewhat vulnerable given its isolated location in the middle of a retail/industrial park where the predominant surrounding uses cease operation in the early evening.</p>
5.7.43	<p>Notwithstanding, comments from the PSNI and the Senior Urban Design Officer it is considered that on balance the proposed development does not conflict with criterion i) of Policy QD 1. For the avoidance of doubt this section of the report deals with secure by design issues in respect of the internal layout of the development. The concerns regarding the informal link between Blackstaff Road and the Kennedy Centre remain.</p> <p>Space Standards</p>
5.7.44	<p>Eighty, 2 bed apartments (3 person) and seven, 1 bed (2 person) apartments are proposed within the apartment blocks and all meet the space standards set out in the addendum to PPS 7 and the draft LDP. The Planning Statement accompanying the application states that the <i>'development has been designed in its entirety to meet current requirements of the Housing Association Guide and LifeTime Homes.'</i></p>
5.8	Housing Need
5.8.1	<p>The consultation response from the Northern Ireland Housing Executive (NIHE) advises that: <i>'The wider context of the area reflects this industrial/ commercial designation and our initial viewed based on wider non-housing land uses in the immediate locality, the Council should satisfy themselves that any departure from a Major Area of Existing Employment/Industry use is justified and that any residential development in such a location would provide a high quality attractive environment for households to live and work.'</i> The response further states that <i>'Should the Council be minded to approve a residential development on the site and it is satisfied that a high quality attractive environment for households to live and work can be achieved, the Housing Executive would seek to impose the affordable housing in the emerging Draft Plan Strategy and ensure at least 20% of any housing proposals were affordable. Social need in West Belfast has traditionally been high. A high proportion of public stock is now privately owned, with tenants utilising the house sales scheme. The development is located within the Andersonstown Common Landlord Area and part of the Middle West Belfast Housing Need Area (HNA) where demand for social housing is high. The projected housing needs assessment for Middle West Belfast over the period 2021-2026 indicates that 889 new social housing starts are required to address waiting list demand for this catchment area.'</i></p>
5.8.2	<p>Whilst it is recognised that there is a significant need for social housing in this part of the city, there are fundamental issues about the suitability of the site for housing, as set out above. Officers consider that the proposal for social housing is not of itself sufficient to outweigh the concerns raised regarding the introduction of residential development within a predominantly commercial and industrial/employment area. Furthermore, the applicant's team has advised that discussions are ongoing with a number of Housing Associations who are aware of the surrounding development and consider the site appropriate for residential development. Confirmation has not been provided that a partnership has been established with a Housing Association to develop the site.</p>
5.8.3	<p>The provision of affordable housing, including the final level and mix of social and intermediate housing, would normally be secured through a Section 76 Agreement where there is planning justification for it.</p>

5.9	Traffic, Movement and Parking
5.9.1	The proposal has been assessed against the SPPS and Policies AMP1, AMP 2, AMP6, AMP7 and AMP8 of Planning Policy Statement 3 and general principles of Planning Policy Statement 13.
5.9.2	A total of 170 car parking spaces are proposed to serve the development along with 52 cycle parking spaces. The Transport assessment advises that 253 parking spaces would be required in accordance with the Parking Standards, but a reduced level of car parking is provided as various sustainable transport options are available as an alternative to the private car such as several bus stops, a Glider route and a nearby train station (Balmoral).
5.9.3	A Travel Plan and Transport Assessment have been submitted in support of the development. The Travel Plan sets out measures to reduce dependency on travel by car and promote sustainable travel modes. Green travel measures in the form of a implementation of a Travel Plan, Residential Travel Pack, 3-year residential Travel Card, discounted membership of a car club (50%) for a 3 year period car club scheme.
5.9.4	The Transport Assessment sets out an assessment of the traffic impact of the proposed development which has been considered by DFI Roads.
5.9.5	An objection on behalf of the adjacent existing business Huhtamaki, raised concerns regarding the traffic impact of the proposal and intensification of the existing access which is extremely congested and states that there have been numerous road traffic accidents in the past and the insufficiency of parking spaces. DFI Roads previously objected to the proposal however further information has been submitted and is being considered. DFI Road's latest position on the application will be subject to an update at the Planning Committee meeting.
5.9.6	Officers consider that the proposal complies with the SPPS, Policies AMP1, AMP 2, AMP6, AMP7 and AMP8 of PPS 3 and the general principles of Planning Policy Statement 13.
5.10	Environmental Considerations
5.10.1	Drainage
5.10.2	The application is supported by a Flood Risk Assessment. The proposal has been considered against policies FLD 1-5 of Revised PPS15. DFI Rivers have raised no objections under Policies FLD 1, 2, 3, 4 and 5 subject to a condition which relates to the submission of a Final Drainage Assessment.
5.10.3	NI Water has objected to the proposal on the basis that there is insufficient waste water treatment capacity available to service the proposed development. They have also advised that the foul sewer network cannot presently serve this development proposal without significant risk of environmental harm and detrimental impact on existing properties. Importantly, NI Water makes allowance for existing significant committed development across the city. Such development, which includes un-implemented permissions across the city, will not all come forward at once.
5.10.4	In practical terms it is considered unreasonable for the Council to refuse planning permission for the proposed development on the basis that 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.
5.10.5	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. The development, if approved, would not come forward until after July 2023.
5.10.6	The Tree Officer welcomes the opportunity for Water butts proposed within dwellings and apartment blocks which will serve to promote SuDS.
5.11	Contamination
5.11.1	The application is supported by a Land Contamination Assessment and further addendums submitted in response to queries raised by Environmental Health. Environmental Health considers that a Detailed Remediation Strategy would be required and should address issues around potential vapour risk and identify the properties which require vapour protection measures. In addition, the remediation strategy would be required to incorporate a Materials Management Plan and set out how contaminated soils on the site are proposed to be moved and reused in a manner that would not pose a risk to end users and mitigation measures relating to the banked area in the western part of the site and details on the clean capping layer in all landscape areas. Furthermore, Environmental Health recommends a condition that the banked area located in the west part of the site is subject to a separate GQRA and that a verification report is submitted and approved by the Council prior to any occupation. NIEA has no objection to the proposed development subject to conditions/informatives if permission is granted. Officers are satisfied that the measures set out in the negative conditions recommended by Environmental Health and NIEA would, if implemented, not result in any adverse impact on prospective occupants.
5.12	Air Quality
5.12.1	The application is supported by an Air Quality Impact Assessment. An objection raises concerns regarding air quality complaints arising from potential occupants due to existing business/operators in the area. Environmental Health has reviewed the assessment and concludes in regard to traffic impact that estimated road transport emissions, as a result of the proposed development, are likely to have a 'negligible' impact on nitrogen dioxide and particulate matter concentrations in the local area. With regard to construction phase, subject to mitigation measures proposed, there would be no significant adverse dust effects arising from the construction phase of the proposed development. Environmental Health raises no objection on air quality grounds subject to conditions regarding the use of centralised combustion sources.
5.13	Impact on Protected Sites/Priority Species and Habitats
5.13.1	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 the development would not have an adverse effect on the integrity of any European site, either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including mitigation measures. This conclusion is subject to mitigation measures being conditioned

	in any approval which require agreement on the method of sewage disposal or granting of consent to discharge prior to commencement.
5.13.2	The Council, in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, should adopt the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 10/10/2022. This found that the project would not have an adverse effect on the integrity of any European site.
5.14	Developer Obligations
5.14.1	Para 5.69 of the SPPS states that ' <i>Planning authorities can require developers to bear the costs of work required to facilitate their development proposals.</i> ' Relevant further guidance is provided by the Council's Developer Contribution Framework, adopted in 2020.
5.14.2	<p>Were the application to be found to be acceptable by the Committee, the following measures would be required to be secured through a Section 76 planning agreement:</p> <ul style="list-style-type: none"> • Provision of affordable housing; • Green Travel Measures in the form of implementation of a Travel Plan, a travel card for each unit a period of 3 years and 50% subsidised membership of a car club for each unit for 3 years along with the implementation of a Travel Plan including a Travel Co-ordinator; • Employability and Skills interventions during the construction phase; • Long term management and maintenance of communal and public open space; a • Agreement with ASDA to fit an in-line duct attenuator to its gable wall to reduce the noise impact on the nearest proposed rear gardens.
5.15	Pre-Application Community Consultation
5.15.1	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 02 August 2021 (LA04/2021/1830/PAN). Belfast City Council responded confirming that the PAN and associated approach met the requirements of Section 27 of the Planning Act and was acceptable subject to additional consultation with the West Belfast Partnership Board.
5.15.2	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 (website) event and that the website event in lieu of the public event took place in accordance with section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015. The report also confirmed that information leaflets had been distributed to c. 650 properties in the surrounding area.
5.15.3	The report states that 20 comments were left via the online feedback form. The PACC report advises that the comments received fell into 4 categories i.e. traffic congestion, need for social housing, support for local businesses and need for additional schools and medical facilities.

5.15.4	The PACC report states that <i>'The Applicant has undertaken a comprehensive pre-application consultation exercise. Throughout this process the Applicant and project team has sought to directly engage with the general public and elected representatives for the area. All of the feedback received during the consultation has been fully analysed...The general concerns and issues that were raised by respondents focused mostly on concerns around traffic congestion & management, the need of housing (particularly social housing) along with provision of local services inclusion Schools & Hospitals. The design team has taken time to carefully consider the feedback and has provided a response to each of the key areas raised during the consultation feedback process. The proposals for new homes of the site were welcomed by those who fed back to the team during the consultation period.'</i>
5.15.3	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.
6.0	Summary of Recommendation
6.1	Having regard to the development plan, relevant policy context and other material considerations, including the consultation responses and representation received, the proposed development is considered unacceptable. It is recommended that full planning permission is refused for the reasons set out in the report.
6.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of reasons for refusal and to deal with any other matters which may arise

Draft Reasons for Refusal:

1. The proposed development is located within a designated District Centre as identified in the draft Belfast Metropolitan Area Plan 2015 (v2014). The proposal would reduce the land available within the District Centre to deliver retail and other appropriate commercial uses and would fail to retain and consolidate the District Centre as a focus for local everyday shopping. The proposal is contrary to paragraph 6.276 of the SPPS and Designation BT010/5 – Westwood Centre of the draft Belfast Metropolitan Area Plan 2015 (v2014).
2. The application site is surrounded by existing commercial uses and businesses, many of which are not subject to restrictions on hours of operation or other controls. The proposed housing would be a poor-quality living environment for residents who would be subject to unacceptable noise and environmental impacts, both from within the houses/apartments and the outdoor amenity space/open space. The application fails to demonstrate that the noise levels would be satisfactory. The site is not considered suitable for any form of housing and the proposal is contrary to paragraphs 4.11, 4.25-27 and 4.34 of the Strategic Planning Policy Statement, Policy PED 8 of Planning Policy Statement 4, and criteria (a) and (h) of Policy QD 1 of Planning Policy Statement 7 – Quality Residential Environments.
3. The application site is surrounded by existing commercial uses and businesses, many of which are not subject to restrictions on hours of operation or other controls. The proposed development has the potential to adversely affect the operations and viability of existing surrounding commercial uses and businesses and generally compromise the ability of the industrial estate to provide employment and economic growth. The proposal is contrary to paragraphs 4.20 – 4.21 of the Strategic Planning Policy Statement and Policy PED 8 of Planning Policy Statement 4.

4. The proposed development would be located on an existing commercial/industrial park, resulting in poor place making and an unsuitable residential living environment. Specifically, access to the development would be through an incongruous industrial estate/commercial park. Secondly, the proposed development would provide a poor quality residential environment for prospective occupants by reason of poor outlook from Blocks A, B, C and D onto the existing commercial and industrial/employment area. Thirdly, the overbearing impact of the retaining wall and embankment onto the dwellings and rear gardens numbered 77-83 and 86 on Drawing No. 04A – Site Layout. Fourthly, the overbearing nature of the Westwood Shopping Centre/ASDA on apartments within Block A and the dwellings and rear gardens numbered 70-76 on Drawing No. 4A – Site Layout. The proposal is contrary to paragraphs 4.12, 4.25-27 and 4.34 of the Strategic Planning Policy Statement and criteria (a) and (h) of Policy QD1 of Planning Policy Statement (PPS) 7 – Quality Residential Environments . and Policy PED 8 of Planning Policy Statement 4, and unacceptable.
5. The proposal fails to provide adequate connectivity to surrounding amenities and would result in an isolated housing development within an existing commercial and industrial/employment area and encourage use of an unsafe informal link to the Kennedy Centre. The proposal is contrary to paragraphs 4.12 and 4.24-27 of the Strategic Planning Policy Statement and criteria (e) of Policy QD 1 of Planning Policy Statement (PPS) 7 – Quality Residential Environments.
6. The application is not accompanied by a Section 76 planning agreement to secure the Green Travel Measures (Travel Plan, Travel Cards for each unit for a 3 year period, Discounted Membership of a Car Club), Employability and Skills interventions, long term management and maintenance of private communal and public open space areas which would be required to manage and mitigate the development. The proposal is contrary to paragraph 5.69 of the SPPS, Policy AMP 7 of Planning Policy Statement 3, Policy OS 2 of Planning Policy Statement 8 and Chapter 9 of the Developer Contributions Framework.

Notification to Department (if relevant): Not Required

Date of Notification to Department:

Response of Department:

Representations received from Elected Members: None

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

The Owner/Occupier, NI Water, Sewage Treatment Works,Blackstaff Road, Belfast, Antrim,BT11 9DT

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

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

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

The Owner/Occupier, Unit 1,4 Blackstaff Way,Ballymurphy,Antrim,BT11 9DT

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

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

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

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

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

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

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

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

The Owner/Occupier,
Unit 11,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

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

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

The Owner/Occupier, Unit 12,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 12,Kennedy Enterprise Centre,2 Blackstaff Road,Belfast,Antrim,BT11 9DT

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

The Owner/Occupier, Unit 13,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

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

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

The Owner/Occupier, Unit 14,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

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

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

The Owner/Occupier, Unit 15,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 15,Kennedy Enterprise Centre,2 Blackstaff Road,Belfast,Antrim,BT11 9DT

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

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

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

The Owner/Occupier, Unit 16,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

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

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

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

The Owner/Occupier, Unit 17,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

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

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

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

The Owner/Occupier, Unit 18,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

The Owner/Occupier, Unit 18,Kennedy Enterprise Centre,2 Blackstaff Road, Belfast, Antrim,BT11 9DT

The Owner/Occupier, Unit 19,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

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

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

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

The Owner/Occupier, Unit 19b,Kennedy Enterprise Centre,2 Blackstaff Road, Belfast, Antrim,BT11 9DT

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

The Owner/Occupier, Unit 1a,Kennedy Enterprise Centre,2 Blackstaff Road, Belfast, Antrim,BT11 9DT

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

The Owner/Occupier, Unit 2,4 Blackstaff Way,Ballymurphy,Antrim,BT11 9DT

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

The Owner/Occupier, Unit 2,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

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

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

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

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

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

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

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

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

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

The Owner/Occupier, Unit 23,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

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

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

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

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

The Owner/Occupier, Unit 25,Kennedy Enterprise Centre,2 Blackstaff Road, Belfast, Antrim,BT11 9DT

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

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

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

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

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

The Owner/Occupier, Unit 3 ,Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim,BT11 9DT

The Owner/Occupier, Unit 3,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

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

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

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

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

The Owner/Occupier, Unit 35,Kennedy Enterprise Centre,2 Blackstaff Road, Belfast, Antrim,BT11 9DT

The Owner/Occupier, Unit 36,Kennedy Enterprise Centre,2 Blackstaff Road, Belfast, Antrim,BT11 9DT

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

The Owner/Occupier, Unit 3a,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

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

The Owner/Occupier, Unit 4,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

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

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

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

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

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

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

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

The Owner/Occupier, Unit 5,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

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

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

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

The Owner/Occupier, Unit 5a,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<p>The Owner/Occupier, Unit 7-8,M1 Business Park,Blackstaff Way,Belfast,Antrim,BT11 9DS</p> <p>The Owner/Occupier, Unit 7b,2 Blackstaff Road,Kennedy Way Industrial Estate, Belfast, Antrim,BT11 9DT</p> <p>The Owner/Occupier, Unit 8,48 Kennedy Way,Belfast,Antrim,BT11 9AP</p> <p>The Owner/Occupier, Unit 8,5 Kennedy Way,Belfast,Antrim,BT11 9BQ</p> <p>The Owner/Occupier, Unit 8,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP</p> <p>The Owner/Occupier, Unit 8,Westwood Retail Park,51 Kennedy Way, Belfast, Antrim, BT11 9BQ</p> <p>The Owner/Occupier, Unit 8,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim, BT11 9BQ</p> <p>The Owner/Occupier, Unit 8,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ</p> <p>The Owner/Occupier, Unit 8a,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP</p> <p>The Owner/Occupier, Unit 9,D C Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP</p> <p>The Owner/Occupier, Unit 9,Westwood Shopping Centre,51 Kennedy Way, Belfast, Antrim,BT11 9BQ</p> <p>The Owner/Occupier, Units 1,16,17 & 18,D C Enterprise Centre,Kennedy Way, Belfast, Antrim,BT11 9AP</p> <p>The Owner/Occupier, West Belfast Enterprise Centre,Blackstaff Road,Kennedy Way Industrial Estate,Belfast,Antrim,BT11 9DT</p>	
Date of Last Neighbour Notification	10th August 2022
Date of EIA Determination	21st July 2022
ES Requested	No

This page is intentionally left blank

ADDENDUM REPORT No. 2	
Committee Meeting Date: 18 th April 2023	
Application ID: LA04/2022/1479/F	
Proposal: Partial redevelopment of former Kennedy Way Waste Water Treatment Works to include the development of new Mechanical & Electrical (M&E) workshops, storage, changing facilities and ancillary offices (development to include three new buildings 1) the main hub building; 2) a store to hold an alternative bottled water supply; and 3) a generator store), access improvements, parking, service yards, storage areas, contractors compound, boundary fencing, cesspool, solar PV panels and landscaping.	Location: Former NI Water Ltd Sewage Treatment Works Blackstaff Road Belfast BT11 9DT
Referral Route: Major Development	
Recommendation:	Approve subject to conditions
Applicant Name and Address: Northern Ireland Water NI Westland House 40 Old Westland Road Belfast BT14 6TE	Agent Name and Address: Resolve Planning & Development Innovation Factory Forthriver Business Park 385 Springfield Road Belfast BT12 7DG
Background <p>This application was deferred by the Planning Committee on 14 March 2023 to enable Members the opportunity to consider this application alongside planning application LA04/2022/1280/F (Proposed social housing led, mixed tenure residential development comprising of 52 no. dwellinghouses and 87 no. apartments with public open space, children's play park, landscaping, car parking, associated site works and infrastructure and access arrangements from Blackstaff Road (139 no. units in total) also located on Blackstaff Road.</p> <p>Members should read this second Addendum Report in conjunction with the original full planning report and the first Addendum Report both appended.</p> <p>At the March Planning Committee, Members raised a concern that the proposed development could have an 'in principle' environmental impact on a live planning application for proposed residential development for social housing on an adjacent site (planning ref: LA04/2022/1280/F).</p> <p>Officers have sought the view of Environmental Health and further information has been provided by the applicant to provide clarification on the frequency of night-time activities and odour.</p> <p>Following consideration Environmental Health advise that the approval of the proposed NI Water development would not have an adverse impact on the proposed housing development on the adjacent site. Based on information provided by the applicant, Environmental Health consider that the need for out of hours access will be intermittent, emergency access less again, and the degree of activity on site during night time hours would not give cause for noise impact concern</p>	

especially set in the context of other noise sources already extant in the area during the evening and at night associated with a number of commercial premises that already exist in the immediate area.

Furthermore, Environmental Health advise that the proposed mitigation measures by way of glazing and alternative means of ventilation for the proposed housing development have been designed to a high specification to deal with existing high noise levels measured and modelled in the area during the daytime and at night. The additional access requirements to the redeveloped NI Water site (with the new access point) at night and the relatively low level of activity on site during this time would not, in the opinion of Environmental Health Officers, lead to a significant increase in noise levels in the area on those occasions such that the proposed mitigation measures (for the housing development) would not be designed to deal with.

With regard to odour, the RPS Odour Impact Assessment accompanying this planning application concluded a low level impact and that odour is typically transient. Additionally, the odour source is not part of the proposed development and lies outside the application site. Notwithstanding, Environmental Health consider that the proposed residential development is further away than the RPS subjective odour monitoring positions, and given the prevailing wind direction, i.e. south westerly, there is unlikely to be significant impact on external amenity areas within the proposed housing development.

In conclusion, officers are satisfied that the proposed development would not give rise to unacceptable impacts should the proposal for social housing proceed.

Recommendation

As per the previous Committee report, the recommendation to approve subject to conditions remains unchanged.

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

ADDENDUM REPORT

Committee Meeting Date: 14th March 2023

Application ID: LA04/2022/1479/F

Proposal:

Partial redevelopment of former Kennedy Way Waste Water Treatment Works to include the development of new Mechanical & Electrical (M&E) workshops, storage, changing facilities and ancillary offices (development to include three new buildings 1) the main hub building; 2) a store to hold an alternative bottled water supply; and 3) a generator store), access improvements, parking, service yards, storage areas, contractors compound, boundary fencing, cesspool, solar PV panels and landscaping.

Location:

Former NI Water Ltd Sewage Treatment Works Blackstaff Road Belfast BT11 9DT

Referral Route: Major Development

Recommendation:

Approve subject to conditions

Applicant Name and Address:

Northern Ireland Water NI
Westland House
40 Old Westland Road
Belfast
BT14 6TE

Agent Name and Address:

Resolve Planning & Development
Innovation Factory
Forthriver Business Park
385 Springfield Road
Belfast
BT12 7DG

Background

This application was deferred for a site visit by the Planning Committee on 14 February 2023 to allow Members the opportunity to undertake a site visit. The Committee site visit took place on 24 February 2023.

The Committee should read this Addendum Report in conjunction with the original full planning report, appended.

Recommendation

As per the previous Committee report, the recommendation to approve subject to conditions remains unchanged.

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 14 February 2023	
Application ID: LA04/2022/1479/F	Target Date:
Proposal: Partial redevelopment of former Kennedy Way Waste Water Treatment Works to include the development of new Mechanical & Electrical (M&E) workshops, storage, changing facilities and ancillary offices (development to include three new buildings 1) the main hub building; 2) a store to hold an alternative bottled water supply; and 3) a generator store), access improvements, parking, service yards, storage areas, contractors compound, boundary fencing, cesspool, solar PV panels and landscaping.	Location: Former NI Water Ltd Sewage Treatment Works Blackstaff Road Belfast BT11 9DT
Referral Route: Major Development	
Recommendation:	Approve subject to conditions
Applicant Name and Address: Northern Ireland Water NI Westland House 40 Old Westland Road Belfast BT14 6TE	Agent Name and Address: Resolve Planning & Development Innovation Factory Forthriver Business Park 385 Springfield Road Belfast BT12 7DG
Executive Summary: This application seeks full planning permission for the partial redevelopment of former Kennedy Way Waste Water Treatment Works to include the development of new Mechanical & Electrical (M&E) workshops, storage, changing facilities and ancillary offices (development to include three new buildings 1) the main hub building; 2) a store to hold an alternative bottled water supply; and 3) a generator store), access improvements, parking, service yards, storage areas, contractors compound, boundary fencing, cesspool, solar PV panels and landscaping. The site comprises the site of the former Kennedy Way Waste Water Treatment Works which ceased use in 2000. The key issues to be considered in the assessment of this application are: <ul style="list-style-type: none"> The principle of the proposed use at this location Impact on the character and appearance of the area Compatibility with adjacent uses Access, parking and traffic management Environmental Considerations – Drainage, Contamination, Noise, Impact on Designated Sites/Natural Heritage Assets 	

NI water (applicant) advise that the existing NI Water 'Bretland House' facility must be cleared to facilitate the main extension of the Belfast Waste Water Treatment Works at Duncrue which is a key and strategic outcome of the DFI-led Living With Water Programme (the Belfast Strategic Drainage Infrastructure Plan) and that the Kennedy Way Hub proposal forms a fundamental part of the works required to upgrade the Belfast WWTW at Duncrue, the proposal is therefore of strategic importance to both NI Water and the Department for Infrastructure led Living With Water Programme (LWWP).

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

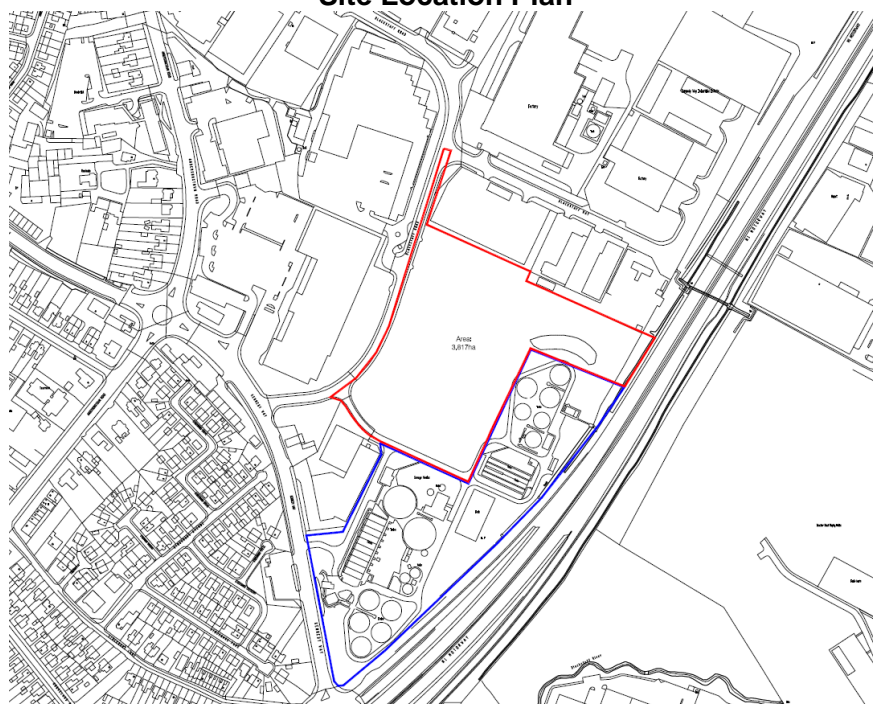
Recommendation

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

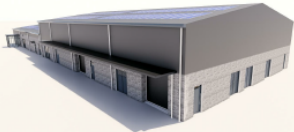
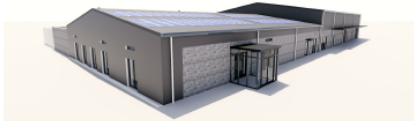
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and deal any other issues which might arise.

