

# Public Document Pack

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



**Belfast  
City Council**

11th April, 2024

## **PLANNING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room, City Hall on Tuesday, 16th April, 2024 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

## **AGENDA:**

### **9. New Planning Applications**

- (d) LA04/2022/1083/F - Residential development comprising 115 units (apartments and duplexes including 27 social housing units) with associated private and communal amenity space, landscaping, parking provision, access, relocation of existing sub station and site works (amended description and scheme). Lands at London Road/Lismore Street (Pages 1 - 26)
- (e) LA04/2023/4397/F - Variation of Condition 3 of LA04/2020/1211/F relating to the submission of a Verification Report for Phase 4 of the approved development. No 46 Montgomery Road (former Hughes Christensen site, now Lidl), vacant site between nos 44 and 46, Montgomery Road, and no 41 Montgomery Road (former Lidl) (Pages 27 - 34)



## Development Management Report Committee Application

<b>Summary</b>	
<b>Committee Date:</b> 16 April 2024	
<b>Application ID:</b> LA04/2022/1083/F	
<b>Proposal:</b> Residential development comprising 115 units (apartments & duplexes including 27 social housing units) with associated private and communal amenity space, landscaping, parking provision, access, relocation of existing sub station and site works.	<b>Location:</b> Lands at London Road/Lismore Street Belfast BT6 8HH
<b>Referral Route:</b> Application for Major development	
<b>Recommendation:</b> Approval subject to conditions and Section 76 planning agreement (Delegated Authority to Director of Planning and Building Control to finalise conditions and agreement requested)	
<b>Applicant Name and Address:</b> DLL Properties Ltd 41 Donegall Street Belfast BT1 2FG	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<b>Executive Summary:</b>  The application site is brownfield land with an area measuring 1.2ha within a residential area in the east of the city. The proposal seeks full planning permission for the erection of 115 residential units, mixed between single level and duplex apartments, 27 of which will be reserved for social housing. The scheme will be built over 5 separate blocks (referred to as blocks A1, A2, B1, B2 and C, respectively).  The key issues for consideration of the application are set out below.	
<ul style="list-style-type: none"> <li>• Principle of housing in this location</li> <li>• Housing density</li> <li>• Affordable housing</li> <li>• Housing mix</li> <li>• Adaptable and accessible accommodation</li> <li>• Design and placemaking</li> <li>• Public realm</li> <li>• Impact on heritage assets</li> <li>• Climate change</li> <li>• Residential quality and impact on amenity</li> <li>• Open space</li> <li>• Access and transport</li> <li>• Health impacts</li> <li>• Environmental protection</li> </ul>	

- Flood risk and drainage
- Waste-water infrastructure
- Waste management
- Natural heritage
- Employability and Skills
- Section 76 planning agreement
- Pre-application Community Consultation

The site is within the development limit. The site is within a Housing Action Area in the extant Belfast Urban Area Plan 2001; a Major area of employment/industry in the 2004 draft Belfast Metropolitan Area Plan 2015; and as unzoned whiteland in the 2014 draft Belfast Metropolitan Area Plan 2015. The site abuts the boundary of an Area of Townscape Character (ATC) on its northwest side.

The proposal includes 25% approx. of units for social housing, of which there is a significant unmet need in the city. NIHE is supportive of the social housing element.

There are no unacceptable adverse impacts on amenity of any adjacent residential properties. DfI Roads, DfI Rivers, NI Water, NIEA, HED, and SES offer no objections to the proposal.

The proposal will help regenerate this part of east Belfast and utilise a site that has been vacant for approximately 20 years. On balance, the overall design of the proposal is sympathetic with the residential character of the area. DfI Roads is content with the level of car parking provision, an element of which is to be provided at surface level, along Lismore Street on the edge of the site to the front of Block B2. However, the majority will be provided within an undercroft that is accessed via London Road.