Signature(s):

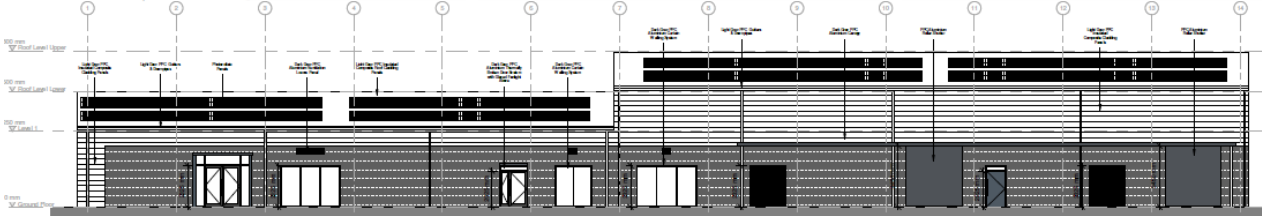
Site Location Plan

[illegible]

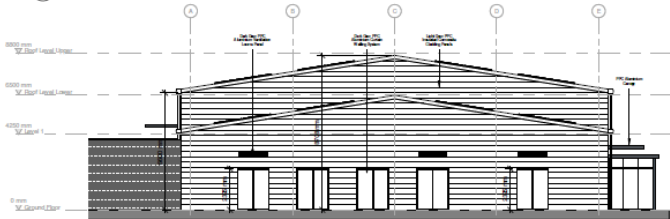
Hub Elevations



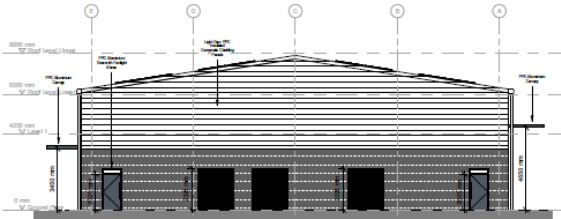
3D Views of Proposed Hub Building



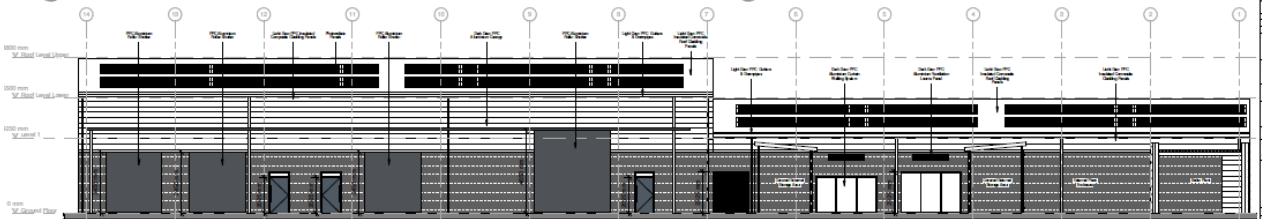
1 Elevation 1
1:100



2 Elevation 2
1:100

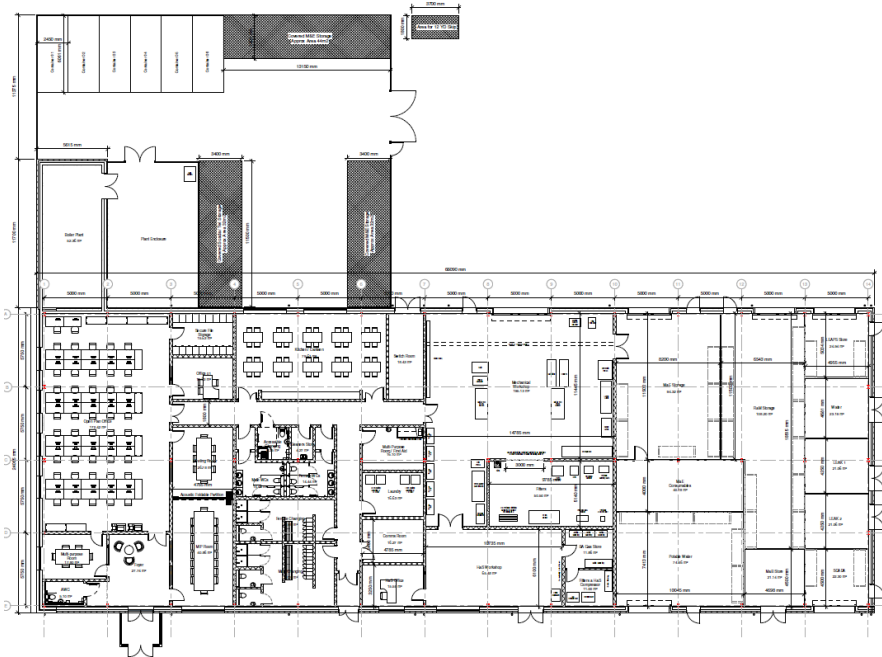


3 Elevation 3
1:100



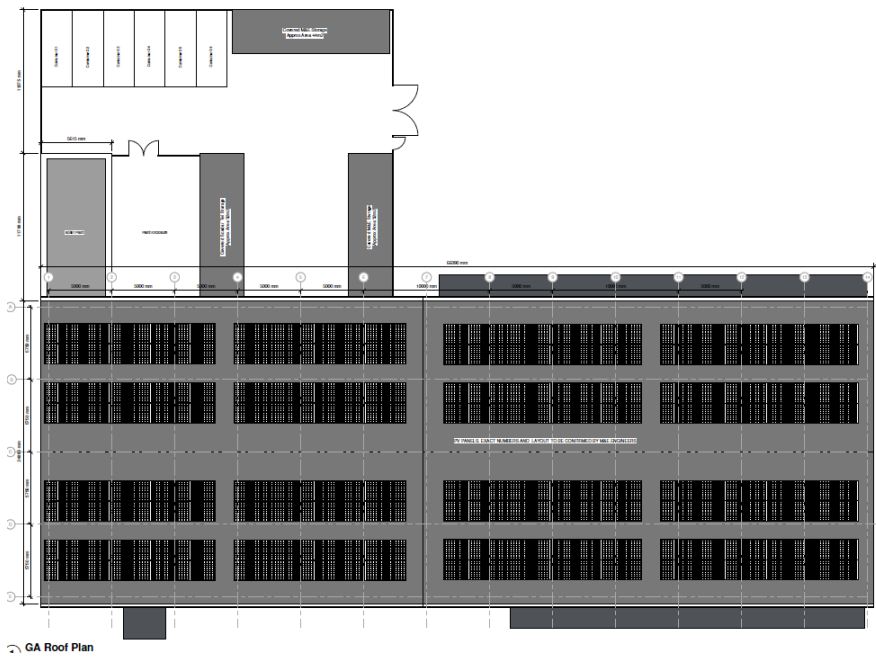
4 Elevation 4
1:100

Hub Ground Floor Plan

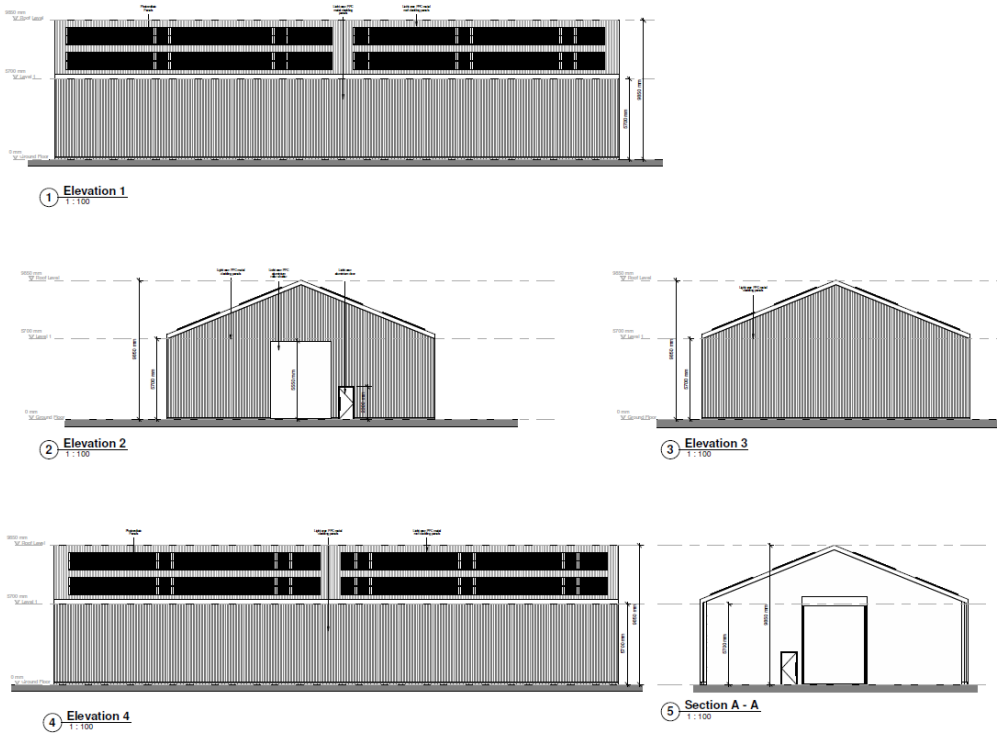


1 Proposed Ground Floor Plan
1:100

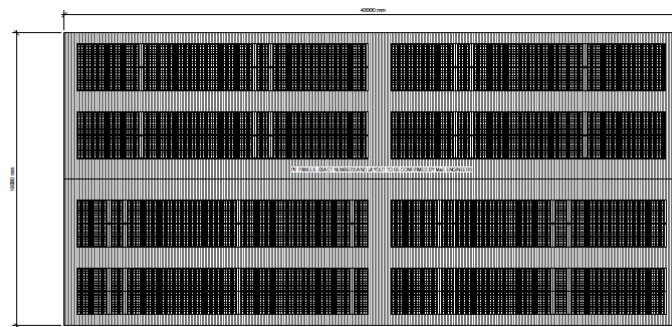
Hub Roof Plan



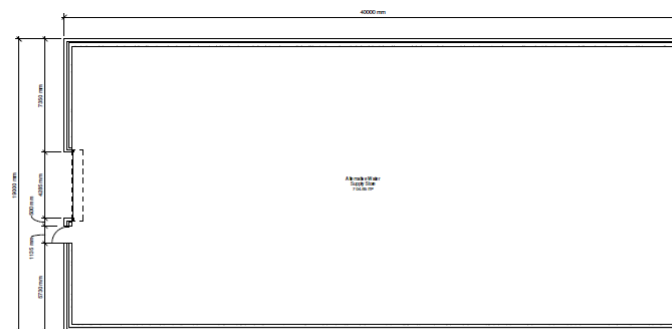
Alternative Water Supply Building (AWS) Elevations



Alternative Water Store (AWS) Ground Floor Plan

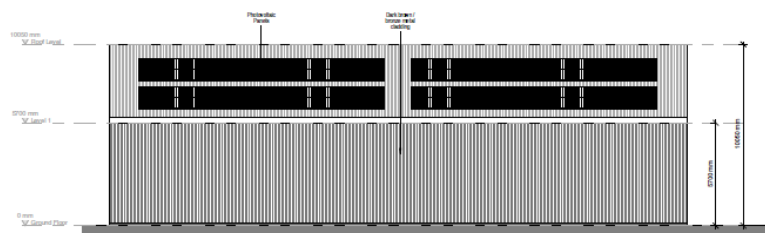


2 Proposed Roof Plan
1 : 100

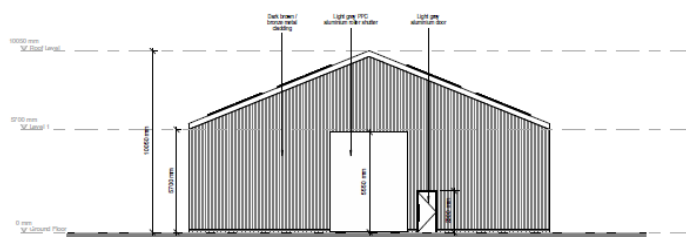


1 Proposed Ground Floor Plan
1 : 100

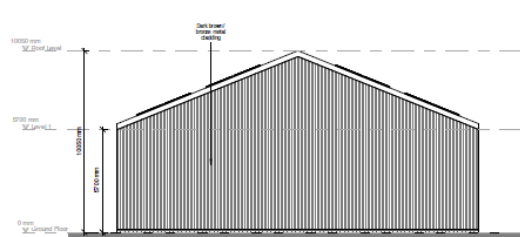
Generator Store Elevation



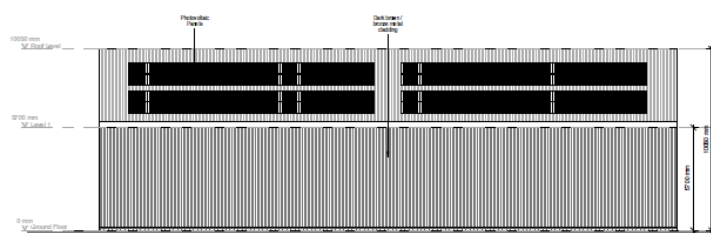
1 Elevation 1
1 : 100



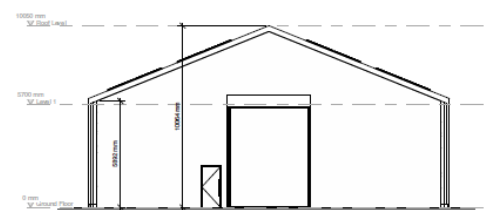
2 Elevation 2
1 : 100



3 Elevation 3
1 : 100

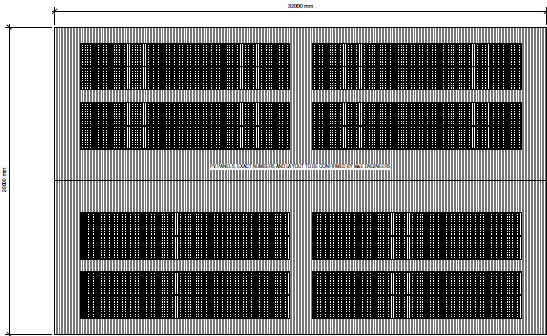


4 Elevation 4
1 : 100

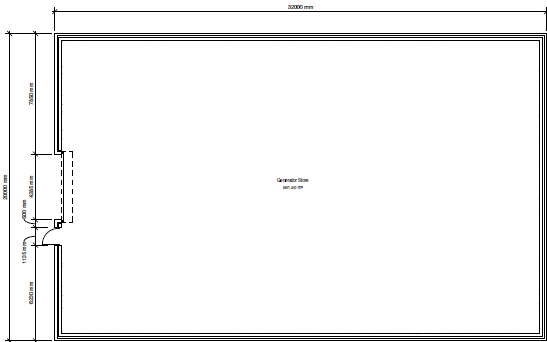


5 Section A - A
1 : 100

Generator Store Floor Plans



2 Proposed Roof Plan
1 : 100



1 Proposed Ground Floor Plan
1 : 100

CGIs
CGI of Hub showing front entrance



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

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

4.0	Planning Assessment of Policy and Other Material Considerations
4.1	<p>Planning Assessment of Policy and Other Material Considerations</p> <p>Regional Planning Policy</p> <ul style="list-style-type: none"> • Regional Development Strategy 2035 (RDS) • Strategic Planning Policy Statement for Northern Ireland (SPPS) • Planning Policy Statement 3 (PPS 3) - Access, Parking and Movement • Planning Policy Statement 13 (PPS 13) - Transportation and Land Use • Planning Policy Statement 15 (PPS 15) - Flood Risk <p>Local Planning Policy Context</p> <ul style="list-style-type: none"> • Belfast Urban Area Plan (2001) BUAP • Draft Belfast Metropolitan Area Plan (2015) • Draft Belfast Metropolitan Area Plan (2004) <p>Other Material Considerations</p> <ul style="list-style-type: none"> • Belfast Agenda Community Plan • Developer Contributions Framework (2020)
4.2	<p>Planning History</p> <p>On the site:-</p> <p>LA04/2022/0668/PAN - Partial redevelopment of former Kennedy Way Waste Water Treatment Works to include the development of new Mechanical & Electrical (M&E) workshops, storage, changing facilities, ancillary offices, access improvements, parking, service yards, boundary fencing and landscaping. It is proposed to develop three buildings on the site: 1) the main hub building; 2) a store to hold an alternative bottled water supply; and 3) a generator store, Sewage Treatment Works, Blackstaff Road, Belfast, BT11 9DT. PAN acceptable 11.04.2022</p> <p>LA04/2021/1325/PAD - Partial redevelopment of former NI Water operational land at Blackstaff Road / Kennedy Way, Belfast to include M&E workshops, storage, changing facilities and associated offices, access improvements, parking, service yards, boundary fence and landscaping, Sewage Treatment Works, Blackstaff Road, Belfast, BT11 9DT.</p> <p>Adjacent to the site:-</p> <p>LA04/2022/1280/F - Proposed social housing led, mixed tenure residential development comprising of 52 no. dwellinghouses and 87 no. apartments with public open space, children's play park, landscaping, car parking, associated site works and infrastructure and access arrangements from Blackstaff Road (139 no. units in total), Former Kennedy Enterprise Centre (north of Westwood Shopping Centre), Blackstaff Road, Belfast BT11 9DT. Decision pending.</p>
4.3	Consultation Responses
4.3.1	<p>Statutory Consultation Responses</p> <p>Responses from statutory consultees are summarised below. Further detail concerning their feedback is provided in the main assessment section of the report, where appropriate.</p> <p>DFI Roads – No objection subject to conditions.</p>

	<p>NI Water – No objection. NI Water response confirms that until such times as there is available capacity at Belfast Waste Water Treatment and downstream wastewater network its proposed to discharge foul sewage to a cesspool which will be emptied via a tanker as necessary. Public water main available to serve the development.</p> <p>DFI Rivers Agency – No objection subject to a condition.</p> <p>DAERA (NIEA) – Water Management Unit - No objection subject to conditions. <i>Drinking Water Inspectorate</i> – No objection <i>Regulation Unit Land and Groundwater Team</i> – No objection subject to conditions. <i>NED</i> – no objection.</p> <p>Shared Environmental Services – No objection subject to conditions. SES advises that the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects subject to mitigation measure proposed as conditions.</p>
4.3.2	<p>Non-Statutory Consultation Responses</p> <p>Responses from non-statutory consultees are summarised below. Further detail concerning their feedback is provided in the main assessment section of the report, where appropriate.</p> <p>Environmental Health – No objection subject to conditions.</p> <p>BCC Tree Officer – No objection subject to conditions.</p> <p>Economic Development Unit – Recommend that Employability and Skills during both the construction or operational phases of development should not be applied.</p>
4.4	<p>Representations</p> <p>The application has been advertised and neighbours notified. No third party objections have been received.</p>
4.4.1	
5.0	<p>Planning Assessment</p> <p>The key issues to be considered in the assessment of this application are:</p>
5.1	<ul style="list-style-type: none"> • The principle of the proposed use at this location • Impact on the character and appearance of the area • Compatibility with adjacent uses • Access, parking and traffic management • Environmental Considerations – Drainage, Contamination, Noise, Impact on Designated Sites/Natural Heritage Assets <p>An assessment of the above issues is set out below.</p>
5.2	<p>Background</p> <p>The proposed development was the subject of a PAD process which included input from DFI Roads, BCC Tree Officer and Environmental Health.</p>
5.2.1	
5.3	<p>Development Plan Context</p> <p>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.</p>
5.3.1	

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



5.4.3

5.4

The need for a replacement facility as a result of relocation of Bretland House to facilitate the upgrade to Belfast Waste Water Treatment Works is a material consideration that supports the case for the proposed development.

5.4.1

Policy Context/Principle of Proposed Uses

5.4.2

The site is located within a primary commercial/industrial/ employment area. The proposal primarily comprises a Class B2 (Light Industrial Use) and Class B4 (Storage and Distribution) uses. Offices are also proposed within the Hub building. The applicant's team has advised that the function of the office space within the hub building is ancillary to its principal function and its purpose is to provide a supporting role to the main use of the building as an M&E workshop and that it would not be operationally possible to provide the office element in a town centre location with the main industrial use on a separate site elsewhere in the city, because the main industrial use relies on the support provided by the office staff. Officers are satisfied that the proposed office use is ancillary to the primary use of the main Hub building.

5.4.3

Policy PED 1 of PPS 4 – Economic Development in Settlements states that proposals for Class B2 and B4 uses will be permitted in an area specifically allocated for such purposes in a development plan or in an existing industrial / employment area provided it is of a scale, nature and form appropriate to the location. Elsewhere in cities and towns such proposals will be determined on their individual merits. The site is not zoned as an employment /industry area in either versions of draft BMAP or the BUAP. However, it is located adjacent to an existing employment/industry and commercial area. The proposal would support the strategic objectives of NI Water to upgrade the Belfast Waste Water Treatment Works. The proposed development is considered in principle to comply with Policy PED 1 and meet the core principles of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and objectives of the Belfast Agenda.

Policy PED 9 – General Criteria for Economic Development also applies to the proposed development and further assessment of the proposed development is set out below. Policy PED 9 states that '*a proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria*'. Assessment of the criteria is set out below.

(a) it is compatible with surrounding land uses; *It is considered that the proposal is compatible with the surrounding uses for reasons set out above.*

(b) it does not harm the amenities of nearby residents; *No residential properties are located in close proximity to the site.*

5.4.4	<p>(c) it does not adversely affect features of the natural or built heritage; <i>NIEA Natural Environment Division (NED) has considered the impacts of the proposal on designated sites and other natural heritage interests and has no concerns subject to condition to ensure the satisfactory implementation of the Invasive Species management Plan. SES advises the proposal would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects subject to mitigation measures which are included as recommended conditions.</i></p> <p><i>There are no built heritage assets in close proximity to the site. In summary the proposed development is not considered to adversely affect features of the natural or built heritage.</i></p> <p>(d) it is not located in an area at flood risk and will not cause or exacerbate flooding; <i>The site is not located in a floodplain. Rivers Agency has considered the proposal against Policy FLD 1 and considers that it is not applicable to this development and raises no objections.</i></p> <p>(e) it does not create a noise nuisance; <i>Environmental Health has considered the impact of the proposed development and has no concerns relating to noise subject to a condition.</i></p> <p>(f) it is capable of dealing satisfactorily with any emission or effluent; <i>Environmental Health has considered the impact of the proposed development and has no objections relating to air quality/emissions subject to a condition. NI Water has no objections to the proposed development with regard to waste water infrastructure.</i></p> <p>(g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified; <i>DFI Roads has considered the traffic impact of the proposal and has raised no objections subject to conditions.</i></p> <p>(h) adequate access arrangements, parking and manoeuvring areas are provided; <i>DFI Roads has considered the proposed access, parking and manoeuvring arrangements and has raised no objection subject to conditions.</i></p> <p>(i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport; <i>The access arrangements proposed include two access points and operation of a one way system for lorries and vans. The site is located close to Kennedy Way and a regular bus service is available in close proximity to the site. The development supports a range of modes of transport and is considered to meet the needs of those with impaired mobility and is convenient to public transport route.</i></p> <p>(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity; <i>The site layout and building design are considered to be of an appropriate design quality. Photovoltaic (solar) panels are proposed on the roof which will promote sustainability. Landscaping proposals are proposed which will promote biodiversity in the area and serve to improve the character and appearance of the area.</i></p> <p>(k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view; <i>Security fencing (2.4m high paladin fencing) around the perimeter of the site is proposed and will provide an appropriate means of enclosure. Existing birch trees along the Blackstaff Road boundary will be retained along with new planting proposed within the site will provide an adequate degree of screening of storage areas.</i></p> <p>(l) is designed to deter crime and promote personal safety; <i>Perimeter fencing and gates at the access points entrance and exit to the site will secure the site and act as deterrent against crime. Car parking and access to the building/office is segregated from lorry loading/parking bays which will serve to promote personal safety for users.</i></p> <p>(m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape. <i>Not applicable.</i></p>
-------	---

5.5

The scale, nature and form of the development is considered appropriate to the location and compatible with surrounding uses. The proposal is considered to satisfy the criteria set out in Policy PED 1 and PED 9.

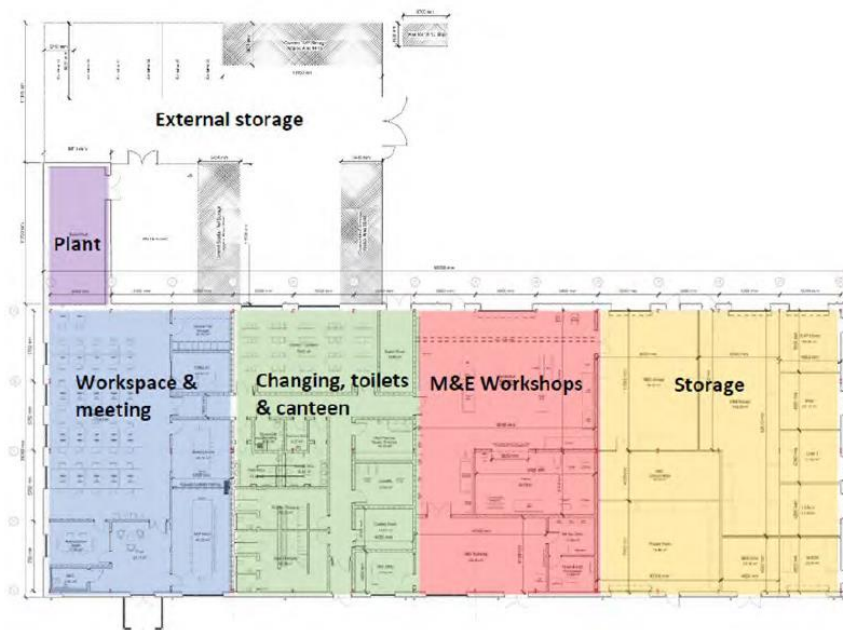
5.5.1**Scale, Design, Layout**

The proposed development comprises three buildings as set out below:-

- Hub – this is the main building accommodating mechanical and electrical (M&E) workshops, stores, welfare and administrative support;
- The Alternative Water Supply Store (AWS) - stores water containers and bottles of drinking water deployed to the community in the event drinking water main supply is interrupted; and
- Generator Store – This building stores mobile electrical generators used during water operations within the Belfast area and beyond.