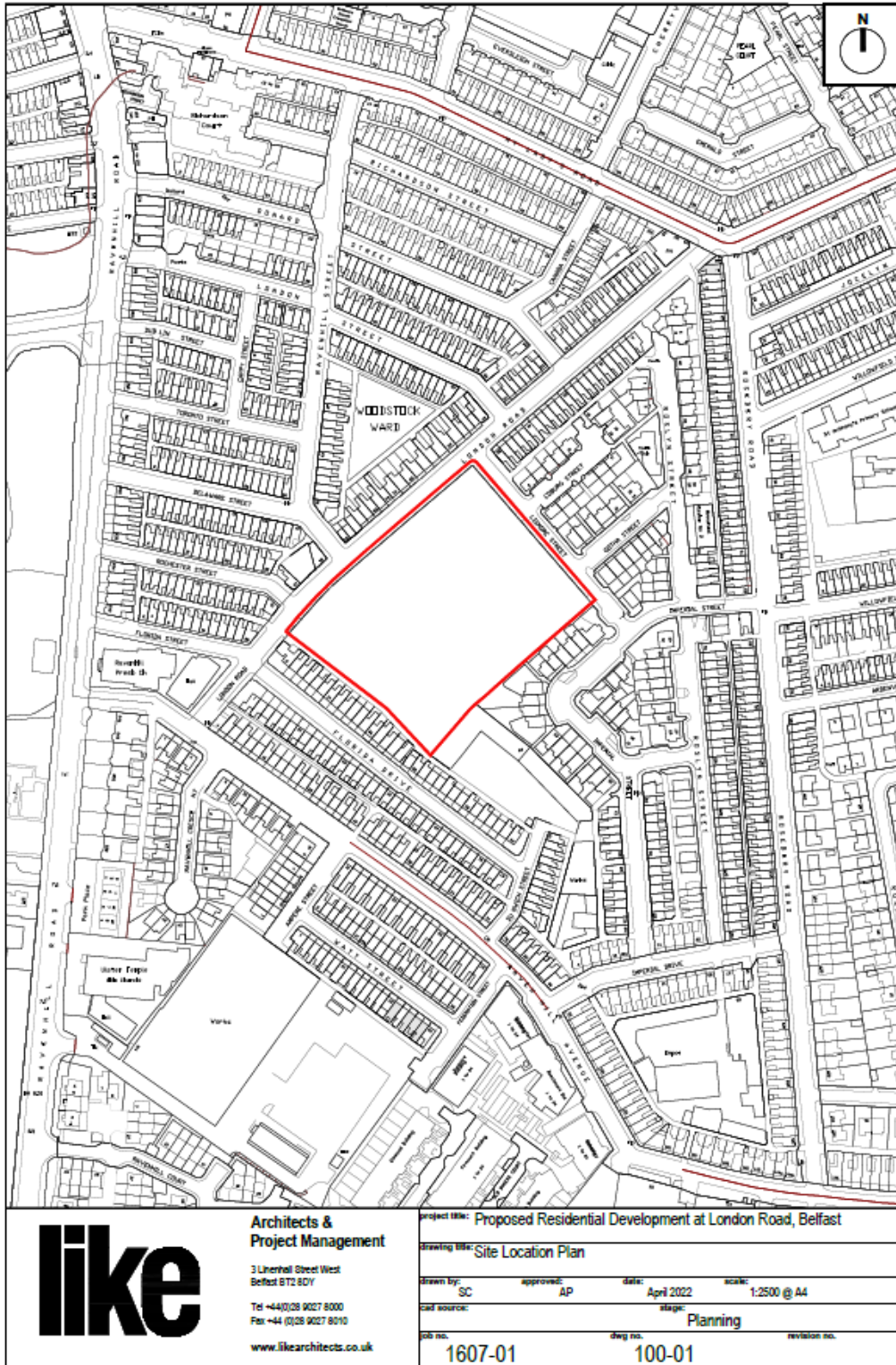
Two third parties have submitted written support for the scheme. No third-party objections have been received.

Having regard to the Development Plan and material considerations, it is recommended that planning permission should be granted subject to conditions and a Section 76 planning agreement.