5.5.2

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

**5.5.3**

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

5.5.4

5.5.5	<p>The Alternative Water Supply building will be used for the storage of emergency bottled water (a minimum of 200 pallets) and a water tanker fast fill station. In addition, there will also be a large portable generator shed complete with a specialist ventilation system for generator testing. Portable generators stored at the Hub can be quickly moved to a remote site as necessary for use by operational staff. All of the proposed facilities will be provided in a secure protected site. The Kennedy Way Hub will be a working depot for maintenance of water and wastewater infrastructure throughout Belfast and areas beyond and the proposed business hours are 24/7.</p>
5.5.6	<p>The design of the Hub, Alternative Water and Generator Stores reflect typical warehouse type accommodation. All three buildings are of similar scale and appearance to industrial buildings in the surrounding area and are long span portal framed buildings with composite cladding. Walls are proposed to be finished in grey cladding and blue/grey brick. Windows are proposed to be finished in grey aluminium frames, roof to be finished in grey cladding and doors in grey steel, grey roller shutter goods doors and glazed aluminium entrance doors.</p>
5.7	<p>The height, scale, massing, design, layout and materials of the proposed development are acceptable and compatible with the surrounding context and comply with the SPPS and PPS4.</p>
5.7.1	<p>Impact on the character and appearance of the area</p>
5.7.2	<p>The site is located in a predominantly commercial/industrial/employment area. Belfast City Council Civic Amenity Site is located to the immediate north along with existing industrial/employment units. The Westwood Shopping Centre is located to the west. Lands abutting the site to the south and southeast are owned by NI Water and form part of the former Waste Water Treatment Works. The M1 motorway runs along the eastern boundary of the site. The nearest existing residential property is located approximately 115 to the south at Stockmans Crescent. The Traffic impact has been considered by DFI Roads who raise no objection. Environmental Health has considered amenity impacts and are content that no adverse impact by way of noise, odour air quality would arise from the development. Japanese knotweed and Himalayan Balsam were identified as being present on the site and the applicant has submitted an Invasive Species Management Plan (ISMP) which sets out steps to control and manage the species to facilitate the proposed development. Measures have been implemented to eradicate the species and this process is ongoing. The (ISMP) has been reviewed by NIEA Natural Environment Division who raise no objection and recommend a condition ensuring that the development adheres to the ISMP.</p>
5.8	<p>It is considered that the proposed development will not give rise to adverse impacts and is compatible with the surrounding area and complies with the SSPS.</p>
5.8.1	<p>Access Parking and Traffic Management</p>
5.8.2	<p>Two access points to the site are proposed from the Blackstaff Road and a one-way access route for lorries and vans is proposed through the site segregating lorries and vans from cars/staff traffic. Parking for 64 cars/vans and 11 HGV lorries is proposed and includes 6 electrical charging points. A sheltered cycle store and providing parking for bicycles is also proposed on site.</p>
5.9	<p>DFI Roads has no objections to the proposed development subject to conditions which are set out below. The proposal is considered to comply with the SPPS and PPS 3.</p>

	Environmental Considerations
5.9.1	Drainage The application is supported by a Flood Risk Assessment and Drainage Assessment. The proposal has been considered against policies FLD 1-5 of Revised PPS15. DFI Rivers have raised no objections under Policies FLD 1, 2, 3, 4 and 5 subject to a condition seeking the submission of a final drainage plan prior to construction.
5.9.2	NI Water has no objection to the proposed development and advises that although Belfast WWTW and catchment are both operating at capacity this proposal can be approved on the basis of no additional loading. It is proposed to discharge foul sewage to a cesspool which will be emptied by a tanker as necessary. This arrangement will be in place until such times as there is capacity at both the WWTW and wastewater network. NI Water advise that there is a public water main within 20m of the proposed development boundary which can adequately service these proposals.
5.9.3	Contamination The application is supported by a Land Contamination Assessment which has been considered by both DAERA, NIEA and Environmental Health. Neither have raised objections and both have provided conditions/informatives if permission is granted.
5.9.4	Noise The application is supported by a Noise Impact Assessment which has been considered by Environmental Health who has provided a condition should permission be granted.
5.9.5	Air Quality The application is supported by an Air Quality Impact Assessment which has been considered by Environmental Health which has no objection subject to a condition as set out below.
5.9.6	Odour The application is supported by an Odour Impact Assessment which has been considered by Environmental Health who has no objection.
5.10	Impact on Designated Sites/Natural Heritage Assets
5.10.1	The proposed development is located adjacent to an unnamed watercourse that connects to the features in Belfast Lough via the Turf Lodge Stream and Lagan System and therefore there is potential that the development could impact on a number of designated sites.
5.10.2	In accordance with Regulation 43(1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended) Shared Environmental Services (SES) on behalf of the Council has carried out an appropriate assessment and having considered the nature, scale, timing, duration and location of the project, SES advises that the development would not have an adverse effect on the integrity of any European site, either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including mitigation measures. This conclusion is subject to mitigation measures being conditioned in any approval which require the development to be carried out in accordance with the drainage plan submitted and the requirement for at least a 10m buffer between the location of any refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and any watercourse or drains present onsite or adjacent to the site. SES considers that adherence to these conditions will negate any potential pollution issues at both construction and operational phases

5.10.3	<p>from affecting connected European Site features. Both conditions are set out in full below.</p> <p>Belfast City Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 01/02/2023. This found that the project would not have an adverse effect on the integrity of any European site.</p>
5.11	<p>Pre-Application Community Consultation</p>
5.11.1	<p>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 25th March 2022 (LA04/2022/0668/PAN). Belfast City Council responded confirming that the PAN and associated approach met the requirements of Section 27 of the Planning Act and was acceptable subject to additional consultation with the MP for West Belfast. A digital public consultation event via a dedicated NI Water website was proposed between 02 and 20 May 2022.</p>
5.11.2	<p>A Pre-Application Community Consultation Report has been produced to comply with the statutory requirement laid out in Section 28 of the Planning Act (Northern Ireland) 2011. The purpose of a PACC report is to confirm that pre-application community consultation has taken place in line with statutory minimum requirements. The report has confirmed advertising for the public event and that the public event (digital public consultation event) took place in accordance with section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015. The report also confirmed that a leaflet was distributed to neighbouring properties. The report states that feedback was limited to one response which raised issues regarding additional traffic on Blackstaff Road.</p>
5.11.3	<p>The applicant's responded to the issue raised by advising that the application is accompanied by a Transport Assessment Form (TAF) that considers the impact of the development on traffic congestion and road safety which concludes that <i>"the low number of vehicles generated by the proposed development will have a minimal transport impact during AM and PM peak periods"</i>. The response advises that the TAF was also submitted in draft to DFI Roads via the PAD process, who raised no objection to the draft development proposal.</p>
5.11.2	<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>
<p>Neighbour Notification Checked Yes</p>	
<p>Summary of Recommendation: Having regard to the development plan, relevant policy context and other material considerations, the proposed development is considered acceptable and it is recommended that full planning permission is granted subject to conditions.</p>	

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

Draft Conditions:

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

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

2. All landscaping works shall be carried out in accordance with the approved details on Drawing No. 16C – Planting Plan. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any proposed trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

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

3. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any existing trees or planting to be retained as indicated on the approved drawings which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

Reason: In the interests of visual amenity.

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

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

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

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

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

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

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

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

8. No development shall commence (other than site clearance, enabling works or works to fulfil this condition) until a Detailed Remediation Strategy has been submitted to and approved in writing by the Council. The Remediation Strategy shall consider the MCL Consulting Ltd report entitled 'Project Number: P2565_2_Issue 4, Phase 3 Remediation Strategy, Kennedy Way, Belfast, Client: McAdam Design, Issued: January 2023'. The Remediation Strategy shall follow best practice and must demonstrate how the identified contaminant linkages are to be demonstrably broken and no longer pose a potential risk to human health. It must also detail how the proposed remedial works are to be verified. The development shall not be carried out unless in accordance with the approved Remediation Strategy.

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

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

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

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

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

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

Reason: Protection of amenity.

12. In the event that any substantial centralised combustion sources (boilers, CHP, biomass or generators) are proposed and there is a risk of impact at relevant receptor locations as per

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

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

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

Reason: Protection against adverse air quality impacts.

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

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

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

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

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

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

17. No development shall commence until the applicant has submitted evidence in writing to the Council for its agreement demonstrating that the risks to groundwater and other environmental receptors due to on-site contamination of the ground and groundwater have been effectively assessed. This evidence should include but not be limited to:
 - Groundwater quality monitoring data and a detailed quantitative risk assessment to investigate the risks to groundwater from hydrocarbon contamination identified at the site (WS01),
 - If unacceptable risks to groundwater are identified provision of remedial criteria as soil and groundwater concentrations that would not pose a risk to receptors. The remedial

criteria are required to be derived through quantitative risk assessment based on the conceptual site model.

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

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

18. The development hereby permitted shall not commence until a detailed remediation strategy to address all unacceptable risks to environmental receptors identified from Condition 17. This strategy must be submitted to and agreed in writing by the Council and should identify all unacceptable risks on the site, the remedial objectives/criteria and the measures which are proposed to mitigate them (including maps/plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program, etc).

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

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

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

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

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

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

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

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

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

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

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

Reason: To ensure acceptable parking facilities on the site.

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

Reason: In the interests of pedestrian safety.

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

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

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

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

Notification to Department (if relevant) - Not Required

Date of Notification to Department:

Response of Department:

Representations from Elected Members:- None

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 18 th April 2023	
Application ID: LA04/2022/1962/F	Target Date:
Proposal: Proposed Change of Use to Retail Use to Allow for the Sale of Mixed Convenience and Comparison Goods. Minor Amendments to Elevations, Car Parking and Services and General Site Works.	Location: No 8-10 Boucher Road, Boucher Plaza, Belfast BT12 6HR
Referral Route: Major development	
Recommendation:	Approve subject to conditions
Applicant Name and Address: Galgorm Properties 7 Corbally Road Ballymena BT42 1JQ	Agent Name and Address: Inaltus Ltd 15 Cleaver Park Malone Road Belfast BT9 5HX
<p>Executive Summary</p> <p>This application seeks full planning permission for the change of use to allow the sale of convenience and comparison goods and minor alterations to the elevations, car parking servicing and general site works. The proposal also proposes the amalgamation of 3 existing units.</p> <p>The building at Nos 8-10 Boucher Road has a previous permission for the sale of bulky goods/ retail warehouse and has been used in the past for the sale of vehicles and kitchens. The building is currently vacant.</p> <p>The key issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> • The principle of the proposed use at this location • Retail Impact of the proposal • Impact on the character and appearance of the area • Compatibility with adjacent uses • Access, parking and traffic management • Environmental Considerations – Drainage, Contamination, Noise, Impact on Designated Sites/Natural Heritage Assets <p>The proposed supermarket proposes a gross floor area of 1,910 sqm, a net sales area of 1,465sqm of which 264sqm is for the sale of convenience goods (e.g. food, tobacco, stationery, cosmetics etc), and 1,201sqm is for the sale of comparison goods (469sqm for non bulky comparison goods and 732 sqm for the sale of bulky comparison goods e.g. DIY materials, garden materials, plants, furniture and soft furnishings, cycles/cycle accessories, electrical goods etc). 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 there are no sequentially preferable sites in the proposal's whole catchment when considered against the criteria of suitability, availability and</p>	

viability. It further advises that the retail impact of the proposal on protected centres within the catchment will not be significant, or result in significant adverse cumulative impacts. Conditions are recommended to enable the Council to retain control of the nature of retailing at this location.

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

No third-party representations have been received.

Recommendation

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

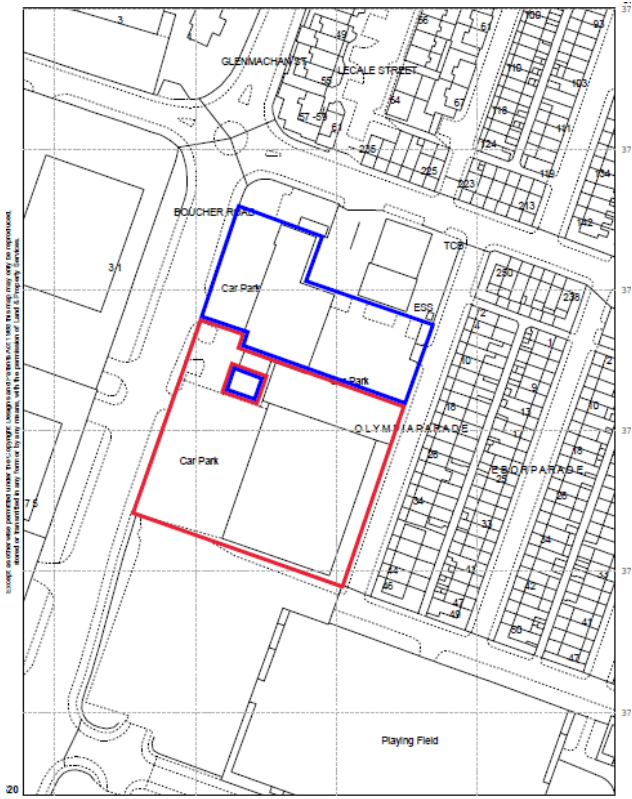
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and to deal with any other matters which may arise.

Signature(s):

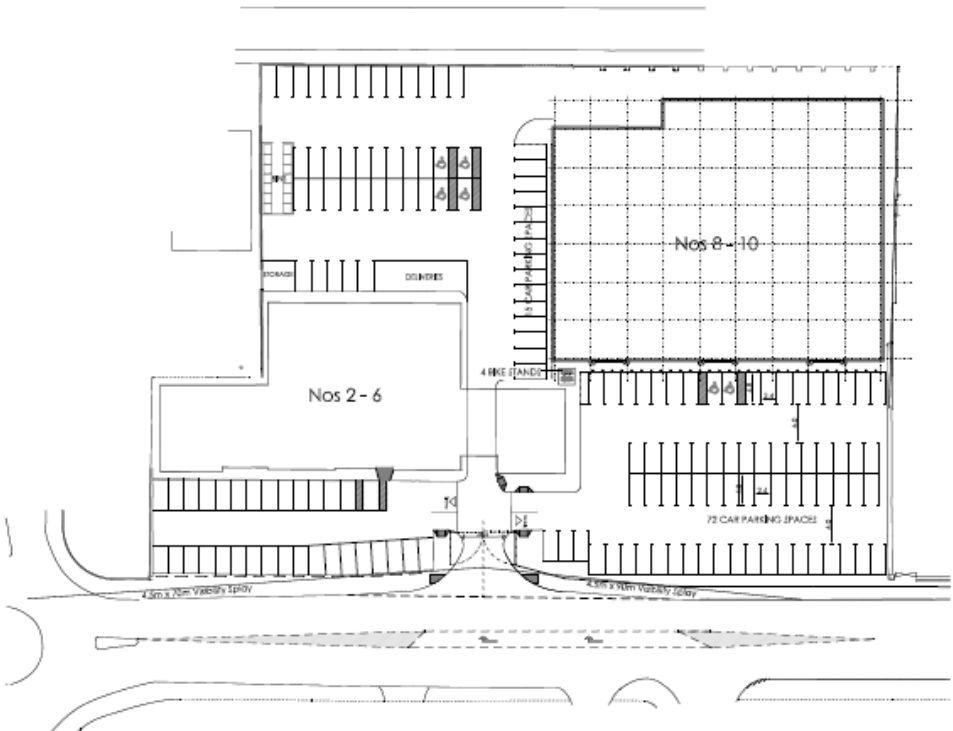
Case Officer Report

1.0 Site Location Plan

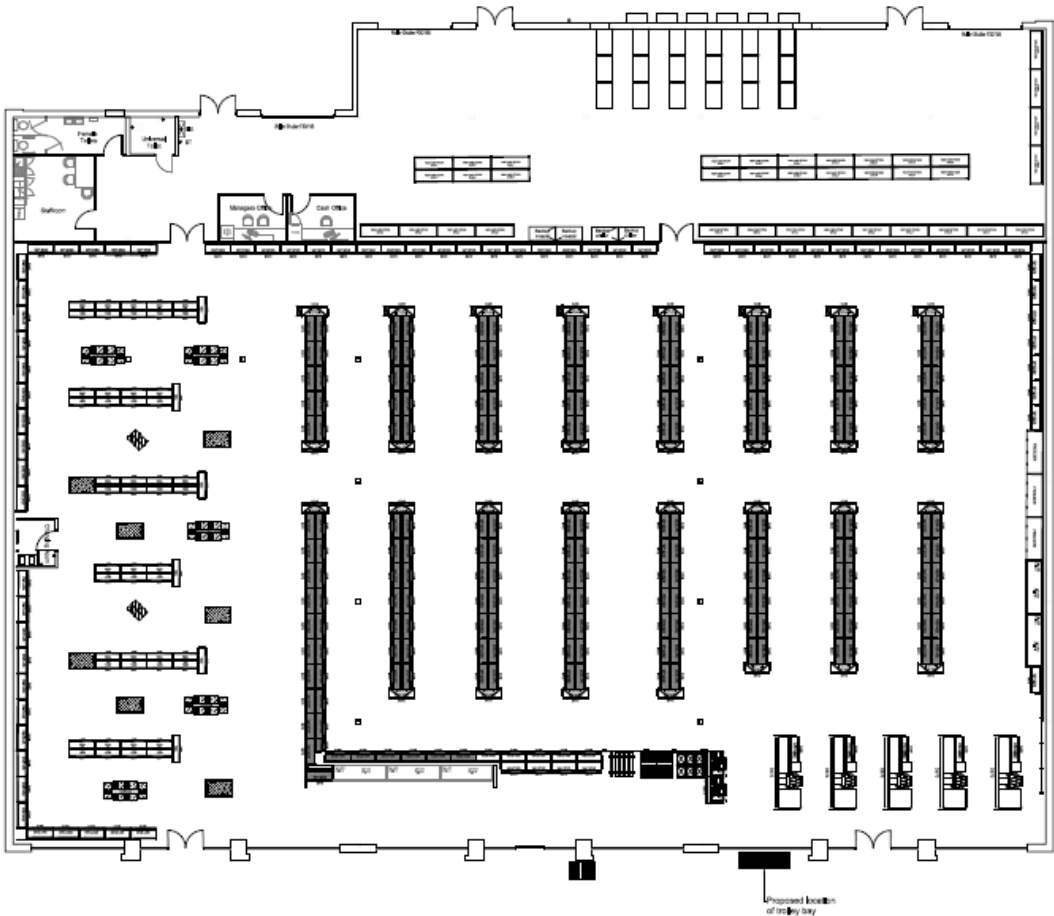
Site Location Plan



Proposed Site Layout Plan

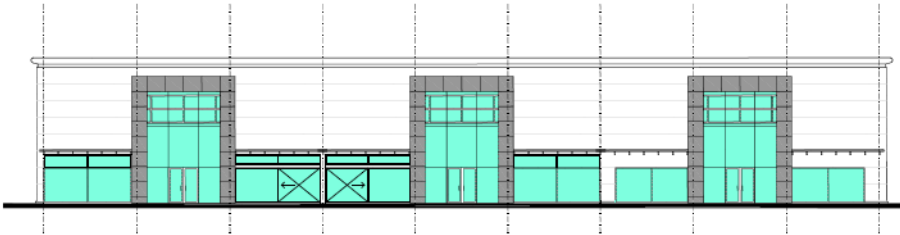


Proposed Floor Plan



PROPOSED FLOOR PLAN

Existing and Proposed Front Elevation



EXISTING FRONT ELEVATION



PROPOSED FRONT ELEVATION

Existing and Proposed Rear Elevation



Existing Images of the Site (Google Earth)

Boucher Road



Olympia Parade



2.0	Characteristics of the Site and Area
2.1	The application site is located along the east side of Boucher Road. The area is predominantly characterised by a mix of uses, mostly commercial/retail uses. The development (8-10 Boucher Road) currently comprises a grey clad building with three entrance points.
2.2	Windsor Park football stadium, Olympia Leisure Centre and associated playing fields are located to the immediate south-east. Existing residential development is located to the east and north-east of the site. Commercial uses are located to the north, south and on the opposite side of Boucher Road to the west. Planning approval has recently been granted (29.03.23) for a new Lidl Supermarket and Drive through café/restaurant to the immediate east of the site.
3.0	Description of Proposal
3.1	The application seeks full planning permission for the change of use to retail use to allow for the sale of mixed convenience and comparison goods. Minor amendments to elevations, car parking and services and general site works. The Retail Impact Assessment states that the building will be occupied by Poundland.
3.2	The application follows a Pre-Application Discussion (PAD) with officers.
4.0	Planning Assessment of Policy and Other Material Considerations
4.1	Policy Context Regional Planning Policy <ul style="list-style-type: none"> • Regional Development Strategy 2035 (RDS) • Strategic Planning Policy Statement for Northern Ireland (SPPS) • Planning Policy Statement 3 (PPS 3) - Access, Parking and Movement • Planning Policy Statement 8 (PPS 8) - Open Space, Sport and Outdoor Recreation • Planning Policy Statement 15 (PPS 15) - Flood Risk

	<p>Local Planning Policy Context</p> <ul style="list-style-type: none"> • Belfast Urban Area Plan (2001) BUAP • Draft Belfast Metropolitan Area Plan 2015 (v 2004) • Draft Belfast Metropolitan Area Plan 2015 (v 2014) • Belfast Local Development Plan Draft Plan Strategy 2035 <p>Other Material Considerations</p> <ul style="list-style-type: none"> • Belfast Agenda Community Plan • Developer Contribution Framework
4.2	Planning History
4.2.1	<p>Relevant Planning History on the site</p> <p>LA04/2022/0433/PAN - Proposed Change of Use from Car Showroom to Retail Use to allow for the sale of mixed convenience and comparison goods. Nos 8-10 Boucher Plaza, Boucher Road, Belfast. PAN Acceptable 16.03.2022</p> <p>LA04/2021/2146/PAD - Proposed to change the use from car showroom to retail, 8-10 Boucher Road, Boucher Plaza, Belfast BT12 6HR.</p> <p>Z/2008/2209/F - Retrospective application for the change of use from retail units to car dealership/showroom and workshop including alterations to front elevation, 8-10 Boucher Road, Belfast BT12 6HR. Permission granted 11.08.2009</p> <p>Z/2006/2482/F – Variation of condition No 9 of previously approved application Z/2004/2187/F to allow for sale of sports goods in unit 3, Unit 3, Boucher Plaza, Belfast. Permission granted 27.01.2005</p> <p>Z/2004/2187/F – Amendments to previously approved scheme (ref: Z/2002/2220/F) to provide 3 No. (non-food) retail warehouses with associated car parking, Lands at Boucher Plaza, Boucher Road, Belfast. Permission granted 25.01.2005</p> <p>Z/2003/2563/F - Proposed non-food retail development comprising 1164m2 (Gross Ground Floor) and 924m2 (Gross First Floor) and associated reconfiguration and car parking, Lands at Boucher Plaza, 8-10 Boucher Road, Belfast, BT12 6HR. Appeal dismissed 10.08.2004</p> <p>Z/2002/2220/F - Proposed non-food retail development comprising 1926sq m (gross internal) floorspace and associated access reconfiguration and car parking, Land at Boucher Plaza, Boucher Road, Belfast. Permission granted 15.10.2003</p>
4.3	Consultations
4.3.1	<p>Statutory Consultations</p> <p>DFI Roads – No objection subject to conditions.</p> <p>DFI Rivers – No objection.</p> <p>NI Water – No objection.</p> <p>DAERA NIEA – <i>Water Management Unit</i> – No objection. <i>Regulation Unit</i> – No objection subject to conditions.</p>

4.3.2	<p>Non-Statutory Consultations</p> <p>Environmental Health – No objection subject to conditions. Economic Development Unit - No objection. Employability and skills related Developer Contributions Section 76 clauses do not need to be applied to the construction or operational phases of the development. BCC Policy and Plans team – No objection subject to conditions. BCC Waste Management Team – No objection.</p>
4.4	Representations
4.4.1	The application has been advertised and neighbours notified. No third-party representations have been received.
4.5	Planning Assessment
4.5.1	<p>Key Issues</p> <p>The key issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> • The principle of the proposed use at this location • Retail Impact of the proposal • Impact on the character and appearance of the area • Compatibility with adjacent uses • Access, parking and traffic management • Environmental Considerations – Drainage, Contamination, Noise, Impact on Designated Sites/Natural Heritage Assets
4.6	Background
4.6.1	The proposed development was the subject of a PAD process which included input from, DFI Roads, Environmental Health and the BCC Plans and Policy Team.
4.7	Development Plan Context
4.7.1	Section 6(4) of the Planning Act (Northern Ireland) 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4.7.2	The adoption of the Belfast Metropolitan Area Plan (BMAP) in 2014 was declared unlawful as a result of a judgement in the court of appeal delivered on 18 May 2017. This means that the Belfast Urban Area Plan 2001 (BUAP) provides the statutory plan context for the area.
4.7.3	Draft BMAP 2015 (dBMAP v2014), in its most recent, post-examination form remains a significant material consideration when making planning decisions. It was at the most advanced stage possible prior to adoption. However, in assessing this application regard is also had to the provisions of draft BMAP which was published in 2004 (dBMAP 2004).
4.7.4	<p><i>Belfast Urban Area Plan 2001 (BUAP)</i></p> <p>Within the BUAP the site is un-zoned land within the development limit of Belfast.</p>

4.7.5	<i>Draft BMAP (2004 and 2014) designations</i> In dBMAP (v2004) the site is un-zoned land within the Belfast Metropolitan/Settlement Development Limit. In dBMAP (v2014) the site is also un-zoned land within the Belfast Metropolitan/Settlement Development Limit.
4.7.6	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.
4.8	Policy Considerations
4.8.1	Policy SFG3 of the RDS seeks to enhance the role of Belfast City Centre as the regional capital and focus of administration, commerce, specialised services and cultural amenities. This policy states <i>'Belfast City Centre has developed its regional shopping offer. A precautionary approach needs to be continued in relation to future major retail development proposals based on the likely risk of out of centre shopping developments having an adverse impact on the city centre shopping area'</i> .
4.8.2	The SPPS sets out five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. The SPPS states at paragraph 1.13 (page 7) that a number of policy statements, including PPS 3 remain applicable under 'transitional arrangements'.
4.8.3	Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraph 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported.
4.9	Principle of Proposed Use
4.9.1	The development proposes a change of use from existing (vacant) car and kitchen showrooms to retail use allowing for the sale of convenience and comparison goods. The principle of retail development (for bulky goods) has been established on this site through previous approvals. The principle of the proposed retail use (for convenience and comparison shopping) is considered compatible with surrounding land uses which comprise of a mix of commercial/retail, open space and residential uses and acceptable in principle. Further assessment of the retail impact of the proposed development is considered below.
4.10	Retail Policy Considerations
4.10.1	The SPPS introduces new retail policy under 'town centres and retailing' at pages 101-105, replacing previous considerations within Planning Policy Statement 5. Paragraph 6.270 states that <i>'the aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the</i>

	<i>appropriate first choice location of retailing and other complementary functions, consistent with the RDS.'</i>
4.10.2	Paragraph 6.273 states planning authorities must adopt a town centre first approach for retail and main town centre uses. Paragraph 6.280 states that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date LDP. Where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused.
4.10.3	Paragraph 6.281 requires applications for main town centre uses to be considered in the following order of preference (and consider all of the proposal's catchment): <ul style="list-style-type: none"> • primary retail core; • town centres; • edge of centre; and • out of centre locations, only where sites are accessible by a choice of good public transport modes.
4.10.4	No guidance has been published to date by DFI to assist in interpretation and application of SPPS policy.
4.10.5	Relevant retail Policy in the BUAP is set out in Policy S2 (Shopping development outside the City Centre) and Policy S5 (Assessment of Proposed Shopping Schemes). Policy S2 states that <i>'New shopping schemes in the rest of the Belfast Urban Area should be located in or near existing shopping centres and be of an appropriate scale.'</i> This policy seeks to protect the city centre and existing centres and to ensure that new retail developments are located where they support the continued viability of established shopping centres. The Policy further states that <i>'New shopping schemes away from existing centres will be permitted only in exceptional circumstances where:- they meet the genuine needs of large residential neighbourhoods; especially of they are currently under-shopped; or an area is in need of new investment and requires an element of retailing to secure regeneration.'</i>
4.10.6	Policy S5 states that <i>'All new major shopping schemes will be subject to assessment against criteria relating to impact, car parking, traffic generation and access; relationships to adjoining development (especially residential); and design and appearance (including materials, finishes and signs).'</i> The policy further directs that the following matters be considered:- the effect on the vitality and viability of existing shopping centres as a whole; the effect on local amenity; traffic generation; the availability of public transport and accessibility for car owners and the benefits to the public from the proposed development. No guidance is included within the BUAP on how the effect on the vitality and viability of existing shopping centres is to be assessed. It is the view of officers that the assessment carried out in accordance with the SPPS is an appropriate assessment to determine the impact of the proposed development on the vitality and viability of existing shopping centres. These matters are considered in the assessment below.
4.10.7	Draft BMAP strategic retail policy for Belfast is set out at pages 54-58 Part 3 volume 1 and page 28 of Part 4 Volume 2. The BMA retail strategy seeks to: <ul style="list-style-type: none"> • promote Belfast City Centre as the leading shopping centre in the Plan Area and Northern Ireland;

	<ul style="list-style-type: none"> Outside City and Town Centres the nature and scale of retail development is to be controlled in order to protect the vitality and viability of the city and town centres and retail development to be focused on designated District Centres, Shopping / Commercial Areas and Designated Commercial Nodes on designated Arterial Routes and designated Local Centres.
4.10.8	Two other elements are cited, however, these relate to areas outside of Belfast and are therefore not applicable.
4.10.9	Policy R1 states that <i>'primary retail cores will be the preferred location for new comparison and mixed retail development...(and)...outside designated Primary Retail Cores, planning permission will only be granted for comparison and mixed retail development where it can be demonstrated that there is no suitable site within the primary retail core'</i> . The supplementary note goes on to say that <i>'the plan seeks to support the vitality and viability of city and town centres by ensuring that they are the main focus for all retail developments including convenience, non-bulky comparison and bulky comparison retailing.'</i>
4.10.10	Policy R2 states planning permission will not be granted for proposals for retail development where it would be likely to result in an adverse impact on the distinctive role of Belfast City Centre as the leading regional shopping centre. It refers to the Regional Development Strategy 2035 which <i>'supports and strengthens the distinctive role of Belfast City Centre as the primary retail location in Northern Ireland. It urges a precautionary approach in relation to future major retail development proposals based on the likely risk of out of centre shopping developments having an adverse impact on the city centre shopping area.'</i>
4.10.11	A list of district centres is designated on page 57 of Part 3 Volume 1 of Draft BMAP. District Centres designated within the Belfast City Council Area include Connswater, Dairyfarm, Hillview, Kennedy Centre, Park Centre, Westwood Centre, and Cityside (formerly Yorkgate). Forestside is also a designated centre and is located adjacent to BCC boundary within Lisburn and Castlereagh Council. The supplementary text refers to the findings of the retail study for Belfast which concluded that there were planning reasons for redirecting any identified need to nearby city and town centres where the case for retail investment is stronger. The application site is not part of a designated District Centre.
4.10.12	Pages 105-106 of Part 4 Volume 2 refer to retailing in outer Belfast. This designates the District Centres under BT010. The supplementary text states <i>'these centres co-exist with the City Centre and should fulfil a complementary role. It is recognised that whilst Belfast City Centre is under-performing as a regional centre, many of the out-of-town centres are overtrading and are attracting trade away from the City Centre. In order to help redress this imbalance, boundaries are delineated for all of the District Centres.'</i>
4.10.13	The Plans and Policy Team's response highlights that the Draft Local Development Plan sets out a number of retail policies that are applicable to this development including Policies RET 1 <i>'Establishing a centre hierarchy'</i> and RET 2 <i>'Out of centre development'</i> .
4.10.14	Policy RET1 – <i>'Establishing a centre hierarchy'</i> , advises that the <i>'following network and hierarchy is to be maintained to ensure that proposals for main town centres uses, including retail, are directed to the appropriate level of centre based on size, function and catchment. Such proposals will be considered in the following order of preference:</i>

	<p>a. <i>Belfast City Centre primary retail core and frontage (retail applications);</i></p> <p>b. <i>Belfast City Centre;</i></p> <p>c. <i>District centres; then</i></p> <p>d. <i>Local centres.'</i></p>															
4.10.15	The draft policy further states that ‘ <i>The sequential approach directs development within centres before considering an edge of centre site. Preference will be given to edge of centre land before considering an out of centre site. Other centres outside Belfast should be considered when assessing retail impacts if they fall within the intended catchment area and the sequential test will be applicable.</i> ’															
4.10.16	RET2 – ‘Out of centre development’ states that ‘ <i>Proposals for main town centre uses, outside of existing centres must:</i> <p>a. <i>Demonstrate that there is not a sequentially preferable site in, or on the edge of, centres having regard to criteria of suitability, availability and viability; and</i></p> <p>b. <i>Submit a retail impact assessment and assessment of need for proposals that have a floorspace of 1,000sq m gross and above.</i>’</p>															
4.10.17	Whilst the above policies are material considerations, little weight is attached until such times as the plan is adopted therefore existing policies set out in the BUAP, BMAP and the SPPS will continue to be applied. Notwithstanding, the application is accompanied by a Retail Impact Assessment and Sequential Test which have been assessed by the Plans and Policy Team.															
4.11	Retail Impact Assessment															
4.11.1	<p>The development proposes a gross floor area of 1,910 sqm and a net sales area of 1465 sqm of which 264 sqm is for the sale of convenience goods (e.g. food, tobacco, stationery, cosmetics etc), and 1201 sqm for the sale of comparison goods of which 469 sqm is for the sale of non bulky comparison goods (non-bulky household goods, clothes etc) and 732 sqm for the sale of bulky comparison goods (e.g. DIY materials, garden materials, plants, furniture and soft furnishings, cycles/cycle accessories, electrical goods etc).</p> <p><i>Table 1: Breakdown of Proposed Retail Floorspace</i></p> <table><tr><td></td><td>Proposed</td><td>% of Net Floor Space</td></tr><tr><td>Gross Floor Area (sqm)</td><td>1,910 sqm</td><td>-</td></tr><tr><td>Net Floor Area (sqm)</td><td>1,465 sqm</td><td>-</td></tr><tr><td>Convenience floorspace (sqm)</td><td>264 sqm</td><td>18%</td></tr><tr><td>Comparison floorspace (sqm)</td><td>1,201 sqm – 469 sqm (non bulky) – 732 sqm (bulky)</td><td>82% 32% (non bulky) 50% (bulky)</td></tr></table>		Proposed	% of Net Floor Space	Gross Floor Area (sqm)	1,910 sqm	-	Net Floor Area (sqm)	1,465 sqm	-	Convenience floorspace (sqm)	264 sqm	18%	Comparison floorspace (sqm)	1,201 sqm – 469 sqm (non bulky) – 732 sqm (bulky)	82% 32% (non bulky) 50% (bulky)
	Proposed	% of Net Floor Space														
Gross Floor Area (sqm)	1,910 sqm	-														
Net Floor Area (sqm)	1,465 sqm	-														
Convenience floorspace (sqm)	264 sqm	18%														
Comparison floorspace (sqm)	1,201 sqm – 469 sqm (non bulky) – 732 sqm (bulky)	82% 32% (non bulky) 50% (bulky)														
4.11.2	The proposal relates to a named operator, Poundland, who are already operate stores across the Council area including existing stores at the Park Centre and Kennedy Centre both designated District Centres as set out in dBMAP. A further Poundland store is located on the Lisburn Road.															
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. The Plans and Policy Team in undertaking their assessment of the retail impact has considered a generic unnamed operator and its likely impacts given															

	the degree of uncertainty that exists as the council cannot condition a named operator as part of any planning permission.
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.
4.12	Catchment
4.12.1	The agent has considered that the catchment area for the proposal would be based on a 10 minute drive time which has been adopted in a southern and western direction from the site but has altered this in a northerly direction to a 5 minute drive time to take account of the peace walls at Cupar Way and existing shopping facilities in the Shankill and Crumlin Road areas.
4.12.2	The Plans and Policy Team has queried the 5 minute catchment in a northerly direction and consider it unrealistic. The Plans and Policy Team considers that a 10 minute drive time catchment is sufficient for assessment purposes in a city environment and has carried out its own analysis using GIS software as well as using the applicant's reduced catchment to determine populations within the drive time isochrones.
4.12.3	The Plans and Policy Team response advises that the applicant anticipates that the population will grow somewhat from 95,348 in 2020 to 96,074 in 2024 – the year the store will be expected to be trading which is a significantly lower population forecast than that of the Plans and Policy Team at around 117,963, albeit the latter figure is derived from full 10-minute drive time in all directions from the application site.
4.13	Sequential Test/Availability of Alternative Sites
4.13.1	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.
4.13.2	<p>Paragraph 6.289 require applicants to '<i>...identify and fully demonstrate why alternative sites 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 regional 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"> • Suitable: When judging the suitability of a site it is necessary to have a proper understanding of scale and form of development needed, and what aspect(s) of the need are intended to be met by the site(s). It is not necessary to

	<p>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.</p> <ul style="list-style-type: none"> • Available: A site is considered available for development, when, on the best information available, there is confidence that there are no insurmountable legal or ownership problems, such as multiple ownerships, ransom strips, tenancies or operational requirements of landowners. • Viable: whether there is a reasonable prospect that development will occur on the site at a particular point in time.
4.13.3	<p>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 2021. This retains application of the sequential test, but now reads as follows (paragraph 24):</p> <p>‘Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.’</p>
4.13.4	<p>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”.</p>
4.13.5	<p>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>’</p>
4.13.6	<p>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.</p> <p><i>Primary Retail Core, Town Centres, Edge of Centre</i></p>
4.13.7	<p>The RIA states that there are no Primary Retail Cores, Town Centres or edge of centre locations within the catchment.</p> <p><i>Other Centres</i></p>
4.13.8	<p>The Sequential Assessment also assessed the following district centres: Park Centre; Westwood Centre; Kennedy Centre. The largest available unit identified as available is</p>

	the formers Dunnes Stores unit located within Park Centre District Centre. However, this has been discounted for a number of reasons including that that the unit would not be prominent for the shoppers and workers that the proposal is seeking to attract and is not considered suitable. It is noted that there is an existing Poundland located at the Park Centre.
4.13.9	No vacant units large enough to accommodate the proposal are available at the Kennedy Centre. A vacant unit at the Westwood Centre has now been occupied by the Food Warehouse.
4.13.10	The Sequential Test carried out by the applicant indicates that other areas were considered including the Lisburn and Falls Road, Andersonstown, Stewartstown Road, Finaghy, Whitewick, Suffolk, Springfield Road and Shaws Road. No sites were identified within these areas to accommodate the proposal. Notwithstanding, none of these areas are protected centres.
4.13.11	The Sequential Assessment has concluded that there are no sequentially preferable sites that are considered suitable, available and viable within the proposal's catchment. The Plans and Policy Team advise that the Connswater and Dairy Farm district centres both fall within the 10-minute catchment and should therefore be considered in the sequential test. The Plans and Policy Team response states that Connswater has a number of vacant units, however it has an existing Poundland store. Dairy Farm has one vacant unit however it would not be of sufficient scale to accommodate the proposal. In summary officers, on balance, have no reason to disagree with the conclusions of the alternative site assessment. The proposal is therefore considered to meet the sequential test.
4.14	Retail Impact
4.14.1	<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"> • <i>the impact of the proposal on trade and turnover for both convenience and comparison goods traders, and the impact on town centre turnover overall for all centres within the catchment of the proposal;</i> • <i>the impact of the proposal on existing committed and planned public and private sector investment and investor confidence in the town centre/s;</i> • <i>the impact of the proposals on the delivery of the planned/allocated sites and the LDP strategy;</i> • <i>the impact on the vitality and viability of existing centres including consideration of the local context. This should take into account existing retail mix and the diversity of other facilities and activities.</i> • <i>Cumulative impact taking account of committed and planned development, including plan commitments within the town centre and wider area; and,</i> • <i>a review of local economic impacts.</i>
4.14.2	Each of these criteria has been considered by the Plans and Policy team and an assessment is set out below.

	<p><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></p>
4.14.3	<p>The Plans and Policy team's response states that <i>'The nearest centres to the proposal are Park Centre, Westwood Centre and Kennedy Centre. However, there are either existing stores at these locations or no vacancies to accommodate the proposal therefore impacts on these centres would be negligible as a result of the proposal. The DPP team having fully considered the trade diversions and retail impacts stated by the applicant and having carried out its own sensitivity testing is satisfied that the retail impact on protected centres within the catchment will not be significant.'</i></p>
	<p><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></p>
4.14.4	<p>The Plans and Policy team's response advises that <i>'There is no empirical evidence to suggest that this scheme would result in the loss of investment in existing centres.'</i></p>
	<p><i>The impact of the proposals on the delivery of the planned/allocated sites and the LDP strategy</i></p>
4.14.5	<p>The Plans and Policy team's response states that <i>'The site is identified as un-zoned whitelands in dBMAP. An Alternative Site Assessment has concluded that there are no sequentially preferable sites that are considered suitable, available and viable.'</i></p>
	<p><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></p>
4.14.6	<p>The LDP assessment concludes that <i>'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. It has a number of discount supermarkets including Iceland and Home Bargains. Given the presence of an existing Poundland store at this location the impact on vitality and viability will be minimal. Westwood centre consists of 11 units of which 6 are in A1 retail use. There are no vacant units. Kennedy centre has a total of 61 units, of which 42 are in retail use. Of these 30 are operating as comparison and 3 are operating as convenience. There are no vacant units.'</i></p>
	<p><i>Cumulative impact taking account of committed and planned development, including plan commitments within the town centre and wider area</i></p>
4.14.7	<p>The Plans and Policy team's assessment advises that <i>'There are no committed or planned retail developments within the local area. It is therefore considered that there will be no significant adverse cumulative impacts.'</i></p>
	<p><i>A review of local economic impacts</i></p>
4.14.8	<p>The Plans and Policy Team's assessment advises that <i>'The applicant has stated that the proposal will create £750,000 investment and will support 25 construction jobs and 35 new retail jobs.'</i></p>

4.14.9	In conclusion, the Plans and Policy Team's has assessed the Retail Impact Assessment and Sequential Test and considers that given the scale of the proposal and the type of retailing that the retail impact of the proposal on protected centres within the catchment will not be significant, or result in significant adverse cumulative impacts. Officers consider that the proposal would not conflict with Draft BMAP's retail strategy and would not adversely impact upon 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, dBMAP and the dLDP.
4.15	Economic Considerations
4.15.1	The applicant advises that the proposal will have strong local economic benefits bringing a new Poundland offer to Boucher Road, boosting the retail profile of Belfast to visitors to the city and the creation of 25 construction jobs and 35 retail jobs with an investment of £750,000. The RIA also states that the economic impacts will provide significant rates to the Council. This is material consideration that supports the case for the grant of planning permission.
4.16	Compatibility with adjacent uses
4.16.1	The proposed retail development is located to the west and south west of existing residential housing at Olympia Parade and Olympia Drive and beyond. There is an existing brick wall (circa 3m high) along the majority of the rear of the existing building with a palisade fence (c. 2.4m high) along a small portion of the rear boundary. No change is proposed to these site boundaries which will be retained. Access, parking and servicing arrangements to the site will take place from the existing access point from Boucher Road.
4.16.2	Servicing and deliveries to the proposed retail development will be from the Boucher Road. Environmental Health's response advises that deliveries are to occur at the front of the building and outside of store opening hours, between 21:00 and 24:00 hours and that the end user has confirmed all evening/night deliveries will be brought through the store from the front car park, negating the need to bring deliveries from front to rear of the development, which could have resulted in potential noise impact on residential dwellings, from associated service movements.
4.16.3	In addition, Environmental Health's response advises that the end user has confirmed any plastic/cardboard stored for collection by the delivery vehicle during the period of 21:00-00:00hrs would be retained inside the building and brought through the store to the front logistics vehicle, rather than be handled and removed to the rear of the premises, close to nearby residential premises, during this more sensitive evening period.
4.16.4	Environmental Health recommends a condition (see below) to restrict servicing to the rear yard to protect the amenity of nearby residents.
4.16.5	Minor amendments are proposed to the Boucher Road elevation and include closure of two existing sliding glazed doors to be used solely as windows. The car park will have bollards removed and the asphalt made good. A small bin enclosure is proposed to the rear of the building which will be screened by the existing brick wall. Twelve air conditioning units are proposed to be fixed to the rear wall and will replace nine existing units/plant on the rear elevation. A doorway along the rear elevation is proposed to be removed to facilitate the air conditioning units. The air conditioning

	units will be screened by the existing brick wall along the rear (Olympia Parade) boundary. Environmental Health recommends a condition which restricts the use of the plant and equipment to protect the amenity of nearby residents. A condition requiring a Noise verification report (see below) is also recommended to ensure that air conditioning units are installed as per the specification set out in the Noise information submitted.
4.16.6	The proposed elevational changes and changes to the car park are considered minor in nature and are acceptable.
4.16.7	Given the site's location adjacent to existing established residential areas officers consider that a condition to control hours of operation would be appropriate to protect the amenity of nearby residents.
4.16.8	Subject to conditions as set out above the proposed change of use is considered acceptable and appropriate controls are proposed to protect the amenity of nearby residents.
4.17	Impact on the character and appearance of the area
4.17.1	Given the nature of the development proposal i.e. a change of use and minor modifications to an existing building, the proposed development will not adversely impact on the character and appearance of the area at this location.
4.18	Access, parking and traffic management
4.18.1	The proposed development is to be accessed from Boucher Road utilising existing access arrangements. The existing parking arrangement, albeit with minor changes, will serve the development. A shared parking arrangement with the adjacent Phase 1 of Boucher Plaza comprising a total of 159 car parking spaces including 6 disabled spaces will serve the development. Eighty-five spaces are located immediately adjacent to the development i.e. to the side or front. Four new bike stands are proposed to be located at the front of the building to serve the proposal.
4.18.2	The site is served by public transport and is close to an existing rail halt (Adelaide) and metro bus stops serving the Boucher Road and is considered an accessible and sustainable location.
4.18.3	DFI Roads has no objections to the proposed access, parking and servicing arrangements 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.
4.19	Waste Management
4.19.1	The application is supported by a Waste Management Plan which has been considered by BCC Waste Management Unit who are content with the waste arrangements and consider that there is sufficient accommodation for waste.
4.20	Environmental Considerations - Drainage, Contamination, Noise
	Drainage
4.20.1	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.

4.20.2	<p>NI Water has no objections to the proposed development and has advised that <i>‘Although Belfast WWTW and catchment are both currently operating at capacity, this proposal can be approved on the basis of reduced loading. Drainage consultant has forwarded calculations confirming reduced loading from this proposal compared to previous use of premises.’</i></p>
	<p>Contamination</p>
4.20.3	<p>The application is supported by a Preliminary Risk 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.</p>
	<p>Noise</p>
4.20.4	<p>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 set out below which require the submission of a Noise Verification Report, installation and operation of the air conditioning units as per specification submitted, specific operating times for plant and equipment and restrictions on deliveries to the rear and times of deliveries</p>
4.21	<p>Pre-Application Community Consultation</p>
4.21.1	<p>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 2nd March 2022 (LA04/2022/0433/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 MLAs, the MP for South Belfast. Additional leaflet drops to surrounding residential properties within a 100m radius was also recommended. The Council also recommended that the applicant proceed with a public event following the cessation of temporary measures during the Covid pandemic.</p>
4.21.2	<p>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. A bespoke webpage was also created for the proposed development. The report also confirmed that the additional consultations were carried out as recommended by the Council including consultation with MLAs for South Belfast and residential properties within 100m of the application site. Copies of the public notice were also hand delivered to all dwellings and shops within a 100m radius of the site and businesses in the area were notified.</p>
4.21.3	<p>The report states that 3 members of the public attended the public event on 10th August 2022 and were seeking to understand the nature of the development and the implications it might have on their homes. The report states that <i>‘Once residents understood there would be no access to the site from Olympia Parade their concerns were allayed. All three residents welcomed the investment and creation of additional choice in shops and employment creation for the area.’</i> The report confirms that no comments were received via email, phone or letter.</p>

4.21.4	The report advises that the <i>'There were no specific design comments from the public which the design team take to be an indication that there are no immediate issues that need to be resolved as part of the design process. The design team has therefore proceeded to refine the proposal in line with the necessary guidance.'</i>
4.21.5	The Pre-Community Consultation Report submitted satisfactorily demonstrates that the applicant has complied with the requirements of Sections 27 and 28 of the Planning Act (NI) 2011 and Section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015 and has adhered to Council recommendations during the PAN process. The PACC report is considered acceptable.

Summary of Recommendation:

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

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

Draft Conditions:

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

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

2. The gross retail floor space of the retail store hereby approved shall not exceed 1,910 square metres.

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

3. The net retail sales floor space of the retail store hereby approved shall not exceed 1,465 square metres.

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

4. There shall be no increase in internal floor space over that specified in conditions 2 and 3, including the construction of mezzanine floor, or subdivision to form additional units.

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

5. Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 or Planning (General Permitted Development) Order (Northern Ireland) 2015, of the net retail floor space of the retail unit hereby approved, no more than 264 sqm shall be used for the sale and display of the items listed below:

- (a) food, non-alcoholic beverages, alcoholic drink;
- (b) tobacco, newspapers, magazines, confectionery;
- (c) stationery and paper goods;
- (d) toilet requisites and cosmetics;
- (e) household cleaning materials; and

(f) other retail goods as may be first determined in writing by the Council as generally falling within the category of 'convenience goods'.

Reason: To limit the range of goods to be sold, in the interests of safeguarding the vitality and viability of the City Centre and other Centres within the catchment.

6. Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 or Planning (General Permitted Development) Order (Northern Ireland) 2015, of the net retail floor space of the retail unit hereby approved, no more than 469 square metres shall be used for the sale and display of comparison items (non bulky) and for no other purpose, including any other purpose in Class A1 of the Planning (Use Classes) Order (Northern Ireland) 2015.

Reason: To limit the range of goods to be sold, in the interests of safeguarding the vitality and viability of the City Centre and other Centres within the catchment.

7. Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 or Planning (General Permitted Development) Order (Northern Ireland) 2015, no more than 732 square metres of the net retail floorspace of the retail unit hereby approved shall be used for the retail sale and ancillary storage of the items listed below:

- a) DIY materials, products and equipment;
- b) Garden materials, plants and equipment;
- c) Furniture and soft furnishings, carpets and floor coverings;
- d) Cycles, cycle accessories, safety equipment and ancillary cycle repairs;
- e) Electrical goods; and
- f) Such other goods generally falling within the category of "bulky goods" to be first agreed in writing by the Council.

Reason: To limit the range of goods to be sold, in the interests of safeguarding the vitality and viability of the City Centre and other Centres within the catchment.

8. Prior to the commencement of trading of the retail the mezzanine floor indicated on Drawing No. 04 - Existing Mezzanine Layout shall be removed.

Reason: In the interests of safeguarding the vitality and viability of the City Centre and other Centres within the catchment.

9. The hereby permitted development shall not be occupied until a Noise Verification Report has been submitted to and approved in writing by the Council. The Noise verification report must demonstrate the following:

- a) That the twelve external outdoor units for air conditioning have been installed as per the specification presented in the Lester Acoustics report titled: 'Re: Proposed change of use from car showroom to retail at 8-10 Boucher Road, Boucher Plaza, Belfast, Outward Sound Impact Assessment [Planning Reference LA04/2021/2416/PAD] ref: MRL/1568/L01, 4th October 2022 'having an individual sound pressure level of no greater than 56dB(A) at one metre and located no higher than 2.4 metres above ground level.
- b) That the rating level (dBLAr,T) from the operation of all combined plant and equipment does not exceed the existing daytime background noise level of 50dBLA90 at the nearest noise sensitive premises, when measured or determined in accordance with BS4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.

Reason: Protection of residential amenity against adverse noise impact.

10. The hereby approved plant and equipment must not operate outside the hours of 07:00hrs to 22:00hrs Monday to Saturday or 10:00 to 19:00hrs on Sundays.

Reason: Protection of residential amenity against adverse noise impact.

11. No service movements are permitted to the rear yard of the hereby approved development outside the hours of 07:00hrs - 21:00hrs Monday to Friday; 09:00hrs to 21:00hrs on a Saturday; and 10:00hrs to 19:00hrs on Sundays.

Reason: Protection of residential amenity against adverse noise impact.

12. The hereby approved development shall not open to the public and no customer shall be served outside the hours of 07:00hrs-23:00 Monday to Friday; 08:00-21:00hrs on a Saturday; or 13:00-18:00hrs on a Sunday.

Reason: Protection of residential amenity against adverse noise.

13. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works must cease and the Planning Authority shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at:

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

In the event of unacceptable risks being identified, a remediation strategy shall be submitted to and approved in writing by the Council, and subsequently implemented and verified to its satisfaction, prior to occupation.

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

14. After completing all remediation works under Condition 13 and prior to occupation of the development, a verification report shall be submitted to and approved in writing by the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at:

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>

The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

15. The development shall not become operational until cycle parking has been fully provided in accordance with the approved plans.

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

16. The development hereby permitted shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing, to provide for parking and traffic circulation within the site. Such areas shall not be used other than for that purpose.

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

17. The development shall not operate unless in accordance with the approved Waste Management Plan.

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: No

ANNEX

Date Valid	25/10/22
Date First Advertised	04/11/22
Date Last Advertised	04/11/22
Date of Last Neighbour Notification	02/11/22
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title	
01 – Site Location Plan 03 – Existing Ground Floor Layout 04 – Existing Mezzanine Layout 05 – Existing and Proposed Front Elevation 06a – Proposed Site Layout Plan 07a – Proposed Floor Plan 08 – Existing and Proposed Rear Elevation	

This page is intentionally left blank

Committee Report

Development Management Report	
Application ID: LA04/2022/1861/F LA04/2022/1867/DCA LA04/2022/1860/A	Date of Committee: 18 th April 2023
Proposal: Replacement facade to active facade to facilitate the display of internally illuminated moving images.	Location: 1-3 Arthur Street Belfast BT1 4GA
Referral Route: Referral to the Planning Committee under section 3.8.1 of the Scheme of Delegation (request from Elected Member)	
Recommendation: Refusal	
Applicant Name and Address: Alterity Investments Limited 4 Annadale Avenue BT7 3JH	Agent Name and Address: Pragma Planning Scottish Provident Building 7 Donegall Square West Belfast BT1 6JH
Executive Summary: This report relates to three separate, but related applications described as follows. LA04/2022/1861/F: application for planning permission for replacement facade to active facade to facilitate the display of internally illuminated moving images (temporary permission for 5 years). LA04/2022/1860/A: application for Advertisement Consent for active façade to facilitate the display of LED internally illuminated moving images (temporary consent for 5 years). LA04/2022/1867/DCA: application for Conservation Area Consent for part demolition of façade to facilitate replacement façade. The key issues are: <ul style="list-style-type: none"> • Impact on the character and appearance of the City Centre Conservation Area • Impact on the setting of Listed Buildings • Suitability of the demolition • Impact on amenity • Impact on public safety The site is located at Nos. 1-3 Arthur Street. It is within the City Centre Conservation Area. Of the buildings which face onto Arthur Square, the host building is the only building that is not listed. The Conservation Officer and DfC Historic Environment Division were consulted and both object to the proposal in that the proposal would neither preserve or enhance the Conservation Area and would provide a competing focus to the surrounding listed buildings, to the detriment of their setting. It is recommended that the permission and consents are refused for these reasons. No objections were received from third parties.	

The applications are brought before the Committee under paragraph 3.8.1 of the Scheme of Delegation at the request of Councillor Dorrian. The planning grounds for the request to refer the application to the Planning Committee are:

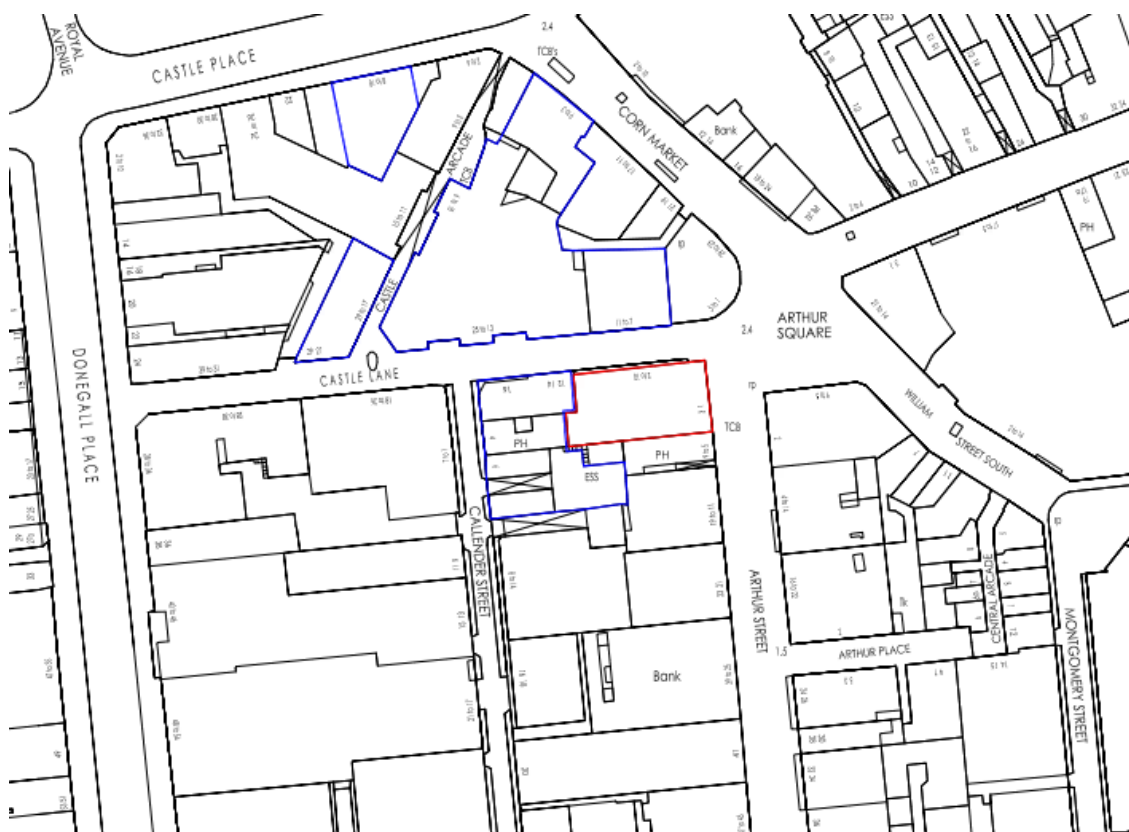
- Need for traditional and modern infrastructure to co-exist with the historic environment;
- Impact on the setting of the listed buildings should be considered acceptable given the precedents already established in the city, e.g. Shaftesbury Square and the advertising sign next to the orange hall on the Albertbridge Road.

Recommendation

It is recommended that permission and consents are refused with delegated authority given to the Director of Planning and Building Control to finalise the wording of the refusal reasons.

Case Officer Report

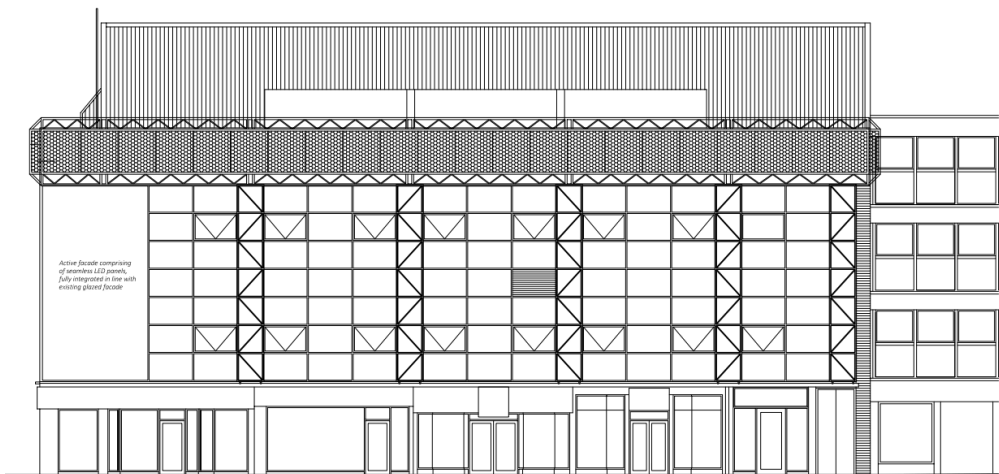
Site Location Plan



Proposed Elevations



Proposed Elevations



Characteristics of the Site and Area	
1.0	<p>Description of Proposed Development</p> <p>This report relates to three separate, but related applications described as follows.</p> <p>LA04/2022/1861/F: application for planning permission for replacement facade to active facade to facilitate the display of internally illuminated moving images (temporary permission for 5 years).</p> <p>LA04/2022/1860/A: application for Advertisement Consent for active façade to facilitate the display of LED internally illuminated moving images (temporary consent for 5 years).</p> <p>LA04/2022/1867/DCA: application for Conservation Area Consent for part demolition of façade to facilitate replacement façade.</p>
2.0	<p>Description of Site</p> <p>The site is located at Nos. 1-3 Arthur Street. The building is located in a prominent location fronting onto Arthur Square which is a pedestrianised area forming the junction of five streets. The square contains a centrepiece of modern art and the site is a prominent building between Arthur Street and Castle Lane. The building itself is a 3 storey non-historic glass curtain wall building.</p> <p>The proposal is located within the City Centre Conservation Area and of the buildings which face onto Arthur Square, the host building is the only building to not be listed.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <p>LA04/2016/1284/F, Proposed relocated electronic big screen, to replace existing screen (currently at roof level) and reposition it at 1st floor level on Arthur Street facade. PERMISSION REFUSED. 07.09.2016.</p> <p>LA04/2016/0223/A, Proposed advertising screen 5 x 3m, PERMISSION REFUSED, 07.09.2016.</p>
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	<p>Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014)</p> <p>Following the Court of Appeal decision on BMAP, the extant development plan is the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. It is considered that significant weight should be afforded to the latest version of Draft BMAP (v2014) given its advanced stage in the Development Plan process, save for retail policies relating to Sprucefield, which remain contentious.</p>
4.3	<p>Belfast Local Development Plan Draft Plan Strategy 2035</p> <p>The LDP 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</p>

	has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 of the SPPS states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.
4.4	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.5	Planning Policy Statement 6: Planning, Archaeology and The Built Heritage
4.6	Planning Policy Statement 17: Outdoor Advertisements
5.0	Statutory Consultees Responses DfC Historic Environment Division – objection (see main report)
6.0	Non Statutory Consultees Responses Conservation Officer – objection (see main report)
7.0	Representations The full application was advertised on the 21 st October 2022 and neighbour notified on 12 October 2022. The demolition consent was advertised on the 21 st October 2022. No publicity is required for applications for Advertisement Consent. No representations have been received from third parties.
8.0	Other Material Considerations Belfast City Centre Conservation Area Guide
9.0	Assessment
9.1	The proposal is considered to be contrary to the development plan.
9.2	Assessment The key issues to be considered are: <ul style="list-style-type: none"> • Impact on the character and appearance of the City Centre Conservation Area • Impact on the setting of Listed Buildings • Suitability of the demolition • Impact on amenity • Impact on public safety
9.3	Impact on the character and appearance of the City Centre Conservation Area With regards to development in Conservation Areas, Section 104(11) of the Planning Act (Northern Ireland) 2011 states that special regard must be had to the desirability of; <ul style="list-style-type: none"> (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise
9.4	In relation to the application for full planning permission, paragraph 6.18 of the SPPS states that: <i>'In managing development within a designated Conservation Area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. Accordingly, there will be a general presumption against the grant of planning permission for development or</i>

	<i>conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest. In the interests of protecting the setting of designated Conservation Areas, new development in proximity needs to be carefully managed so as to ensure it respects its overall character and appearance. Important views in and out of the Conservation Area should be retained.'</i>
9.5	Policy BH 12 of PPS 6 provides criteria for assessing proposals for new development in a Conservation Area.
9.6	The proposal contains essentially two active, digital advertisements measuring 3.84m x 7.46m on the east and north façades of the host building.
9.7	The proposed active façade would be located in a very prominent location within the Conservation Area facing onto Arthur Square. As described within the Conservation Area Guide: <i>'Arthur Square provides a central node to the pedestrian environment, and is contained by a variety of different styled buildings of architectural quality.'</i>
9.8	The scale of the proposal is considered excessive and would neither preserve or enhance the character and appearance of the area. The active facade/advertisement would not be of a scale that is not in sympathy with the characteristic built form of the area, neither do the scale, form, materials and detailing of the proposal respect the characteristics of the listed adjoining buildings in the area. The active, digital nature of the proposal would accentuate its impact. It is considered that the scale of the façade/advertisement would fail to protect important views into/out of the Conservation Area. The proposal would be prominent and dominating when viewed from Arthur Square, negatively impacting an important node within the Conservation Area as well as detracting from neighbouring listed buildings.
9.9	The host building itself forms one side of Arthur Square and while the building itself is non-historic and of limited architectural value the scale of the advert itself would dominate views of the building and surrounding area. The proposal would be viewable on the approach to Arthur Square, most notably on the approach from Ann Street from which the building visually terminates the vista. Obscure views of the proposal would be from Castle Lane and Arthur Street and, although less direct, would still place an emphasis onto an unsympathetic façade and advertisement.
9.10	Paragraph 7.15 of PPS 6 states that signage on upper floors or buildings and the internal illumination of signs will not normally be acceptable. Similarly, the <i>Belfast City Centre Conservation Area Design Guide</i> states that only in exceptional circumstances where they are essential to the use of the upper floor, will advertising signs be permitted above ground floor fascia level. Furthermore, the Design Guide states that advertising panels have a particularly detrimental effect on visual character and only in exceptional circumstances will they be permitted. The proposal occupies the first to second storey of the building contrary to the Design Guide and would not relate to the building itself.
9.11	The Conservation Officer was consulted and objects to the proposal stating that the proposed sign would have a harmful effect on the character and appearance and visual amenity of the Conservation area. Such signage is not historic / traditional to the Conservation Area. Furthermore, the Conservation Officer states that the proposal would have the visual appearance of a large sheet/advertising hoarding attached to the building and occupying a substantial proportion of the façade.
9.12	It is considered that the proposal fails to accord with Section 104(11) of the Planning Act (Northern Ireland) 2011, paragraph 6.18 of the SPPS and Policy BH 12 of PPS 6 in that

	the proposal does not preserve or enhance the character and appearance of the Conservation Area.
9.13	<p>Impact on the setting of Listed Buildings</p> <p>Section 91 (2) of the Planning Act (Northern Ireland) 2011 states that ‘the Department must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’</p>
9.14	Paragraph 6.12 of the SPPS states Listed Buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.
9.15	Policy BH 11 of PPS 6 provides criteria for assessing proposals that affect the setting of a Listed Building.
9.16	<p>The proposal faces onto Arthur Square which contains the following Listed Buildings:</p> <ul style="list-style-type: none"> • HB26/50/039 - Masonic Building 13-14 Arthur Square Belfast County Antrim BT1 4FF – Grade B+ • HB26/50/096 - Mayfair Building Arthur Square Belfast County Antrim BT1 4FE – Grade B1 • HB26/50/178 - Arthur Chambers 4-14 Arthur Street Belfast Co Antrim BT1 4GD – Grade B2 • HB 26/50/304 - 1- 5 Castle Lane & 23-29 Cornmarket Belfast Co Antrim BT1 4FB – Grade B2
9.17	DfC Historic Environment Division has been consulted and objects to the proposal, stating that the illuminated and moving signage would create a competing focus to the listed buildings which form the attractive historic perimeter of Arthur Square.
9.18	Having regard to HED's advice, officers advise that the proposal fails to respect the surrounding listed buildings by reason of its location, scale and design. The scale of the proposal would detract from setting of the listed buildings by dominating Arthur Square and detracting from views of the surrounding listed buildings. The host building appears pinched between two listed buildings when viewed from Ann Street, William Street South and Castle Lane. The proposal would bring undue prominence to the building which is of less architectural merit than those surrounding and will detract from the adjacent listed buildings. The proposal is of a modern and untraditional design with internal illumination and would dominate the surrounding listed buildings. The nature of the use of an advertisement on the façade fails to respect the character of the setting of the listed buildings which do not contain advertisements on the upper floors. The proposal is considered to fail to accord with the Strategic Planning Policy Statement and Policy BH 11 of PPS 6 and is unacceptable.
9.19	<p>Other considerations</p> <p>The applicant has submitted supporting documents including a Planning Summary, Conservation Impact Assessment and a letter responding to the consultation responses from DfC HED and the Conservation Officer.</p>
9.20	It is noted that the proposal is for temporary permission for a period of 5 years. As per the Planning Summary this is to allow an assessment of the benefits and actual impact. However, officers advise that the impacts of the proposal on the Conservation Area and

	<p>setting of nearby Listed Buildings would be obvious and harmful and do not need to be tested. The proposal fails the legislative requirements and relevant planning policies by failing to preserve the character or appearance of the Conservation Area and harming the setting of surrounding listed buildings, it is therefore not necessary for temporary approval to be granted to test the impact the proposal will have.</p>
9.21	<p>The applicant proposes through a Section 76 planning agreement that a proportion of airtime would be made available to Belfast City Council as well as providing interpretative information on the Conservation Area and listed buildings to mitigate any conflict created by the screen with these buildings. However, officers advise that the content of the advertising screen would not mitigate the impact of the screen itself, which would remain harmful to the historic environment. Providing content and information on the Conservation Area and listed buildings would in itself attract attention to the advertising screen impacting the listed buildings which should remain the main focus.</p>
9.22	<p>The Planning Summary refers to previous refusals on the site and states that they are not comparable to a temporary application nor to this application which is to incorporate the screen into the façade of the building. The application LA04/2016/0223/A was for an advertisement screen on the upper floors of the building, while not incorporated into the façade the policy considerations remains similar to this application. The current proposal is for a larger scale screen on two facades of the building and would have an even greater harmful impact. The Planning Statement also refers to planning application LA04/2020/0558/A for an advertising screen at 112 Ann Street. However, the application is not comparable to this proposal as it is not within a Conservation Area and is not surrounded by listed buildings to the extent of this proposal.</p>
9.23	<p>A Conservation Impact Assessment has been submitted and has been addressed by the Conservation Officer. The Conservation Officer agrees with the visibility analysis but considers that the proposed signage would be visually obtrusive in a key civic set piece with high pedestrian footfall, drawing the eye from listed heritage assets. The Conservation Officer disagrees with the analysis at paragraph 7.09.1 in that the LED active façade element would introduce a more visually diverse element between two listed structures. The opinion of the Conservation Officer is that visual prominence/ perceptual significance should remain with the heritage assets and non-historic elements not given emphasis. The Conservation Officer disagrees with the commentary on 1-5 Castle Lane/ 1-3 Arthur Lane in that the proposal would cause visual competition and with the assessment at paragraph 7.09.2 as the proposal frames a vista along Castle Lane terminated by the Masonic Building from which the proposed signage would set up visual competition. In relation to paragraph 7.10, the Conservation Officer considers the proposal to be detrimental to the setting of a number of listed buildings and the appreciation/ perception/ experience of the place as an historic node.</p>
9.24	<p>A letter from the applicant with a response to the consultees was submitted on the 14th February 2023. The applicant refers to the airtime to be provided to the Council to highlight the surrounding listed buildings. As previously stated, this by its nature will attract attention to the advertising screen rather than the listed buildings. It does not mitigate the harmful impacts of the proposal on the setting of the Listed Buildings. The applicant refers to Policy BH 11 and use of the word 'normally' which allows the Council to make a balanced planning judgement. The applicant states that the airtime and digital content should carry significant determinative weight. While the word 'normally' does allow a degree of flexibility, officers are clear that the proposal would be harmful and contrary to planning policy. The content of the screen does not have significant weight as the screen itself is contrary to policy regardless of the content. The applicant states that the Conservation Officer is incorrect and there are no vistas terminated by listed buildings in which the proposed active façade is visible. However, on the approach to Arthur Square from Ann Street the vista is terminated by both the</p>

	neighbouring building at 1- 5 Castle Lane/23-29 Cornmarket and the host building, the proposed active façade will be particularly viewable and appear to dominate the neighbouring listed building.
9.25	The applicant states that <i>'it is hard to see how the proposed alteration to the façade of a building deemed as having low significance in terms of architectural or historic merit can detract from the prominence of Listed Buildings which are facing it across from or obliquely to it.'</i> While the building itself is of low significance in terms of architectural or historic merit, the active façade would bring prominence to the building. The proposal would dominate Arthur Square detracting from both the Conservation Area and the Listed Buildings. As described when viewing the host building from towards Ann Street and William Street South, it appears pinched between two listed buildings, the proposal would detract from views of these listed buildings.
9.26	The applicant states that the existing corner feature within the building protrudes from the façade and is therefore more obtrusive than the proposed active façade. While the existing structure protrudes it does not impact on views of the building. The proposed active façade with its proposed illuminated screen would impact views of the host building as well as impact views of the Conservation Area and surrounding listed buildings. The statement sets out that the active façade can have a positive impact by giving life and interest to a building of limited/low heritage significance. It states the introduction of the active façade would encourage visitors to look up and draw the eye to appreciate the historic facades which complete Arthur Square, the active façade would to some degree illuminate the surrounding facades and highlight them. However, officers consider that the proposal would bring prominence to the building and detract from the surrounding character and setting of the listed buildings. An active façade/advertisement by its very nature is designed to attract attention and this would detract from the surrounding area and listed buildings regardless of the content of the advertisement. The argument that the active façade would illuminate the surrounding listed buildings demonstrates the potential detrimental impact the proposal will have.
9.27	<p>Suitability of the Demolition</p> <p>An application for Conservation Area Consent has been submitted for demolition of the section of the façade to be replaced under the reference LA04/2022/1867/DCA. The proposed demolition is considered under paragraph 6.15 of the SPPS and Policy BH 14 of PPS 6. The host building itself makes no material contribution to the character and appearance of the Conservation Area. While the proposed demolition would not in itself impact on the Conservation Area, it has been considered that the proposed active façade/advertisement is contrary to policy. Policy BH 14 states that where Conservation Area Consent for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site. The proposed development is not acceptable and therefore demolition consent cannot be granted due to the unsuitability of what is proposed to be put back following the demolition. The proposed demolition is therefore contrary to Policy BH 14 of PPS 6 and is unacceptable.</p>
9.28	<p>Impact of the Advertisement on Amenity</p> <p>Paragraph 6.57 of the SPPS states that Advertisement Consent should be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality.</p>
9.29	Paragraph 6.59 further states that care must be taken to ensure that all proposals will not detract from the place where advertising is to be displayed or its surroundings. In particular, it is important to prevent clutter, to adequately control signs involving illumination and to protect features such as listed buildings, and conservation areas from the potential adverse effects of advertising.

9.30	Paragraph 6.14 of the SPPS states ' <i>Consent for the display of advertisements or signs on a listed building should only be forthcoming where these are carefully designed and located to respect the architectural form and detailing of the building, and meet the requirements of strategic policy on the Control of Outdoor Advertisements.</i> '
9.31	Policy AD1 (i) of PPS 17 echoes that of paragraph 6.57 of the SPPS and states that consent will be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality. Amenity in relation to advertisements is usually understood to mean its effect upon the appearance of the building or structure or the immediate neighbourhood where it is displayed, or its impact over long distance views.
9.32	The proposal is considered to be contrary to the SPPS and Policy AD1 of PPS 17. With respect to Part (i) Amenity it is considered that the proposed advert is of a size, scale and design which would appear unduly prominent. The site is within a sensitive location surrounded by a number of listed buildings and within the City Centre Conservation Area. Given the sensitive location the advertisement would be overly dominant. As per the SPPS, it is important to adequately control signs involving illumination and to protect features such as listed buildings, and conservation areas from the potential adverse effects of advertising. The scale of the advertising fails to protect the listed buildings and conservation area. Guidance within PPS 17 states that high level signs will generally only be appropriate where they relate to the scale and primary use of the host building, the advertisement in this case would not. Furthermore, the guidance states that only the lettering should be illuminated, the level and type of illumination display in this case will further make the advertisement prominent and unduly dominant.
9.33	It is also considered that the proposed advertisement would result in clutter. The surrounding area contains signage which in the main relates to the retail uses at ground floor level, there is also an LED screen at ground floor level. The area contains low level signage or higher level signage of a modest scale. The proposal would be at a scale which would dominate the surrounding area and is located on the upper floors of the building giving concerns that this would lead to the appearance of clutter in a conservation area.
9.34	The proposal fails to accord with the Strategic Planning Policy Statement, Policy AD 1 of PPS 17 and Policy BH 13 of PPS 6, and is unacceptable.
	Impact of the Advertisement on Public Safety
9.35	Arthur Square is not routinely used by vehicle traffic and it is considered that the proposal would not have an adverse impact on highway or public safety.
10.0	<p>Summary of Recommendation:</p> <p>It is recommended that permission and consents are refused with delegated authority given to the Director of Planning and Building Control to finalise the wording of the refusal reasons.</p>

11.0	<p>Draft Refusal Reasons</p> <p>LA04/2022/1861/F</p> <ol style="list-style-type: none"> 1. The proposal is contrary to paragraph 6.18 of the SPPS and Policy BH 12 criterion (a) (b) (c) (e) (g) of PPS 6: Planning, Archaeology and The Built Heritage in that the scale, form and design of the proposal would fail to preserve or enhance the character of the City Centre Conservation Area. 2. The proposal is contrary to paragraph 6.12 of the SPPS and Policy BH 11 criterion (a) and (c) of PPS 6: Planning, Archaeology and The Built Heritage in that the scale, height, massing, design and nature of the proposed active signage would visually compete with and adversely affect the setting of surrounding Listed Buildings. <p>LA04/2022/1867/DCA</p> <ol style="list-style-type: none"> 1. The proposal is contrary to paragraph 6.12 of the SPPS and Policy BH 14 of Planning Policy Statement 6: Planning, Archaeology and Built Heritage in that an acceptable scheme has not been achieved through the full planning application under reference LA04/2022/1861/F. The proposed demolition would therefore fail to preserve to enhance the character or appearance of the Conservation Area. <p>LA04/2022/1860/A</p> <ol style="list-style-type: none"> 1. The proposal is contrary to paragraphs 6.57 to 6.59 of the SPPS, Policy AD1 criterion (i) of PPS 17: Control of Outdoor Advertisements and Policy BH 13 of Planning Policy Statement 6: Planning, Archaeology and The Built Heritage in that the proposed advertisement, by reason of its unsympathetic design, location and excessive scale, would fail to respect amenity and would adversely affect the character of the Conservation Area.
<p>Notification to Department (if relevant)</p> <p>The application for Conservation Area Consent would have to be notified to the Department for Infrastructure were the Planning Committee to resolve to grant consent.</p>	

This page is intentionally left blank

Committee Application

Development Management Report	
Application ID: LA04/2021/0691/F and LA04/2021/0915/DCA	Date of Committee: 18 April 2023
Proposal: Demolition of existing dwelling and erection of a new detached dwelling and associated siteworks	Location: 1d Malone Park Belfast BT9 6NH
Referral Route: Par. 3.8.2 (i) of the Scheme of Delegation – full demolition of existing dwelling in the Conservation Area	
Recommendation:	Approval
Applicant Name and Address: Andrea McGarrity 1d Malone Park Belfast BT9 6NH	Agent Name and Address: RPP Architects Ltd 155-157 Donegall Pass Belfast BT1 1DT
<p>Executive Summary: This application relates to No. 1D Malone Park. The application seeks full planning permission for the demolition of the existing dwelling and the erection of a new detached dwelling with associated siteworks. An associated application for Conservation Area Consent for the demolition has been submitted and is also being considered by the Committee (LA04/2021/0915/DCA).</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • Principle of development • Impact on the character and appearance of the Malone Park Conservation Area • Impact on the setting of Listed Buildings • Trees and Landscaping • Impact on residential amenity • Access, Movement and Parking • Other environmental considerations <p>In the Belfast Urban Area Plan 2001, Draft Belfast Metropolitan Area Plan 2015 (v2004 and V2014), the site is un-zoned white-land within the development limits. The site is located within Malone Park Conservation Area.</p> <p>4 letters of objection have been received including a representation on behalf of Malone Park Residents Association. 3 letters of support have also been received. The objections are summarised below.</p> <ul style="list-style-type: none"> • Impact on Listed gate lodge 1a Malone Park • Overbearing on plot 1 Malone Park • Overlooking from first floor balconies • Loss of light to 1b & 1c Malone Park • No landscaping plan • Inappropriate scale • Cramming – inappropriate footprint for site • Car parking to front of dwelling 	

These matters are addressed in detail in the main report.
The supporting comments are summarised below.

- Proposal makes a positive contribution to Conservation Area
- Proposal improves the surrounding character

DFI Roads, DfC HED, NI Water, BCC Environmental Health, BCC Tree Officer and BCC Conservation Team were all consulted and have offered no objection to the proposal.

Having regard to the policy context and other material considerations including third party representations and previous appeal decision, the proposal is considered to be acceptable and approval is recommended for the reasons set out.

Recommendation

It is recommended that the application is approved subject to conditions. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions.

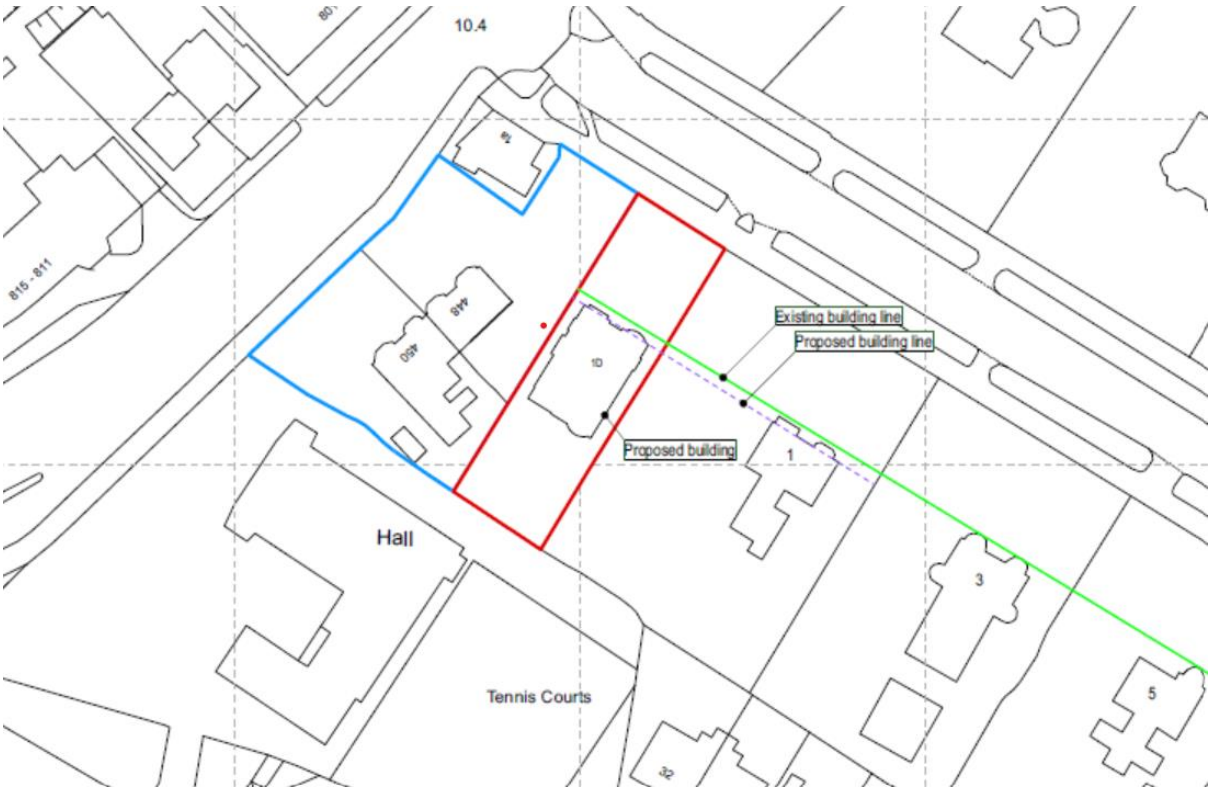
The Conservation Area Consent application (LA04/2021/0915/DCA) will have to be notified to the Department for Infrastructure under Section 29 of the Planning Act (Northern Ireland) 2011 before the decisions can be issued.

Proposed Drawings

Site location plan



Building line plan



Elevations



Floor Plans



Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	This application seeks full permission for the demolition of the existing dwelling and the erection of a new detached dwelling and associated siteworks. There is a related application for Conservation Area Consent application (LA04/2021/0915/DCA) that the Committee is also considering.
1.2	The proposal has been amended over the course of the application to include removal of the rear balconies, additional landscaping plan, building line and contextual plans.
2.0	Description of Site and Area
2.1	The application site is a common rectangular plot containing a single dwelling which is designed with a single storey element to the front and a two-storey element behind and detached garage. The dwelling has the appearance of dating from the 1960s being finished in a red/brown brick at ground floor level and slate cladding above. It is not follow the traditional vernacular design of the vast majority of houses in Malone Park Conservation Area. The plot is uncommon when compared to neighbouring sites being significantly narrower and the styling of the dwelling is significantly different from the neighbouring properties, these being large detached villas situated within substantial plots and mostly finished in red facing brick although there are several finished in painted render. The dwelling on site is a rather plain and modest construction when compared to the neighbouring dwellings which employ many architectural features that gives them a significant presence. The boundary to the site is a mix of brick walls and vegetation, the wall appears to date from before the house and the vegetation is mature.
2.2	The site is situation on Malone Park, which is a private road, and near a small detached bungalow. Its location at the gateway to the park would indicate that it was probably built for a gatekeeper. Adjacent to the site is two large vacant dwellings, fronting the Lisburn Road, which are in a rundown state of repair, these properties are within the ownership if the applicant. The site is situated within the Malone Park Conservation Area.
2.3	The character of the surrounding area is dominated by residential use. Malone Park is characterised by large detached houses set within large plots. The adjacent Lisburn Road is a mix of commercial and residential uses.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History Application Site: LA04/2021/0915/DCA - Demolition of existing dwelling – to be considered by the Planning Committee at the same meeting. Z/1987/1354 - 448 Lisburn Road/1B Malone Park - Alterations and extension with change of use of existing coach house to dwelling unit and conversion of existing dwelling to 2 dwelling units and provision of domestic garage. Planning permission granted.
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP) – Housing Strategy, Policy H3, Conservation Strategy, Policies C2 and C4
4.2	Draft Belfast Metropolitan Area Plan (dBMAP) 2015 (v2004 and v2014)

	Following the Court of Appeal decision on BMAP, the extant development plan is the BUAP. BMAP reverted to a draft plan and both versions of dBMAP (v2004 and v2014) are material considerations. The weight to be afforded to dBMAP is a matter of judgement for the decision maker. Given the advanced stage in the Development Plan process, dBMAP (v2014) is considered to carry significant weight, save for retail policies relating to Sprucefield, which remain contentious.
	Draft BMAP 2015 (v2004)
4.2.1	Policy SETT2 Development with the Metropolitan Development Limit and Settlement Development Limits
4.2.2	Designation BT001 Metropolitan Development Limit
	Draft BMAP 2015 (v2014)
4.2.3	Policy SETT 2 Development within the Metropolitan Development Limits and Settlement Development Limits.
4.3	Regional Development Strategy 2035
4.4	Strategic Planning Policy Statement 2015
4.5	Planning Policy Statement 3: Access, Movement and Parking Planning Policy Statement 6: Planning, Archaeology and the Built Heritage Planning Policy Statement 7 (PPS7) Quality Residential Environments Planning Policy Statement 7 (PPS7) Addendum: Safeguarding the Character of Established Residential Areas Planning Policy Statement 12 (PPS12) Housing in Settlements
4.6	Section 91 of the Planning Act (Northern Ireland) 2011 “In considering whether to grant planning permission for development which affects a listed building or its setting, a Council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
4.7	Section 104 of the Planning Act (Northern Ireland) 2011 “Special regard must be had to the desirability of: (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise.
5.0	Statutory Consultees Responses
5.1	DFI Roads – No objection
5.2	NI Water – No objection
5.3	DFC Historic Environment Division (HED) – No objection subject to conditions
6.0	Non-Statutory Consultees Responses
6.1	BCC Environmental Health – No objection
6.2	BCC Tree and landscape Officer – No objection subject to recommended conditions
6.3	BCC Conservation Officer – No objection
7.0	Representations
7.1	The application was neighbour notified on the 22 nd April 2021. It was advertised in the local press on the 2 nd April 2021.
7.2	Following receipt of additional information and amended plans, the application was re-neighbour notified on the 13 th September 2021, and re-advertised 17 th September 2021
7.3	4 letters of objection have been including a representation on behalf of Malone Park Residents Association. Issues raised include: <ul style="list-style-type: none"> Impact on listed gate lodge 1a Malone Park

	<ul style="list-style-type: none"> • Overbearing on plot 1 Malone Park • Overlooking from first floor balconies – case officer: balconies removed • Loss of light to 1b & 1c Malone Park • No landscaping plans – case officer: additional plans and information received • Inappropriate scale • Cramming – inappropriate footprint for site • Car parking to front of dwelling – case officer: the existing house has parking to the front/side. The proposed dwelling would have parking at the front. The Conservation Guide states that ‘Where proposed, car parking must be accompanied by a detailed landscaping scheme which provides for adequate screening from the road and adjacent properties.’ The proposed landscaping scheme includes a hedgerow at the front which would screen the parking. Overall, it is considered that the proposal would be an enhancement of the character and appearance of the Conservation Area.
7.4	These matters are addressed in the main report.
8.0	Other Material Considerations
8.1	Belfast Agenda Malone Park / Adelaide Park Design Guide Creating Place Living Places DCAN 15 Vehicular Access Standards Parking Standards
9.0	Assessment
9.1	The key issues in the assessment of the proposal are: <ul style="list-style-type: none"> • Principle of development • Impact on the character and appearance of the Malone Park Conservation Area • Impact on the setting of Listed Buildings • Trees and Landscaping • Impact on residential amenity • Access, Movement and Parking • Other environmental considerations
9.2	<u>Principle of development</u> In the BUAP and dBMAP (v2004 and v2014), the site is unzoned whiteland within the settlement limits where the principle of a proposed replacement dwelling is considered acceptable. The principle of use is already established through the existing dwelling on the site. This is a sustainable location for a replacement dwelling with good access to shops, services, jobs and public transport. The principle of development is acceptable.
9.3	<u>Impact on the Malone Park Conservation Area</u> There is a statutory requirement under Section 104 of the Planning (NI) Act 2011 with respect to development within a conservation area, to have special regard to the desirability of: (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; or (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise.

	<p>Demolition</p>
9.4	<p>The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) in paragraph 6.18 contains a policy direction reflecting Section 104 of the 2011 Act. It states that there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is outweighed by other material considerations grounded in the public interest. A similar approach is taken in Policies BH12 and BH14 of PPS6.</p>
9.5	<p>Policy BH14 of PPS6 advises that permission will normally only be granted for the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character and appearance of the area. It also advises that in assessing such proposals for demolition, regard will be had to the same broad criteria outlined for the demolition of listed buildings including the merits of the existing building, the building's condition, the adequacy of efforts to retain the building in use and the merits of alternative proposals.</p>
9.6	<p><i>Merits of the existing building:</i></p> <p>The Council's Conservation Officer has advised that the existing building makes no material contribution to the architectural and historic interest/character and appearance of the conservation area which mainly comprises dwellings 2 to 2.5 storeys with examples of prestigious Victorian and Edwardian architecture; it is those properties that form the primary character of the area. The existing dwelling on site is a of modern construction and employs materials contrary to the surroundings, it is also of an incohesive form that is not in keeping with the prevailing surrounding character. For these reasons it is considered that the existing dwelling makes no positive contribution to the conservation area and demolition therefore is acceptable in principle, provided that the proposed replacement dwelling is appropriate to the Conservation Area in terms of scale, design and materials.</p>
	<p>Suitability of the replacement dwelling</p>
9.7	<p>Policy BH12 of PPS6 sets out several criteria that new development is required to meet in the interests of preserving or enhancing the character and appearance of the conservation area. This is also cross referenced in paragraph 6.19 of the SPPS.</p>
9.8	<p>Criterion (a) requires the proposal to preserve or enhance the character and appearance of the Conservation Area. The proposal is considered to satisfy this requirement for the reasons set out below and in this report.</p>
9.9	<p>Criterion (b) requires the proposal to be sympathetic with the characteristic built form of the area. The proposal is considered to satisfy this requirement for the reasons set out below and in this report.</p>
9.10	<p>Criterion (c) requires the scale, form, materials and detailing of the development to respect the characteristics of adjoining buildings in the area. The form and design of the proposed replacement dwelling is like many of the Victorian/Edwardian dwelling of the Park in terms of scale and massing, being 2.5 storeys in height, and follows the more traditional vernacular. The materials to be employed in the construction are common to buildings of this period and is sympathetic to the surroundings: the walls will be constructed in red facing brick, natural slate to be used to the roof and the windows will be timber sliding sash. Officers are content that the scale, form, materials, detailing and design of the proposed replacement dwelling would be in keeping with the overall character of the conservation area. The proposed replacement dwelling is designed to maintain the building line for this section of the Park, although it will be forward of the existing location.</p>

9.11	Criterion (d) requires that the proposal does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area. The proposal, by reason of its use and design would not give rise to such impacts.
9.12	Criterion (e) requires important views within the conservation area to be protected. The proposed dwelling, although taller than the existing, will be comparable with neighbouring dwellings and would not detrimentally impact on the existing views into the conservation area. An increased separation distance to the side boundaries over the existing would allow views through the site and an appreciation of the gable depth. Views up and down Malone Park would be unaffected. The proposal is considered to comply with criterion (e).
9.13	Criterion (f) requires trees and other landscape features which contribute to the character and appearance of the area to be protected. The Tree Officer was consulted on the proposal. The submitted landscaping plan shows retention of existing trees and other vegetation on site which will be complimented with the planting of an additional 13 trees and shrubbery. The Tree Officer has stated that the proposed planting scheme is acceptable, with the inclusion of conditions to protect the existing trees on site. It is considered that this criterion is satisfied.
9.14	Criterion (g) requires the development to conform with the guidance set out in the conservation documents. The conservation guide is the Malone Park/ Adelaide Park Conservation Guide published in 2003. It was produced subsequent to the area being designated as a conservation area by the former Department of Environment in accordance with the statutory procedure set out in Article 50 of the Planning (Northern Ireland) Order 1991. The conservation guide is an important material consideration.
9.15	The Conservation Guide states that: <i>'Malone and Adelaide represent the best of what remains of the leafy middle-class suburbs which developed around the turn of the century in South Belfast. Individually designed residences combine with generous plots, mature landscapes and tree lined avenues to produce a distinctive townscape character.'</i>
9.16	The guide contains several development guidelines. The guide encourages the retention of existing buildings and emphasis will be placed on the protection and restoration of the individual architectural character of each building. In this case, it is considered that the form and design of the existing dwelling is inappropriate as explained in the demolition section of the report, above. It is not considered to display strong architectural characteristics and is generally out of keeping with the more traditional design of dwellings on Malone Park. Therefore, its retention and adaption would not be desirable. The guide also requires heights, building line and coverage to reflect those of the original dwelling on site and the design of new development to complement the existing architecture and townscape character. It also states that to allow landscape to remain dominant, the established relationship between building mass and gardens should be respected and retained where possible. In no circumstances should building coverage be more than one and a half times that of the original dwelling.
9.17	As discussed above, the proposed building height, building lines and design are considered respectful of the general form in the Conservation Area and are acceptable. In terms of building coverage and landscape relationship this is addressed in detail below.
9.18	The guide states that in no circumstances should building coverage be more than one and a half times that of the original dwelling. The rationale is to allow landscaping to remain a dominant feature. Officers advise that the 'original' dwelling is that present or existing from the beginning, when first constructed.

9.19	<p>To establish the original and proposed site coverage calculation, officers have referred to historic OSNI mapping. The table below shows the calculations.</p> <table border="1"> <tr> <th></th><th>Floorspace</th></tr> <tr> <td>Original dwelling</td><td>163m2</td></tr> <tr> <td>Existing site coverage</td><td>21%</td></tr> <tr> <td>Proposed dwelling</td><td>179m2</td></tr> <tr> <td>Footprint Increase</td><td>1.09 times the original dwelling</td></tr> <tr> <td>Proposed Site coverage</td><td>23%</td></tr> </table>		Floorspace	Original dwelling	163m2	Existing site coverage	21%	Proposed dwelling	179m2	Footprint Increase	1.09 times the original dwelling	Proposed Site coverage	23%
	Floorspace												
Original dwelling	163m2												
Existing site coverage	21%												
Proposed dwelling	179m2												
Footprint Increase	1.09 times the original dwelling												
Proposed Site coverage	23%												
9.20	<p>As indicated in the table above, the proposed replacement dwelling complies with the Malone Park Conservation Guide as the proposed building coverage would be 1.09 times that of the original dwelling and is within the 1.5 limit. Whilst the proposed dwelling would take up much of the plot and landscaping would not be dominant, this is similarly true of the existing dwelling on the site. Overall, it is considered that the proposal would enhance the character and appearance of the Conservation Area.</p>												
9.21	<p>It is considered that an appropriate quality landscaping scheme has been submitted which includes retention of the existing landscape features. The Council's Tree and Landscaping Officer has reviewed the proposal and is content. It is considered that the landscaping scheme presented will ensure that landscaping will remain a dominant feature and will enhance the character and appearance of Malone Park Conservation Area.</p>												
9.22	<p>Conclusion</p> <p>The existing dwelling is considered to make no material contribution to the conservation area; its the scale and design is out of character with the surrounding properties that gives the Malone Park its distinct character. Its retention would not be desirable. The proposed dwelling is of a scale, form, design and materials that are more appropriate to the Conservation Area. The conservation officer is content that the proposal is an enhancement over the existing building.</p>												
9.23	<p>Having regard to these considerations, it is considered that the demolition of the existing dwelling and its replacement are acceptable. The character and appearance of the Conservation Area would be enhanced. A condition will be required that prevents demolition of the existing dwelling until a contract has been let to redevelop the site in accordance with this planning permission. The proposal accords with the relevant provisions of the BUAP, dBMAP, SPPS and PPS 6.</p>												
9.24	<p><u>Impact on the setting of Listed Buildings</u></p> <p>Within proximity to the site is a listed building and structure No.1a Malone Park (Grade B2), the original Gate-lodge and gateway pillars. The proposed application site falls within the setting of these listed structures. DfC HED has considered the effects of the proposal on this listed building and pillars and has advised that the proposal satisfies the policy tests of para 6.12 of the SPPS, Policy BH11 of PPS6 subject to conditions to ensure the use of high quality materials, landscaping and the implementation of the planting scheme. The proposal is considered not to adversely affect the setting of the listed building/structures and is in accordance with Section 91 of the Planning Act. It also complies with the relevant provisions of the BUAP, SPPS and PPS 6.</p>												

	<p><u>Impact on existing trees and landscaping</u></p>
9.25	<p>A mix of soft and hard landscaping is proposed, all existing trees on site will be retained and protected where necessary. It is also proposed that additional planting of 13 trees of various species as well as additional screen and shrub planting will help integrate the proposal and contribute to the existing character.</p>
9.26	<p>The hard landscaping to the site includes the driveway and parking space to the front of dwelling. Concerns were expressed in objections regarding this parking arrangement, however, the Council's conservation officer considered this point in their response and concluded that many dwellings within the Malone Park have parking to the front of the building line as does the existing dwelling. The response went on to state that it would therefore be difficult to conclude that the parking would be contrary to the existing site layout or character of neighbouring plots.</p>
9.27	<p>It is noted that the Malone Park guidance does not preclude parking within the original front garden area but requires adequate screening from the road and adjacent properties. Adequate screening will be achieved with the retention of the existing boundary treatment and the supplemental planting of trees and shrubbery between the parking area and front boundary.</p>
9.28	<p>The Council's Tree and Landscaping Officer has reviewed the information and offers no objection to the proposal. They advise that the proposed landscaping scheme would assist in the enhancement of the amenity value of the site and the character and appearance of Malone Park Conservation Area.</p>
	<p><u>Impact on residential amenity</u></p>
	<p><i>Dominance / Overshadowing:</i></p>
9.29	<p>The separation distance between proposal and No. 1 Malone Park is around 20m, which would ensure no significant harmful overshadowing of this dwelling. The additional scale and massing of the proposal and closeness to boundary (2.0m) will have an increase dominance on side garden area of No.1, however, the 20m separation distance between properties prevents domination of the dwelling or amenity.</p>
9.30	<p>However, the proposal will be in close proximity to two neighbouring dwellings at 448 and 450 Lisburn Road, (aka 1b & 1c Malone Park) each of these properties are in the ownership of the applicant, a planning application has been received to demolished and replace these dwellings with two new dwellings. It appears from historic maps that the application site was at one point the rear garden area to these two properties accounting for the closeness of the properties to the site and explains the narrowness of the site in comparison with neighbouring properties.</p>
9.31	<p>The properties of 448 and 450 are located generally to the north west of the site meaning that the proposal will have a potential to affect sunlight. It is noted that the proposed dwelling will not extend to the boundary with No. 450 therefore will have less impact in terms loss of sunlight to this property. The property at No. 448 has lost the rear return creating a new open space area between this property and the site. This new space creates an increase separation in distance between both properties. It is likely that the proposed dwelling will impact on this new open space area at early morning, but this will reduce due to sun travel direction and will have little impact from mid-morning onwards. On balance, the relationship is considered acceptable.</p>

<p>9.32</p> <p>9.33</p> <p>9.34</p> <p>9.35</p> <p>9.36</p>	<p><i>Overlooking/ Privacy:</i></p> <p>The proposal will not result in any unacceptable overlooking issues from windows, the main rooms will look onto the street frontage and over the rear garden, a normal domestic configuration. The proposal also contains windows to the side gables, these windows are to serve non-habitable rooms such as bathroom, en-suites, and landing; an appropriate condition can be imposed to ensure that these upper floor windows on both side gables are obscured. The proposal was originally designed with a first-floor terrace, which was an issue of concern raised in objections, with potential views to properties to either side. Following discussions, the balcony was removed from the proposal. The proposal conforms to Policy QD 1 criterion (h) in that it will not result in conflict on any neighbouring land uses.</p> <p><i>Internal living space:</i></p> <p>The proposal will provide circa 379sqm of floor space for the five bedrooms and associated lounges and bathrooms as well as the main reception rooms. The space standards are silent on five-bedroom accommodation but indicates that for a four-bedroom dwelling over three floors 115/120sqm is required. The proposal will therefore provide significant living space for the future occupants.</p> <p><i>External amenity provision:</i></p> <p>The level of private open amenity space is exceeding the 70sqm as recommended by Creating Places. The proposal will have an amenity space, set behind the dwelling, of circa 260sqm. Criterion (c) of QD1 is satisfied given the level of amenity space provided.</p> <p><u>Access, Movement and Parking</u></p> <p>The proposed replacement dwelling is to utilise the existing vehicular access. Adequate space is shown within the site to provide for on-site parking in accordance with the Parking Standards. The proposal would not generate significant additional traffic over the existing situation. DFI Roads have no objection. Accordingly, the proposal is considered to accord with PPS3 and PPS7 in this regard.</p> <p><u>Other Environmental Considerations</u></p> <p>There is no evidence that the proposal would give rise to significant or unacceptable harm to the other environmental considerations including ecology, land contamination, noise, drainage or pollution of the groundwater environment.</p>
<p>10.0</p> <p>10.1</p> <p>10.2</p>	<p>Summary of Recommendation:</p> <p>It is recommended that the application is approved subject to conditions. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions.</p> <p>The Conservation Area Consent application (LA04/2021/0915/DCA) will have to be notified to the Department for Infrastructure under Section 29 of the Planning Act (Northern Ireland) 2011 before the decisions can be issued.</p>
<p>11.0</p>	<p>DRAFT CONDITIONS:</p> <p>Planning permission (LA04/2021/0691/F)</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>

2. The proposal, including materials and finishes shall be carried out in accordance with drawing numbers 6A, 9B, 10A, 12B and 14B published to the Planning Portal NI 10th Sept 2021 and 24th Sept. 2021. The materials shall be:

Roof – Natural Slate

Walls – Red brick (to be agreed in writing with Council)

Windows/ Doors – Painted timber traditional sash

Rainwater goods – cast aluminium.

Reason: In the interests of Malone Park Conservation Area and the character and setting of the listed building.

3. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting that order), the first and second floor windows on both side gables (north west and south east) shall at all times be glazed with obscure glass to at least Privacy Level 3 (or equivalent).

Reason: To safeguard the privacy of adjacent properties.

4. The dwelling shall not be occupied unless parking has been provided in accordance with the approved plans. The parking areas shall be retained as such at all times.

Reason: To ensure appropriate parking provision for the replacement dwelling.

5. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any retained trees or planting indicated on the approved drawing 09b published to the Planning Portal NI 24th September 2021 which become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of visual amenity

6. All soft landscaping works shall be carried out in accordance with the approved details on Landscaping Plan, Drawing Number 09b, published to the Planning Portal 24th September 2021. The works shall be carried out within six months of occupation. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

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

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

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

	<p>8. If roots are accidentally damaged the tree council must be notified immediately in writing and given the opportunity to inspect the damage before it is covered over.</p> <p>Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees / hedging.</p> <p>9. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires shall take place within the Root Protection Area of trees within the site during the construction period.</p> <p>Reason: To avoid compaction within the RPA.</p> <p>Conservation Area Consent (LA04/2021/0915/DCA)</p> <p>1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.</p> <p>Reason: As required by Section 105 of the Planning Act (Northern Ireland) 2011.</p> <p>2. No demolition shall commence on site unless a contract has been let for the redevelopment of the site in accordance with planning permission LA04/2021/0691/F and evidence of that contract has been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with planning permission LA04/2021/0691/F.</p> <p>Reason: As required by Sections 91(6) and 105 of the Planning Act (Northern Ireland) 2011, to preserve or enhance the character or appearance of the Conservation Area. Approval is required upfront because if redevelopment of the site does not take place it could leave the vacant site unsightly and harmful to the Conservation Area.</p>
--	---

Notification to Department (if relevant): Yes – referral of DCA application	
Representations from Elected members: None	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 1 Malone Park,Belfast,Antrim,BT9 6NJ</p> <p>The Owner/Occupier, 1a Malone Park,Belfast,Antrim,BT9 6NJ</p> <p>The Owner/Occupier, 2 Malone Park,Belfast,Antrim,BT9 6NJ</p> <p>The Owner/Occupier, 3,Malone Park,Belfast,Antrim,BT9 6NJ</p> <p>The Owner/Occupier, 6 ,Malone Park,Belfast,Antrim,BT9 6NJ</p> <p>The Owner/Occupier, 6 Malone Park,Belfast,Antrim,BT9 6NJ</p> <p>The Owner/Occupier, 452 Lisburn Road,Belfast,Antrim,BT9 6GT</p> <p>Donaldson Planning</p>	

50a High Street, Hollywood, BT18 9AE
Pragma,
7 Scottish Provident Building, Donegall Square West, Belfast, Antrim, BT1 6JH

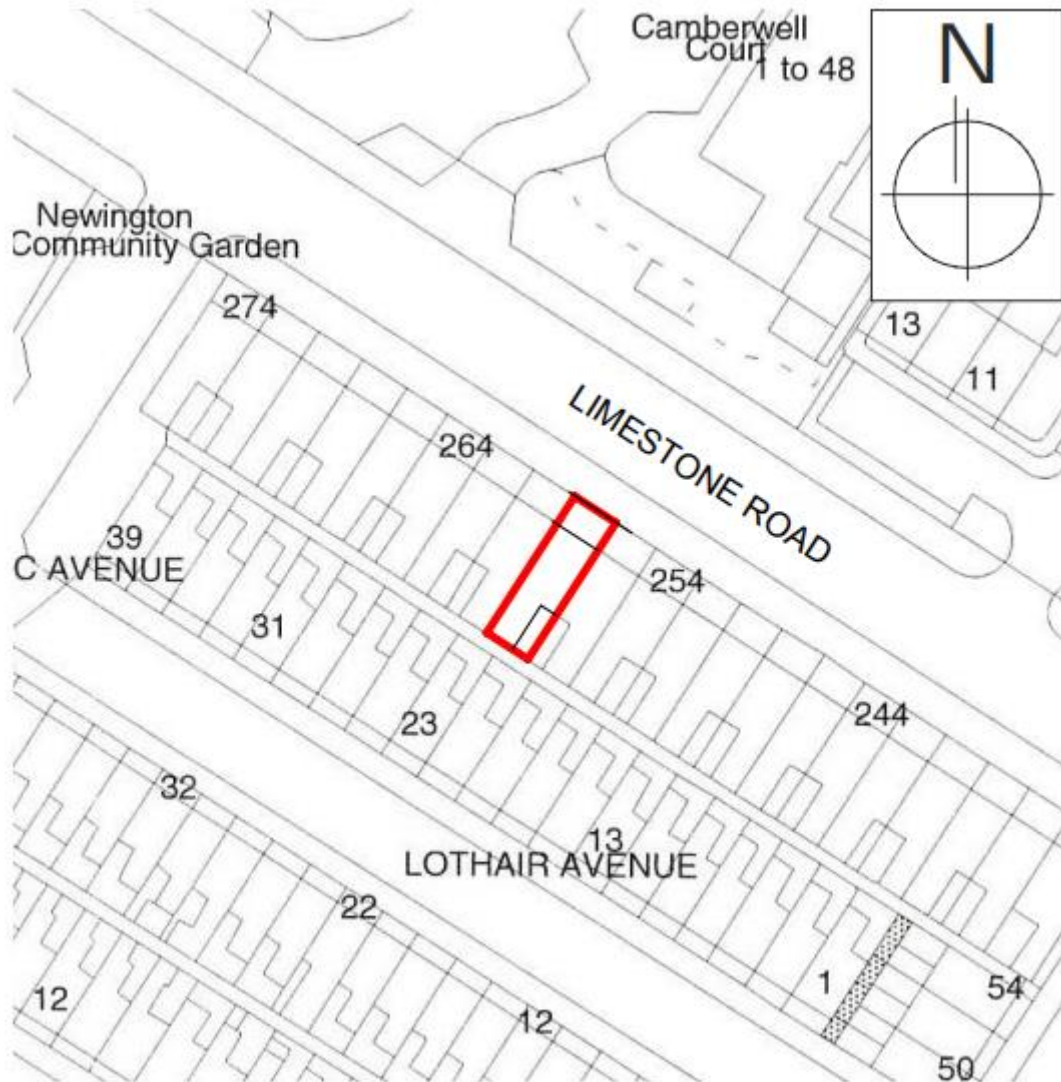
This page is intentionally left blank

Committee Report

Development Management Report	
Application ID: LA04/2022/1831/F	Date of Committee: 18 th April 2023
Proposal: Change of use from residential to short term stay accommodation.	Location: 258 Limestone Road Belfast BT15 3AR.
Referral Route: Requested by councillor Carl Whyte as per para 3.8.1 in the Scheme of Delegation	
Recommendation: Approval	
Applicant Name and Address: Mr John Young 1 Riverside Magherafelt BT45 6GZ	Agent Name and Address: Tim Doyle Total Architecture + Design Limited 140 Lisburn Road Belfast BT9 6AJ
<p>Executive Summary:</p> <p>The application seeks planning permission for change of use from a residential dwelling to short term stay accommodation.</p> <p>The site is located at 258 Limestone Road. The property is a 2.5 storey residential terrace with a two storey rear return. There is a small enclosed amenity space to the rear of the building, accessed by a gate from a rear service alley located on Oceanic Avenue. The immediate area predominantly consists of residential use.</p> <p>The site is situated on white-land within the Belfast Urban Area Plan 2001. In the draft Belfast Metropolitan Area Plan 2015, the site is within an Area of Townscape Character, Alexandra Park.</p> <p>The key issues relevant to consideration of the application are:</p> <ul style="list-style-type: none"> • Principle of a holiday let at this location • Impact on the character and appearance of the area • Access/Parking • Impact on residential amenity <p>There have been no objections from consultees.</p> <p>Nineteen objections have been received and are addressed within the main report.</p> <p>The application has been referred to the Committee at the request of Councillor Whyte on grounds of amenity and compatibility with the character and environmental quality of the area.</p> <p>Recommendation</p> <p>Having had regard to the development plan, relevant planning policies, and other material considerations, it is considered that the proposal should be approved.</p> <p>It is recommended that planning permission is granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions.</p>	

Case Officer Report

Site Location Plan



Characteristics of the Site and Area

1.0	Description of Proposed Development
1.1	The application seeks planning permission for change of use from a residential dwelling to short term stay accommodation. The property would provide five bedrooms, each of which could be let separately to different persons.
2.0	Description of Site
2.1	The site is located at 258 Limestone Road. The property is a 2.5 storey residential terrace with a two storey rear return. There is a small enclosed amenity space to the rear of the building, accessed by a gate from a rear service alley located on Oceanic Avenue. The immediate area predominantly consists of residential use.

2.2	The site is situated on white-land within the Belfast Urban Area Plan 2001 (BUAP). In the draft Belfast Metropolitan Area Plan 2015 (dBMAP), the site is within as an Area of Townscape Character, Alexandra Park.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	None relevant
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014) (dBMAP) Following the Court of Appeal decision on dBMAP (2014), the extant development plan is the BUAP. DBMAP (both v2004 and v2014 versions) are material considerations. The weight to be afforded to dBMAP is a matter of judgement for the decision maker. Given its advanced stage in the Development Plan process, it is considered that dBMAP (v2014) carries significant weight.
4.3	Belfast Local Development Plan Draft Plan Strategy The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 of the SPPS states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.
4.4	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.5	Planning Policy Statement 3: Access, Movement and Parking
4.6	Planning Policy Statement 6 Addendum: Areas of Townscape Character
4.7	Planning Policy Statement 16: Tourism
5.0	Statutory Consultees Responses DFI Roads – No objections
6.0	Non Statutory Consultees Responses Environmental Health – No objections NI Water – No objections

7.0	Representations
7.1	The application was advertised on the 14 th October 2022 and neighbour notified on the 12 th October 2022.
7.2	<p>Nineteen objections have been received from surrounding residents, these are summarised below:</p> <ul style="list-style-type: none"> • Anti-social behaviour – Case officer response: there is no evidence that the proposal would raise a significant issue in this regard; this would be a police matter. • Lack of privacy/overlooking – Case officer response: There are no external changes to windows or boundaries. Therefore, privacy/overlooking would not be impacted over and above the existing situation. • Noise disturbance – Case officer response: there is no evidence to indicate that the proposal would give rise to significant impacts over and above the existing situation. Environmental Health has raised no objection to the application. • Amount of traffic – Case officer response: the proposal could give rise to an increase in traffic. However, DFI Roads offers no objection to the proposal and there is no technical evidence of harm. • Lack of car parking space – Case officer response: the proposal could give rise to additional parking pressures. However, the site is a sustainable location in close proximity to the Antrim Road, an arterial route, with good access to public transport. DFI Roads has offered no objection and has not raised concerns about parking availability. • Who will be the occupants – Case officer response: this is not a material planning consideration. • Management of rubbish/bins – Case officer response: this is not considered a planning matter for a proposal of this nature.
9.0	Assessment
9.1	It is considered that the proposal is in compliance with SPPS in that the proposed development would not cause demonstrable harm to interests of acknowledged importance which are considered below.
	Principle of short term lets in this location
9.2	The application site proposes a change of use from a residential dwelling to short term stay accommodation. The property is located on white-land in BUAP.
9.3	<p>Policy TCM 1 of PPS 16: Tourism applies. It states:</p> <p><i>‘Tourism Development in Settlements</i></p> <p><i>Planning permission will be granted for a proposal for tourism development (including a tourist amenity or tourist accommodation) within a settlement; provided it is of a nature appropriate to the settlement, respects the site context in terms of scale, size and design, and has regard to the specified provisions of a development plan.’</i></p>
9.4	The proposal complies with Policy TSM 1 of PPS 16. The proposal is for a short term let which is appropriate to the settlement of Belfast and will support tourism in the city. The location is considered highly accessible on an arterial route. The proposal is considered to respect the context of the site in terms of scale, size and design.

9.5	<p>Impact on the character and appearance of the area</p> <p>The proposal is considered to comply with Policy TSM 1 of PPS 16. The proposal is introducing no new external alterations. It is considered that the character and appearance of the draft Area of Townscape Character would be preserved.</p>
9.6	<p>Impact on amenity</p> <p>The proposal does not require any external changes to the building and there would be no additional impacts over and above the existing use on the neighbouring properties in terms of loss of light, overshadowing, overlooking etc.</p>
9.7	<p>Each of the five bedrooms in the property could be occupied by separate persons which could give rise to additional comings and goings of people and activity. However, the nature of the proposal is residential (albeit intensified) and there is no evidence that the proposal would give rise to significant noise or other amenity impacts. Environmental Health offers no objection to the proposal. Whilst it has recommended a condition to require a management plan to manage tenant behaviour, this would go beyond reasonable planning control and would also not be enforceable.</p>
9.8	<p>Parking/Traffic</p> <p>Each of the five bedrooms in the property could be occupied by separate persons which could give rise to additional traffic and parking pressures. The site is a sustainable location, close to the Antrim Road, with good access to public transport. DfI Roads were consulted and advises no objection to the proposal. The parking and traffic impacts are considered acceptable.</p>
9.9	<p>Others matters</p> <p>The request to refer the application to Committee makes reference to Policies LC1 and LC2 of Planning Policy Statement 7 Addendum: Safeguarding the Character of Established Residential Areas. However, these are not relevant to the proposal as they relate to proposals for new housing.</p>
10.0	<p>Summary of Recommendation:</p>
10.1	<p>Having had regard to the development plan, relevant planning policies, and other material considerations, it is considered that the proposal should be approved.</p>
10.2	<p>It is recommended that planning permission is granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions</p>
11.0	<p>DRAFT CONDITIONS:</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>Informatives</p> <p>This decision relates to the following approved drawing number: 02</p>

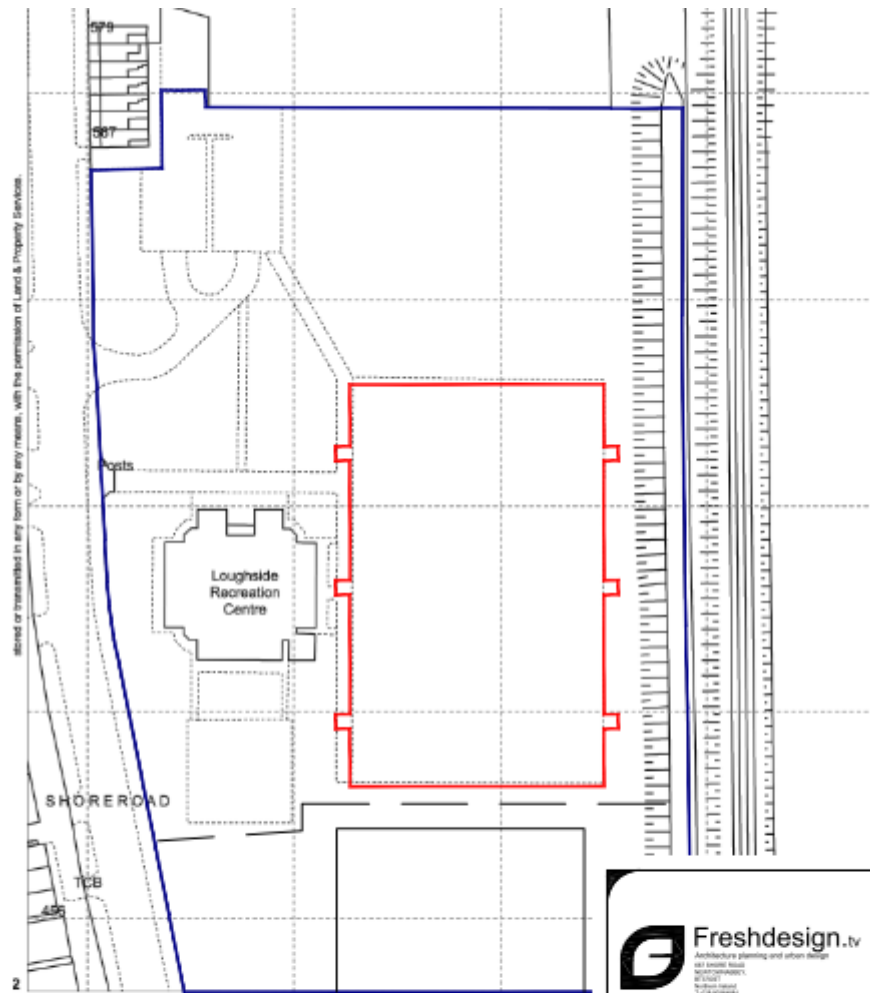
ANNEX	
Date Valid	29 th September 2022
Date First Advertised	14 th October 2022
Date Last Advertised	14 th October 2022
Date of Last Neighbour Notification	12 th October 2022
Date of EIA Determination	N/A
ES Requested	No

Committee Report

Development Management Report	
Application ID: LA04/2023/2665/F	Date of Committee: 18 th April 2023
Proposal: Replacement of existing all weather playing pitch with 3G pitch, new fencing, floodlights and dugouts	Location: Loughside Recreation Centre Shore Road, Belfast, BT15 4HP
Referral Route: The land of the proposal is owned by Belfast City Council.	
Recommendation: Approval	
Applicant Name and Address: Tommy Whiteside Crusaders Sport and Social Development Trust St Vincent Street Belfast BT15 3QG	Agent Name and Address: Paul Durnien Durnien Surveyors and Project managers 667 Shore road Newtownabbey bt37 0st
<p>Executive Summary:</p> <p>The application seeks planning permission for the replacement of the existing all weather playing pitch with a 3G pitch, new fencing, floodlights and dugouts.</p> <p>The site is located within the lands of Loughside recreation centre on the shore road. To the west of the site is the shore road with commercial and residential uses situated along it. The east boundary is defined by mature hedge/vegetation growth.</p> <p>The site is situated on lands reserved for landscape, amenity or recreation use within BUAP. The site is designated within dBMAP as an area of existing open space.</p> <p>The key issues relevant to consideration of the application are:</p> <ul style="list-style-type: none"> • Principle of development at this location; • Impact on the character and appearance of the area • Impact on residential amenity; and • Infrastructure capacity <p>There have been no objections from consultees.</p> <p>There have been no objections received from neighbours.</p> <p>Recommendation</p> <p>Having had regard to the development plan, relevant planning policies, and other material considerations, (pending outstanding consultation responses) it is considered that the proposal should be approved.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions.</p>	

Case Officer Report

Site Location Plan



SITE LOCATION MAP
SCALE 1:1250



Freshdesign.tv
Architectural planning and urban design
All work done in-house
Architects, Planners, Engineers, Surveyors, Landscape Architects, Environmental Designers
info@freshdesign.tv

PROJECT:
UPGRADE OF EXISTING ALL WEATHER PITCH TO 3G PITCH WITH FLOODLIGHTING, FENCING & TEAM DUGOUTS @SHORE ROAD PITCHES, BELFAST

Project No: 23-02 **Drawing Number:** LM01 - SITE LOCATION MAP

Client: CRUSADERS SPORTS & SOCIAL DEVELOPMENT TRUST

Drawn by/ Check By: JDC/PD **Date:** FEB 22 **Scale:** 1:1250

Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The application seeks planning permission for the replacement of the existing all weather playing pitch with a 3G pitch, new fencing, floodlights and dugouts.
2.0	Description of Site
2.1	The site is located within the lands of Loughside recreation centre on the shore road. To the west of the site is the shore road with commercial and residential uses situated along it. The east boundary is defined by mature hedge/vegetation growth.
2.2	The site is situated on lands reserved for landscape, amenity or recreation use within BUAP. The site is designated within dBMAP as an area of existing open space.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	None relevant
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014) Following the Court of Appeal decision on BMAP, the extant development plan is now the BUAP. DBMAP (both v2004 and x2014 versions) is a material consideration. The weight to be afforded to dBMAP is a matter of judgement for the decision maker. Given its advanced stage in the Development Plan process, it is considered that dBMAP (v2014) carries significant weight.
4.3	Belfast Local Development Plan Draft Plan Strategy The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 of the SPPS states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.
4.4	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.5	Planning Policy Statement 3: Access, Movement and Parking
4.6	Planning Policy Statement 8: Open space, sport and recreation
5.0	Statutory Consultees Responses DFI Roads- No objections
6.0	Non Statutory Consultees Responses Environmental Health- Outstanding DFI Rivers – Outstanding NIEA – No objection

7.0	Representations
7.1	The application was advertised on the 10 th March 2023 and neighbour notified on the 28 th February 2023.
7.2	No objections were received.
9.0	Assessment
9.1	It is considered that the proposal is in compliance with the SPPS in that the proposed development will not cause demonstrable harm to interests of acknowledged importance which are considered below.
9.2	Principle of development and Impact on the character and appearance of the area
9.3	The principle of open space/recreational development has already been established and deemed acceptable at this location. It is considered that the character and appearance of the area would be preserved. The proposal is for an upgrade to the existing recreational facility only. Thus, there is no objection in principle to this proposal subject to the material considerations set out below.
9.4	<p>Impact on residential amenity</p> <p>Visual - The proposal is to upgrade the existing pitch to a synthetic 3G pitch with floodlighting, fencing and dugouts. The visual changes are required to upgrade, secure, extend and improve the overall use of this facility. The changes are not significant and will not have an unacceptable detrimental visual impact on the surrounding area or on the visual amenity of surrounding commercial/residential properties given that similar infrastructure already exists within the recreation centre lands.</p> <p>Policy OS 7 of PPS 8 is applicable given the inclusion of floodlighting in the proposal. It advises that floodlighting will only be permitted where the following criteria are met:</p> <ul style="list-style-type: none"> (i) there is no unacceptable impact on the amenities of people living nearby; (ii) there is no adverse impact on the visual amenity or character of the locality; and (iii) public safety is not prejudiced. <p>With regards to the above criteria, similar floodlighting exists on the adjoining pitches. Therefore, it is considered that additional lighting will not exacerbate the existing situation. Environmental Health were consulted but have yet to respond. If any issues are received regarding material planning matters, the application will be re-presented to Planning Committee.</p> <p>Parking/Traffic</p> <p>DfI Roads were consulted and stated no objection to the proposal.</p>
9.5	Having regard for the policy context and the considerations above, the proposal is deemed acceptable.
10.0	Summary of Recommendation:
10.1	Approval (pending outstanding consultation responses). Delegated authority is also requested to finalise the wording of any conditions suggested by Environmental Health.
11.0	DRAFT Conditions:
	<p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>

	Informatives 1. This decision relates to the following approved drawing numbers: 03, 04, 05 and 06.
--	--

ANNEX	
Date Valid	13 th February 2023
Date First Advertised	10 th March 2023
Date Last Advertised	10 th March 2023
Date of Last Neighbour Notification	28 th February 2023
Date of EIA Determination	6 th March 2023
ES Requested	No
Drawing Numbers and Title 01 – Site location Plan 02 – Existing site layout 03 – Proposed site layout 04 – Proposed elevations 05 – Proposed floodlight elevations 06 – Dugout elevations	

This page is intentionally left blank

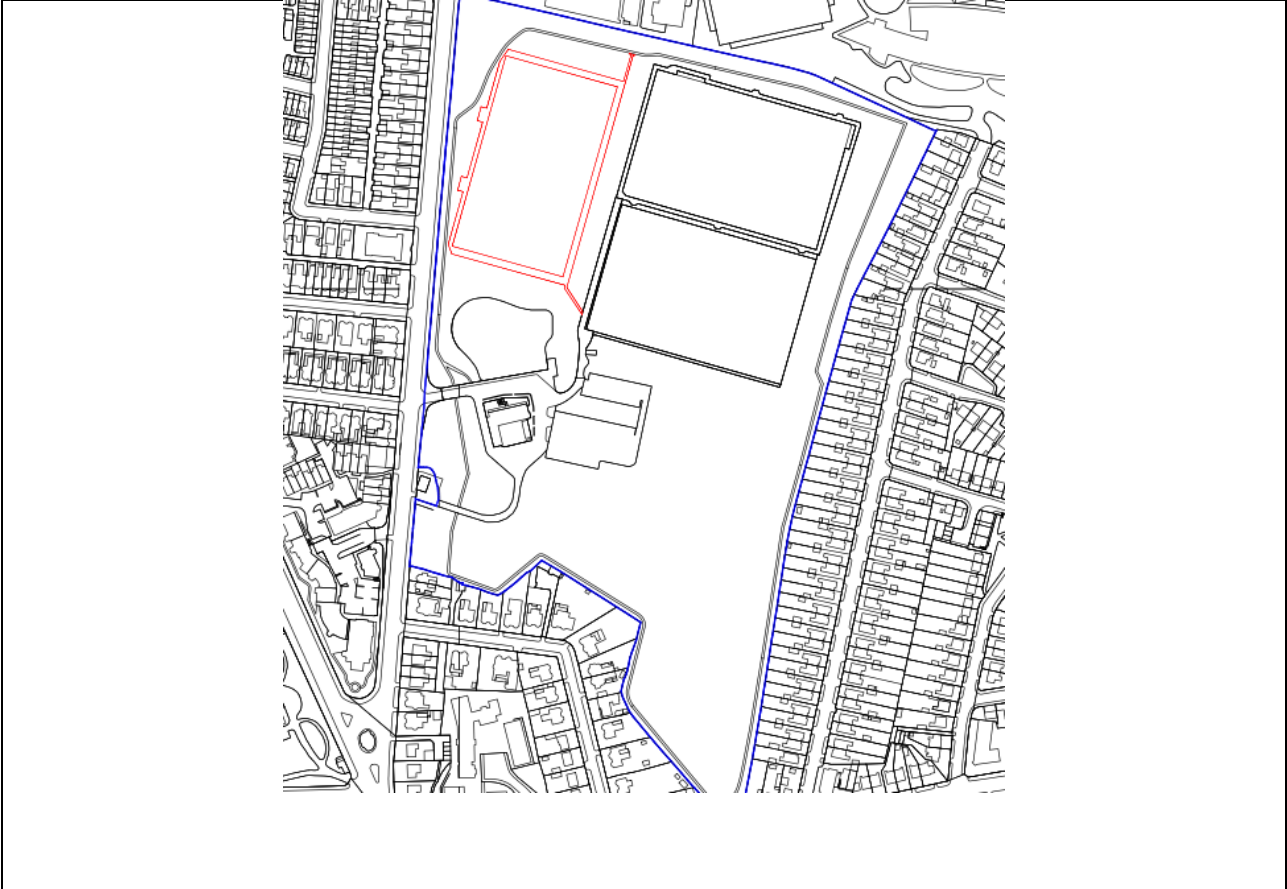
Committee Report

Development Management Report	
Application ID: LA04/2023/2362/F	Date of Committee: 18 th April 2023
Proposal: Proposed 30m (length) x 11m (height) ball stop fencing, spectator fencing, with a pathway surrounding the existing pitch, and associated site works. (amended description)	Location: Cherryvale Playing Fields, Ravenhill Road, Belfast, BT6 8EE
Referral Route: Planning Committee (BCC application)	
Recommendation:	Approval
Applicant Name and Address: Stephen McCullough Physical Programmes at Belfast City Council Belfast City Council 4-10 Linenhall Street Belfast BT2 8BP	Agent Name and Address: Andrew Gibson AECOM 10th Floor Clarence West Building 2 Clarence Street West Belfast BT2 7GP
<p>Executive Summary:</p> <p>The application seeks planning permission for a proposed 30m (length) x 11m (height) ball stop fencing, spectator fencing, with a pathway surrounding the existing pitch, and associated site works.</p> <p>The site is located at Cherryvale Playing Fields, Ravenhill Road Belfast which is a Council community park centred around a playpark, sports pitches, a clubhouse building and associated parking. There are a number of mature trees throughout the site and around the site periphery.</p> <p>The key issues relevant to consideration of the application are:</p> <ul style="list-style-type: none"> • Impact on amenity • Impact on the character and appearance of the area • Other considerations <p>The site is within Cherryvale Local Landscape Policy Area. The use of the area for sports pitches, some of which already contain floodlighting and nets, means the proposal will have no impact on the Local Landscape Policy Area.</p> <p>There have been no objections from consultees.</p> <p>Seventeen objections have been received, two comments of support and one neutral comment. These are addressed within the main report.</p> <p>Recommendation</p> <p>Having had regard to the development plan, relevant planning policies, and other material considerations, it is considered that the proposal should be approved. Delegated authority to the Director of Planning and Building Control is sought to resolve the following:</p>	

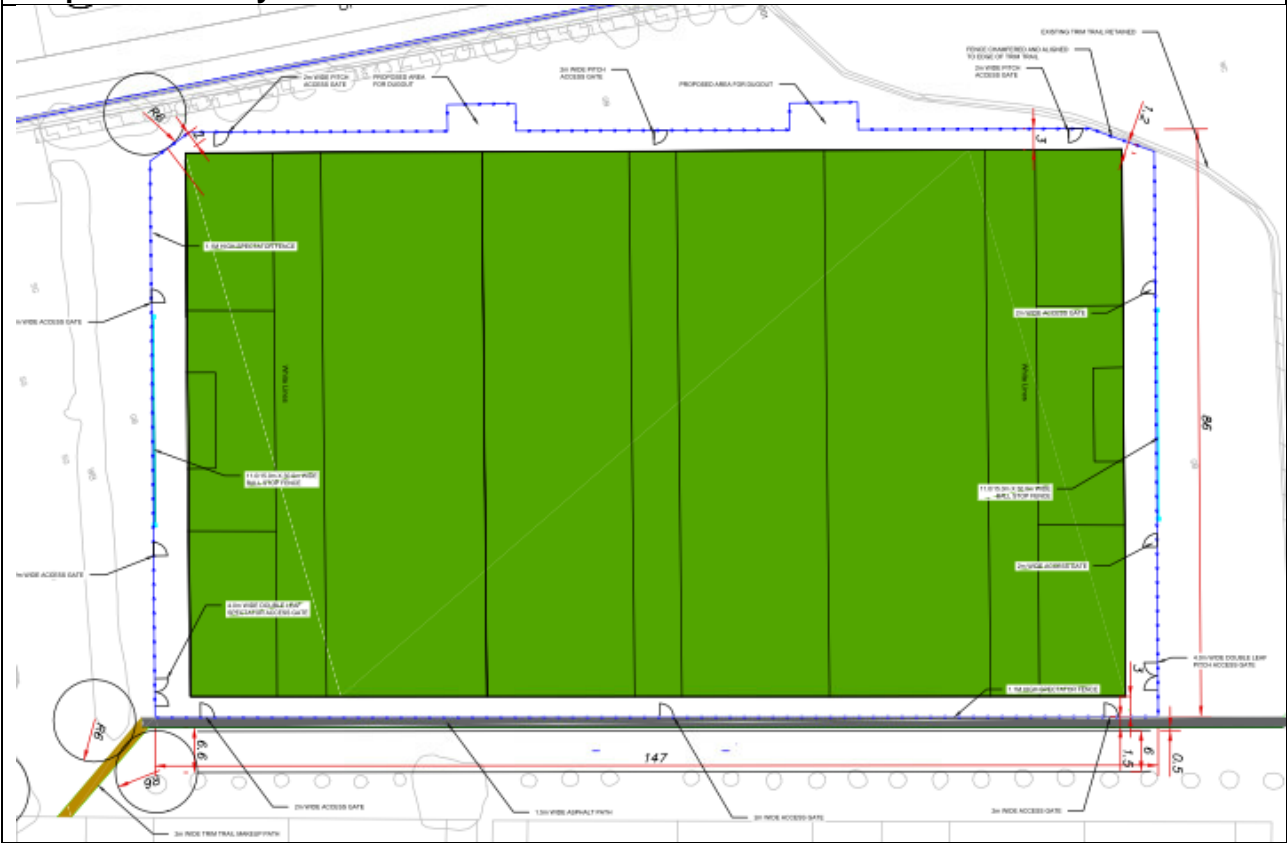
1. Consider and resolve where appropriate, any further representations received following readvertisement and re-notification of neighbours and objectors of a correction of the description of the proposal;
2. Resolve any matters arising from the outstanding consultation response from Environmental Health in the event this is not received prior to Committee.

Case Officer Report

Site Location Plan



Proposed Site Layout Plan



Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The application seeks full planning permission for proposed 30m (length) x 11m (height) ball stop fencing, spectator fencing, with a pathway surrounding the existing pitch, and associated site works.
2.0	Description of Site
2.1	The site is located at Cherryvale Playing Fields, Ravenhill Road Belfast which is a Council community park centred around a playpark, sports pitches, a clubhouse building and associated parking. There are a number of mature trees throughout the site and around the site periphery.
2.2	The site is located within a Local Landscape Policy Area designated in dBMAP. To the North of the site is St Joseph's College and Aquinas Grammar School. To the West of the site is the Ravenhill Road with residential use on the other side of the road. Rosetta Park is located to the south of the site and Knock Eden Park located to the east which comprise residential dwellings.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	Z/2014/1124/F Cherryvale Playing Fields 3G pitch with 2.4m perimeter fencing, 15m high ballstop fencing, floodlighting (20m high masts), single storey extension to existing changing rooms, re-siting of existing storage container and landscaping along boundary with Knock Eden Park. Permission Granted
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	<p>Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014)</p> <p>Following the Court of Appeal decision on BMAP, the extant development plan is now the BUAP. DBMAP (both v2004 and x2014 versions) is a material consideration. The weight to be afforded to dBMAP is a matter of judgement for the decision maker. Given its advanced stage in the Development Plan process, it is considered that dBMAP (v2014) carries significant weight, save for retail policies relating to Sprucefield, Lisburn.</p> <p>The site is located within a Local Landscape Policy Area (LLPA) ref: BT116 within dBMAP (v2004), and Designation BT 098 within dBMAP (v2014).</p>
4.3	<p>Belfast Local Development Plan Draft Plan Strategy</p> <p>The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 of the SPPS states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.</p>
4.4	Strategic Planning Policy Statement for Northern Ireland (SPPS)

4.5	Planning Policy Statement 2: Natural Heritage
4.6	Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation
5.0	Non Statutory Consultees Responses Environmental Health- No objections Tree Officer- further information requested.
6.0	Representations
6.1	The application was advertised on the 19 th January 2023 and neighbour notified on the 23rd January 2023.
6.2	Seventeen objections were received as summarised below: <ul style="list-style-type: none"> • Old maps used, demonstrating inaccuracy • Fencing removing access to open space for residents • Dog Fouling • No Public Consultation • Aesthetically unsightly • Impact on trees • Blocking of Trim trail path • Parking and traffic movements
7.0	Assessment
7.1	The key issues to be considered are: <ul style="list-style-type: none"> • Impact on amenity • Impact on the character and appearance of the area and LLPA; • Other Considerations
7.2	Impact on Amenity: The proposed ball stop fencing and netting is not located close to any neighbouring dwellings for any loss of light or overshadowing to occur. Environmental Health was consulted on potential noise from the spectator and ballstop fencing. They had no concerns with the ballstop fencing however raised queries over the spectator fencing. Information was provided from the agent stating that the spectator fencing will be similar to the existing spectator fencing on the other sports pitches at Cherryvale. Ethylene Propylene Diene Monomer (EPDM) inserts will be placed behind the clamp bar within the fence fixings to mitigate against noise from ball strikes. Environmental Health have been consulted on these details but, at the time of writing, this response remains outstanding. Subject to confirmation that these details are acceptable, a condition requiring the provision and retention of these noise mitigation measures is necessary. Delegated authority is sought to resolve this issue if Environmental Health have not responded prior to Committee.
7.3	Character and Appearance of the Area: The original proposal included 2.4m perimeter fencing however has now been removed from the proposal resulting in a visual improvement of the scheme. The proposed ball stop net and 1.2m spectator fencing is considered appropriate for the use of the playing pitch it will border. The use of slim steel posts with the net means is considered sympathetic to the existing site and surrounding area, taking account of similar structures within the wider Cherryvale site. Weight must also be afforded to permitted development rights for means of enclosure under the Planning (General Permitted Development) Order 2015 under Part 3 Minor Operations which allows for the erection of a means of enclosure up to 2m in height where not adjacent to a public road. Public views of the ballstop and spectator fencing would

	<p>largely be limited to near distance views from the Ravenhill Road frontage of the park. It is considered that existing trees and vegetation around the site periphery would also filter views of the structures and on balance, the proposal would not result in unacceptable detrimental visual impacts and accordingly would not adversely impact on the draft LLPA as designated in both version of dBMAP.</p>
7.4	<p>Other Considerations</p> <p>Belfast City Council Trees Department was consulted and requested additional information which has been sought from the applicant. Subject to adequate information regarding protection measures, Root Protection Zones, and compaction avoidance measures being submitted, they have no concerns with the proposal. Notwithstanding this information request, these matters are technical in nature and can be secured through an appropriate condition to ensure retained trees are protected. The proposal would not cause unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality. No trees will be felled and there will be no loss of open space in accordance with policy OS1 of PPS8. The proposal also satisfies Policy OS4 of PPS8 relating the intensive sports facilities. Appropriate conditions are necessary to ensure the protection of existing trees and vegetation.</p>
7.5	<p>Representations</p> <p>The points below have been raised in objections and are considered as follows:</p> <ul style="list-style-type: none"> • Old maps used, demonstrating inaccuracy <p><i>Case Officer Response: An amended and updated site location plan has been submitted which now follows the fencing path surrounding the pitch. This ensures that room is left for the trim trail and no trees will be impacted by the development. It also now includes additional connections to the trim trail/paths surrounding the pitch.</i></p> • Fencing removing access to open space for residents <p><i>Case Officer Response: The 2.4m perimeter fencing has now been removed from the proposal meaning public and community access will be retained. The 1.1m spectator fencing will remain with its purpose relating directly to the use of the sports pitch. This issue is further considered above</i></p> • Dog Fouling <p><i>Case Officer Response: This is not a material planning consideration and the Council are unable to withhold permission on this basis. This is a site management issue for BCC Parks Department.</i></p> • No Public Consultation <p><i>Case Officer Response: The application under consideration is a local scale application therefore is not a requirement from planning legislation for a community consultation event to take place. The application has been advertised in a local newspaper and all relevant neighbours notified through a neighbour notification letter in accordance with requirements of the legislation.</i></p> • Aesthetically unsightly <p><i>Case Officer Response: The proposal of ballstop fencing and spectator fencing is in keeping with the existing use of the site of a sports pitch. The spectator fencing is 1.1m in height therefore will not appear dominant or intrusive to the area. The</i></p>

	<p><i>ballstop fencing is also considered acceptable and will have limited views from outside of the site due to the existing trees and vegetation. This is further considered above.</i></p> <ul style="list-style-type: none"> • Impact on trees <p>Case Officer Response: <i>Belfast City Council Trees department was consulted on the application and have no objections to the proposal following the submission of additional information. There will be no felling of trees as set out in the above assessment.</i></p> <ul style="list-style-type: none"> • Blocking of Trim trail path <p>Case Officer Response: <i>Following amendments, the trim trail path will remain in place with improved connectivity. The asphalt path is now on the eastern side of the pitch, extended to meet trim trail at north and south.</i></p> <ul style="list-style-type: none"> • Parking and traffic movements <p>Case Officer Response: <i>It is considered that the proposal will not create any additional traffic within Cherryvale Playing fields.</i></p>
8.0	<p>Having regard to the Development Plan and other material considerations, the proposal is considered acceptable and approval is recommended subject to conditions outlined below. Delegated authority to the Director of Planning and Building Control is sought to:</p> <ol style="list-style-type: none"> 1. Consider and resolve where appropriate, any further representations received following readvertisement and re-notification of neighbours and objectors of a correction of the description of the proposal; 2. Resolve any matters arising from the outstanding consultation response from Environmental Health if this is not received prior to Committee.
9.0	Summary of Recommendation: Approve subject to conditions
10.0	<p>Conditions (delegated Authority to finalise conditions to the Director of Planning and Building Control requested):</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <ol style="list-style-type: none"> 2. Materials for the development hereby permitted shall be constructed in accordance with the approved plans. <p>Reason: In the interests of the character and appearance of the area.</p> <ol style="list-style-type: none"> 3. (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work). <p>(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species</p>

and shall be planted before the expiration of the next available planting season to the satisfaction in writing by the Local Planning Authority.

No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

4. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the any part of the development hereby permitted becoming operational. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

5. Prior to any part of the development hereby permitted becoming operational, a verification report demonstrating that all perimeter and ball stop fencing has been installed, including all noise mitigation measures, in accordance with the approved details. All perimeter and ball-stop fencing shall be permanently retained in accordance with these details thereafter.

REASON: In the interests of safety and amenity.

Informatives:

1. This decision notice relates to the following approved drawing numbers: 01a, 02a, 03, 04, 05

Committee Application

Development Management Officer Report	
Application ID: LA04/2022/1499/F	Committee Date: 18 April 2023
Proposal: Construction of new community wellbeing centre and cafe incorporating refurbishment and change of use of existing house, with a new adjacent community garden and men's shed facility.	Location: The Lockhouse 13 River Terrace Belfast BT7 2EN.
Reason for Referral to Committee:	Objection from statutory consultee (NI Water) and BCC funding.
Recommendation:	Approval with conditions
Applicant Name and Address: Lower Ormeau Residents Action Group 97 Balfour Avenue Belfast BT7 2EW	Agent Name and Address: Taggarts 23 Bedford Street Belfast BT2 7EJ
<p>Executive Summary:</p> <p>This application seeks full planning permission for the construction of new community wellbeing centre and cafe incorporating refurbishment and change of use of existing house, with a new adjacent community garden and men's shed facility. T</p> <p>The main issues relevant to consideration of the application are:</p> <ul style="list-style-type: none"> • The principle of development • Impact on the character and appearance of the area • Impact on the setting of Listed monument • Impact on amenity • Access and parking • Environmental Considerations - Drainage, Waste-water infrastructure and Ecology <p>DfI Roads, DfC HED, and Environmental Health offer no objection. NI Water object to the application on grounds of lack of waste-water capacity; this issue is dealt with in the main report and found to be acceptable. DAERA and SES were consulted in this regard and a condition was recommended to restrict development until a suitable wastewater disposal system can be agreed.</p> <p>No representations have been received from third parties.</p> <p>The site is within the development limit of Belfast and the principle of development is considered acceptable.</p> <p>The design of the proposed extension and the proposed use to the existing building is acceptable. The changes to the existing open space are considered a betterment creating features of interest and additional seating. The man-shed and poly-tunnels will offer space and activities for the local</p>	

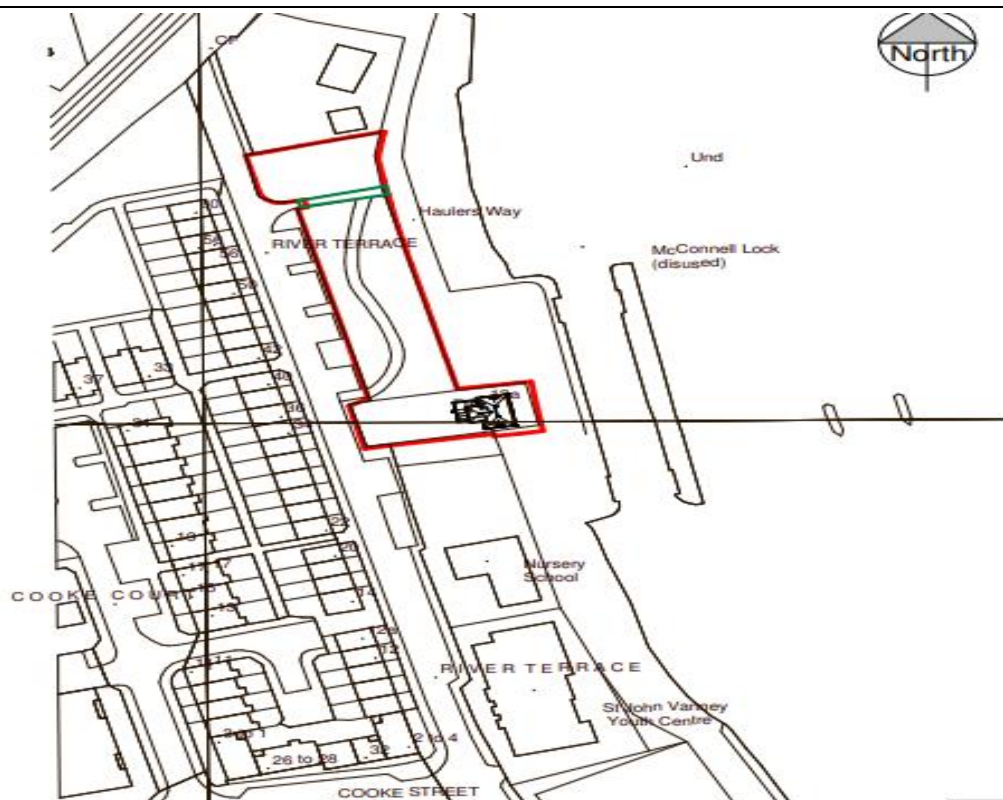
community. HED offers no objection there would be no harmful impact on the setting of Listed Monument. The parking survey shows sufficient parking to serve the development there will be no adverse transportation impacts.

Recommendation:

It is considered that the proposal is acceptable having regard to the Development Plan and relevant material considerations. It is recommended that planning permission is granted with delegated authority sought for the Director of Planning and Building Control to finalise the wording of conditions.

Case Officer Report

Site Location Plan:





CGIs

Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	This application seeks full planning permission for the construction of new community wellbeing centre and cafe incorporating refurbishment and change of use of existing house, with a new adjacent community garden and men's shed facility.
2.0	Description of the Site and Area
2.1	The site is made-up of two distinct plots one is a two-storey detached dwelling finished in a painted render, the building sits within its plot with well defined boundaries of fencing and mature hedging. The second plot is an area of open space currently laid out in grass and public pathways forming part of the lagan walkway. The surrounding character is mix with the east side of the road having community buildings of recreation centre, youth club and nursery school. Whereas the west side of the road is in residential use dominated by two-storey red brick terrace housing.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	None relevant

4.0	Policy Framework Section 6(4) of the Planning Act (Northern Ireland) 2011 requires planning decisions to be made in accordance with the Development Plan, unless material considerations indicate otherwise.
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014) (dBMAP) Following the Court of Appeal decision on dBMAP (2014), the extant development plan is the BUAP. DBMAP (both v2004 and v2014 versions) are material considerations. The weight to be afforded to dBMAP is a matter of judgement for the decision maker. Given its advanced stage in the Development Plan process, it is considered that dBMAP (v2014) carries significant weight.
4.3	Belfast Local Development Plan Draft Plan Strategy The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 of the SPPS states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.
4.4	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.5	Planning Policy Statement 2 Natural Heritage
4.6	Planning Policy Statement 3 Access, Movement and Parking
4.7	Planning Policy Statement 6 Archaeology & Built Heritage
4.8	Planning Policy Statement 8 Open Space, Sport & Outdoor Recreation
4.9	Planning Policy Statement 15 Planning and Flood Risk
5.0	Statutory Consultees Responses DfI Roads Service – no objection subject to conditions Historic Environment Division – no objection NI Water – objection on grounds of insufficient waste-water infrastructure capacity DAERA – awaited
6.0	Non Statutory Consultees Responses BCC Environmental Health – no objection subject to informatives and condition
7.0	Representations
7.1.	The application has been advertised in the press and neighbours have been notified. No third-party representations of objection have been received. One letter of support was received from local public representatives.

9.0	Key Issues
9.1	<p>The main issues relevant to consideration of the application are:</p> <ul style="list-style-type: none"> • The principle of development • Impact on the character and appearance of the area • Impact on the setting of Listed Monument • Impact on Open Space • Impact on amenity • Access and parking • Flooding • Waste-water infrastructure • Ecology
9.2	<p>Principle of Development</p> <p>The site is located within the existing settlement limits for Belfast and within the BUAP and the dBMAP, the presumption is therefore in favour of development. The BUAP has no land use designations for the site the dBMAP shows the north section of the site, outside the confines of the existing building plot to be open space.</p>
9.3	<p>The SPPS advises that planning permission is ought to be granted or sustainable development that accords with the area plan and causes no harm to areas of acknowledged importance. Officers accept that the proposal accords with the area plan and set below no areas of acknowledged importance is significantly harmed by the proposal</p>
9.4	<p>Impact on the character and appearance of the area</p> <p>River Terrace and Balfour Avenue runs in parallel to the west bank of the river Lagan. There is a clear distinction in land uses along the road frontage, to the west side of the road it is residential with two-storey dwellings being dominant. Within the residential use there are clear period differences Balfour Avenue being of old traditional styled Belfast housing, red brick terrace with no front amenity space. The housing between Shaftesbury Avenue and Cooke Steet, has the rear of the housing projects onto the road frontage and from Cooke Street onwards the housing is more modern dating circa 1970's/80s fronting onto the road with front amenity space.</p>
9.5	<p>To the east side of the road the main land uses are community buildings and open space amenity. This side of the road, same for site location, contains Shaftesbury Recreation Centre, a large leisure complex with outdoor play facilities. Proceeding on towards the site the next building is single storey St. John Youth Centre followed by another single storey building St. Malachy's Nursery School followed by the site, currently a two-storey dwelling and open space.</p>
9.6	<p>The site building is positioned at a greater distance from the road than the other community buildings, these buildings are positioned at various distances from the road edge ensuring no uniformity of building-line. The proposed extension will bring the building closer to the road edge which will make a significant change to the existing character when looking south, the proposed building obscuring the existing single storey neighbouring buildings with the creation of a large block extension. However, within the wider context the proposal can be seen as book ending the community developments</p>

	along this section of road with Shaftesbury Recreation Centre to one end and the proposal at the other and the single storey building between.
9.7	The retention of the existing building retains the rendered finish; however, the proposed extension is designed with grey brick interlaced with brick panel work design of the same-coloured brick. The design includes a flat roof which will be a green roof. Although the materials are not common to the area, which is mostly red/brown brick and slate the materials proposed will offer a contrast to the wider and will not be too dissimilar to Shaftesbury Recreation Centre which is finished in a grey steel cladding. Officers are content that the proposal will not significantly detract from the surrounding character having regards to the community buildings already located along this section of road frontage and the materials offering an acceptable contrast.
9.8	The current open space provides access to the Lagan walkway; the proposal is designed to retain this public access to pathways. Officers are content that the proposal will not impinge on the current level of public access ensuring the open character is maintained.
9.9	<p>Impact on the setting of Listed Monument</p> <p>The site is adjacent Mc Connell's lock a listed monument, Historic Environment Division of DfI (HED) was consulted and indicated that the proposed balcony, which projected beyond the front façade of the building, within the original design, had an impact on the monument. Amended plans were submitted with the balcony projection removed which was found to be acceptable HED indicating that the proposal no longer impacted the monument. Officers concur with the opinion of HED that the proposal will not detract from the setting of the historic monument the relationship between the front façade of the building and the monument remaining unaltered.</p>
9.10	<p>Impact on Open Space</p> <p>The proposal will result in the loss of an area of open space due to the erection of the man shed and poly tunnels. It is however acceptable within policy OS 1 of PPS 8 for open space to be lost to development that will bring substantial community benefit. The proposal, when read in the round, would be accepted as offering community benefits. The existing open space is an area of open grassland with connecting pathways crossing it. The proposal will see the additional planting, raised beds and seating within the current open space creating a place of interest and usable for the general community, this area remains open to the public with only the area for the man-shed and poly tunnels fenced. Officers accept that the section of land dedicated to the man-shed and poly tunnels will be lost to the public for recreational use it will nevertheless create facilities for community use and creates an opportunity for greater community cohesion by providing space for various community activities.</p>
9.11	<p>Impact on amenity</p> <p>The adjacent nurse school is located to the south of the site and has a play and garden areas between the school building and site. Having regards to separation distance between the school building and proposed site and also direction of sun travel Officers are content there will be no impact on the school. Those properties immediately fronting onto the site no. 30 to 36 River Terrace will have a change to outlook with the extended building being closer to the front of these properties. The height of the building is quoted at 7.2m from road level to top of parapet the separation distance is 11.2m between the</p>

	<p>rear of the extension and the front of the properties. Having regards to the 45 degrees rule the proposal will not cast a significant shadow over these properties. Any shadow casted towards the dwelling will be morning time only as the site is to the east of the dwellings. The rear elevation of the proposed building has several features that will help to reduce the appearance of dominance these include a step within the wall design, windows, doors, and brick panelling breaking up the massing of the gable and a proposed area for the erection of artwork. Officers are content, on balance, that the proposal will not significantly impact on the amenity of residential dwelling of River Terrace.</p>
9.12	<p>Access and Parking</p> <p>DfI Roads Service was consulted and advised that additional information was required in the form of a parking survey to demonstrate sufficient on street parking for 7 vehicles. A parking survey was submitted and DfI re-consulted. The information within the survey showed an average of 24 spaces available the minimum being 13 spaces and the maximum being 30 spaces.</p>
9.13	<p>Environmental Health issues</p> <p>Planning Service is awaiting the final response from BCC Environmental Health, concerns were raised within first reply regarding information within the Preliminary Risk Assessment (PRA) for potential ground contamination and odour abatement from proposed café. Additional information for the PRA was submitted together with Odour abatement report for further EHS consideration.</p>
9.14	<p>Flooding</p> <p>DfI Rivers Agency was consulted and having regards to the submitted flood risk assessment has indicated that there is no objection to the proposal with standard informatives.</p>
9.15	<p>Waste-water Infrastructure</p> <p>NI Water has objected to the proposal on grounds of insufficient waste-water capacity. NI Water has advised that existing public waste-water infrastructure cannot currently support the proposal without significant risk of environmental harm, potential pollution, flood risk and harm to local amenity. However, no supporting data or information to evidence NIW's concern has been provided particular to this application. Clearly the objection is a material consideration. It is however a matter for the decision maker to determine the weight to be attached to it and all other material considerations.</p> <p>It is also noted that NI Water has a duty to connect significant committed development across the city to its waste-water infrastructure. Such development, which includes significant levels of residential and commercial floor space across the city, will not all come forward at once and some may not come forward at all.</p> <p>For these reasons' officers are of the view that it would be unreasonable to give determining weight to the NI Water objection.</p>

9.16	<p>Ecology</p> <p>Belfast City Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for undertaking an Appropriate Assessment where a proposal is likely to have a significant environmental effect on Belfast Lough, an environmentally protected Special Protection Area (SPA), RAMSAR and Special Area of Conservation (SAC). Water quality of the lough is a key consideration. The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also “in combination” impacts with other development.</p> <p>Whilst a precautionary approach applies to Habitats Regulations Assessment (HRA), SES confirms that the onus is on NI Water to provide evidence of likely actual impacts, rather than hypothetical impacts. As Competent Authority, the Council may take its own objective view on whether a proposal is likely to have a “significant effect” on water quality of the Lough. However, having regard to the precautionary approach, where there is clear intensification the Council may need to consult SES and ask them to undertake a HRA Appropriate Assessment Screening to ascertain whether there would be a likely significant impact. This also triggers statutory consultation with DAERA NI Environment Agency.</p> <p>Following response from NIEA and SES a condition will be imposed on the approval to restrict commencement of the development until an agreed wastewater disposal method is reached.</p> <p>A Biodiversity checklist was completed on the site given location adjacent to river and potential for Bat Roost. The survey indicated that no signs were visible of otter or badger activity at the site however there were signs of bats droppings and gaps within the building fabric that had potential for Bat roosts. A Bat survey was undertaken and concluded that there were no indications of Bats within the building although Bats were identified commuting over the site and foraging. The report recommended no additional survey required although a precaution approach should be taken when contractors commence works on site and report any findings indicating Bats within the site.</p>
<p>10.0</p> <p>10.1</p> <p>10.2</p>	<p>Summary of Recommendation:</p> <p>Having had regard to the development plan, relevant planning policies, and other material considerations, it is considered that the proposal should be approved.</p> <p>It is recommended that planning permission is granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions.</p>
11.0	<p>DRAFT CONDITIONS:</p> <ol style="list-style-type: none"> 1. The development hereby permitted must be begun within five years from the date of this permission. <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <ol style="list-style-type: none"> 2. No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless

	<p>details of foul and surface water drainage, including a programme for implementation of these works, have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.</p> <p>Reason: To ensure appropriate foul and surface water drainage of the site. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.</p> <p>3. If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related works shall cease immediately, and the Council shall be notified immediately in writing. No further development shall proceed until this new contamination has been fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Council, prior to the development being occupied or operated. The Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end use.</p> <p>Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.</p> <p>4. After completing the remediation works under Condition 3; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.</p> <p>Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.</p>
--	--

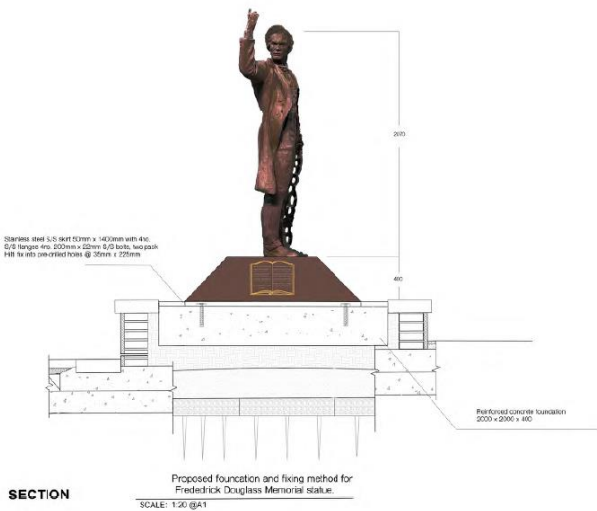
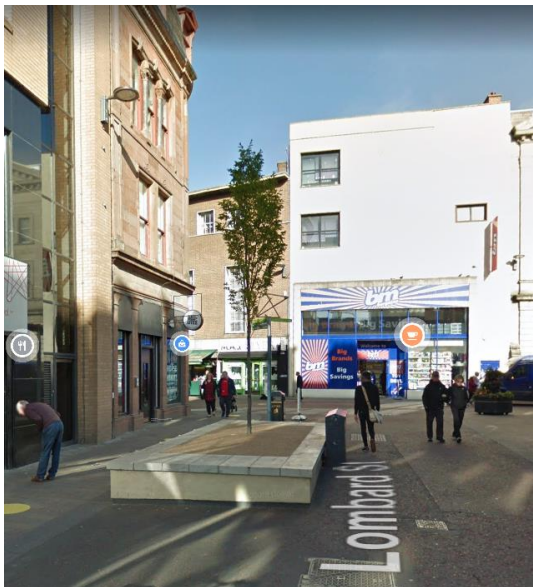
This page is intentionally left blank

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 14 th April 2023	Item Number:
Application ID: LA04/2023/2701/F	Target Date:
Proposal: Erection of life size bronze sculpture of Frederick Douglass.	Location: Existing Planter located approximately 2.5m east of No.10-20 Lombard Street (amended)
Referral Route: Belfast City Council is the applicant	
Recommendation:	Approval
Applicant Name and Address: Belfast City Council 9 Adelaide Adelaide Street Belfast BT2 8GA	Agent Name and Address:
<p>Executive Summary:</p> <p>The application is seeking full planning permission for the erection of a life size sculpture of Frederick Douglass, using an existing planter base on Lombard Street.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> - Impact on amenity and general characteristics of the area - Impact on setting of the listed building and conservation area. - Impact on public safety. <p>The site is located at approximately 2.5m east of No.10-20 Lombard Street; the existing planter sits on the largely pedestrianised street. The surrounding area is a mix of retail, commercial and hospitality properties.</p> <p>The proposal will be assessed against the Strategic Planning Policy Statement for Northern Ireland (SPPS), Belfast Urban Area Plan 2001 (BUAP) and the Draft Metropolitan Area Plan 2015 (BMAP), PPS6: Planning, Archaeology and the Built Environment and all other relevant material planning considerations.</p> <p>Recommendation: Seeking delegated authority to determine the application upon receipt of the consultation responses.</p>	

Case Officer Report

Site Location Plan



Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The application is seeking full planning permission for the erection of a life size sculpture of Frederick Douglass, using the existing planter base on Lombard Street. The proposed sculpture will measure approximately 2.43m in height including the plinth on which it will sit. The proposed statue will be cast in bronze and be a dark brown colour.
2.0	Description of Site
2.1	The application site is located approximately 2.5m east of No.10-20 Lombard Street in the city centre. It is an existing raised planter which is located on the street. The neighbouring properties along Lombard Street and nearby Rosemary Street are of a retail, commercial and hospitality nature.
Planning Assessment of Policy and other Material Considerations	
3.0	Relevant Site History
3.1	There is no relevant site history.
4.0	Policy Framework
	<u>Development Plans</u>
4.1	Belfast Urban Area Plan (BUAP) 2001
4.2	Draft Belfast Metropolitan Area Plan (dBMAP v2004)
4.3	Draft Belfast Metropolitan Area Plan (dBMAP v2014)
4.4	Draft Belfast Local Development Plan 2035 – Draft Plan Strategy
	<u>Regional Planning Policy</u>
4.5	Regional Development Strategy (RDS) 2035
4.6	Strategic Planning Policy Statement (SPPS)
5.0	Consultations:
5.1	Statutory Consultee Responses
5.1.1	Conservation Officer – Awaiting response Historic Environment Division – Awaiting response
5.2	Non-Statutory Consultee Responses
5.2.1	None
6.0	Representations
6.1	No representations have been received to date.
7.0	Assessment
7.1	<u>Policy Context</u> Section 6(4) of the Planning Act (Northern Ireland) 2011 states that: ‘Where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.’
7.2	Section 45(1) of the Act states that the council must ‘...have regard to the local development plan, so far as material to the application, and to any other material considerations...’.

7.3	Following the Court of Appeal decision on BMAP, the extant development plan is the BUAP. However, dBMAP remains an important material consideration. Given the stage at which the draft BMAP (v2014) had reached pre-adoption through a period of independent examination, it is considered to hold significant weight, save for retail policies relating to Sprucefield, Lisburn, which remain contentious.
7.4	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.
	<u>Key Issues</u>
7.5	The key issues relevant to consideration of the application are: <ul style="list-style-type: none"> - Impact on amenity and general characteristics of the area - Impact on setting of the listed building and conservation area. - Impact on public safety.
7.6	The proposal is within the development limits as set out in both BMAP documents. It sits within the City Centre Conservation Area. The Conservation Officer has been consulted regarding the proposal; subject to their comments, it is not thought that the proposal would have a significant adverse impact on the character of the wider conservation area.
7.7	The proposal will be considered under PPS 6: Planning, Archaeology and the Built Environment. Policy BH11: Development affecting the setting of a Listed Building and Policy BH12: New Development in a Conservation Area will provide the relevant policy criteria in this instance. Historic Environment Division have been consulted in regards to the impact on the setting of the listed building, whilst the Conservation Officer has been consulted in regards to the impact on the City Centre Conservation Area.
7.8	In terms of the impact on public safety, the proposal is located on Lombard Street. Given the planter base already exists and will be retained, with the statue erected on it, it is not thought that the proposal would have a significant adverse impact on public safety.
8.0	Conclusion
8.1	Approval is recommended subject to final consultations responses being received Delegated authority is being sought to apply conditions as appropriate on receipt of the HED and Consultation Officer comments.

ANNEX	
Date Valid	10 th March 2023
Date First Advertised	24 th March 2023
Date Last Advertised	As above
Date of Last Neighbour Notification	28 th March 2023
Date of EIA Determination	N/a
ES Requested	No
Drawing Numbers and Title 01 – Site Location Plan 02 – Block Plan 03A – Proposed Elevations 04 – Existing Elevations	
Notification to Department (if relevant) N/A Date of Notification to Department: Response of Department:	

This page is intentionally left blank