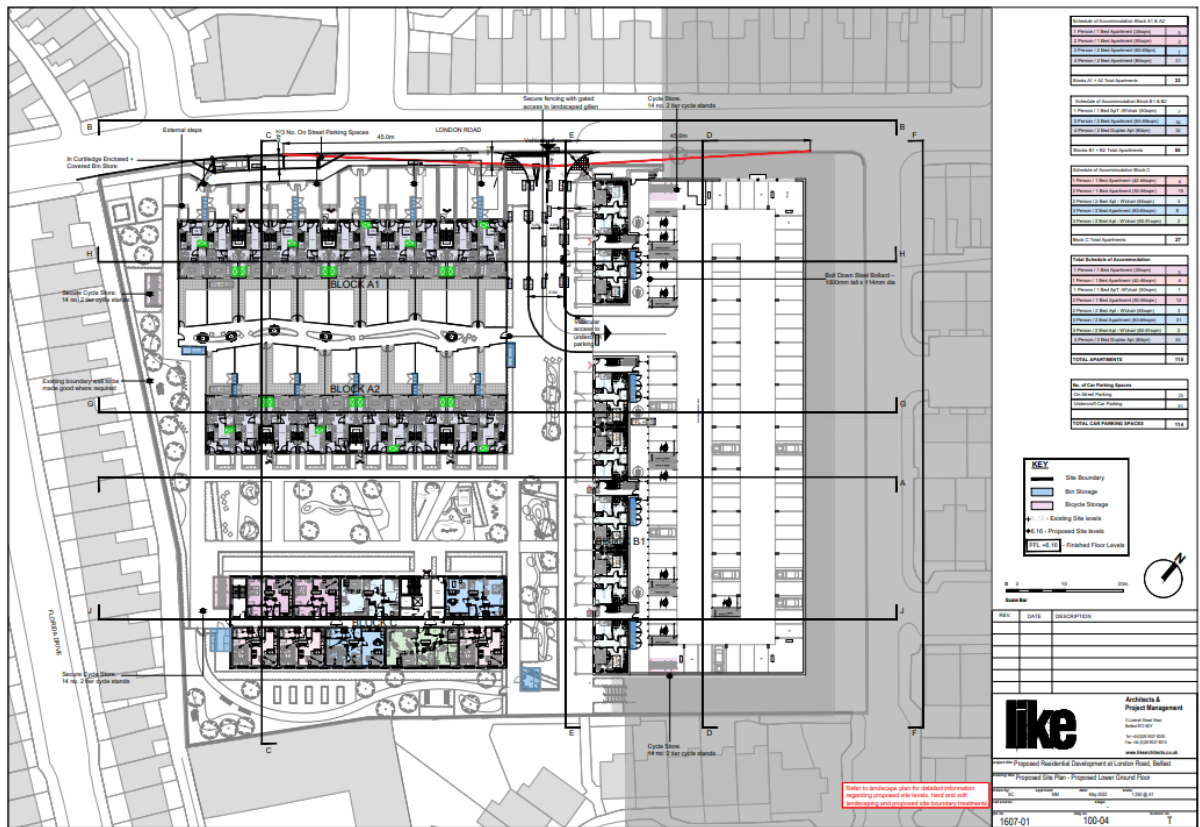
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, subject to final comments from DfI Roads, and deal with any other matters that arise, provided that they are not substantive.

# DRAWINGS AND IMAGERY

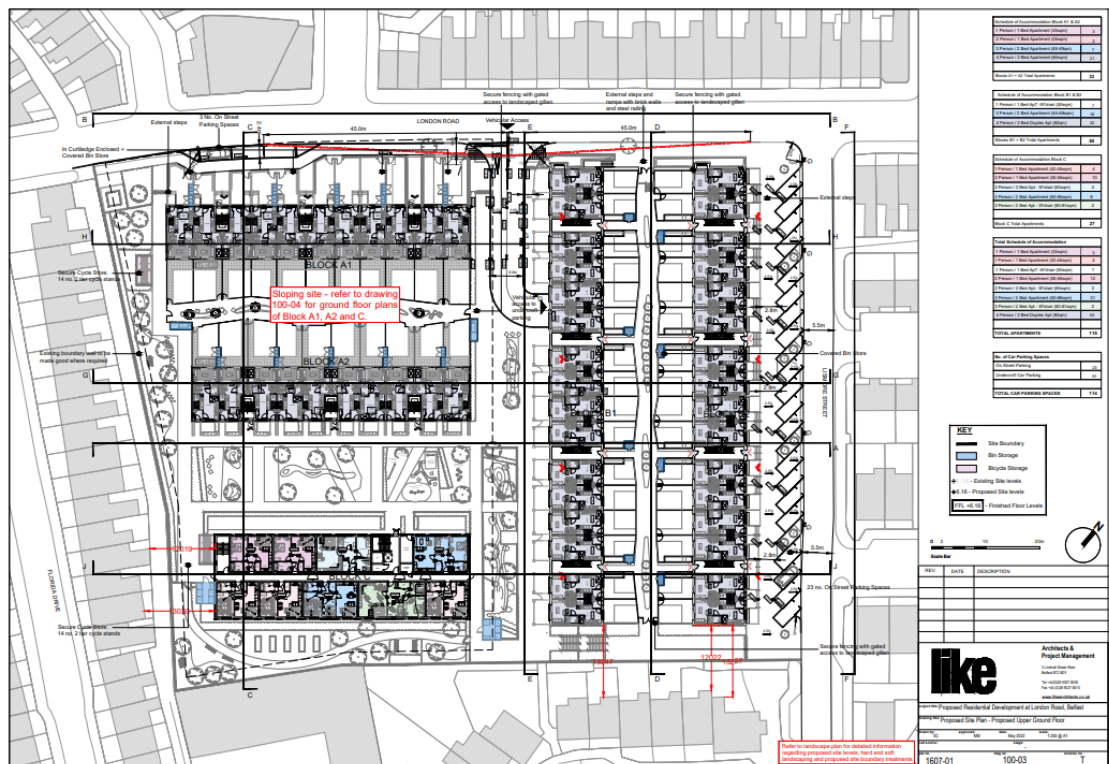
## Site Location Plan:



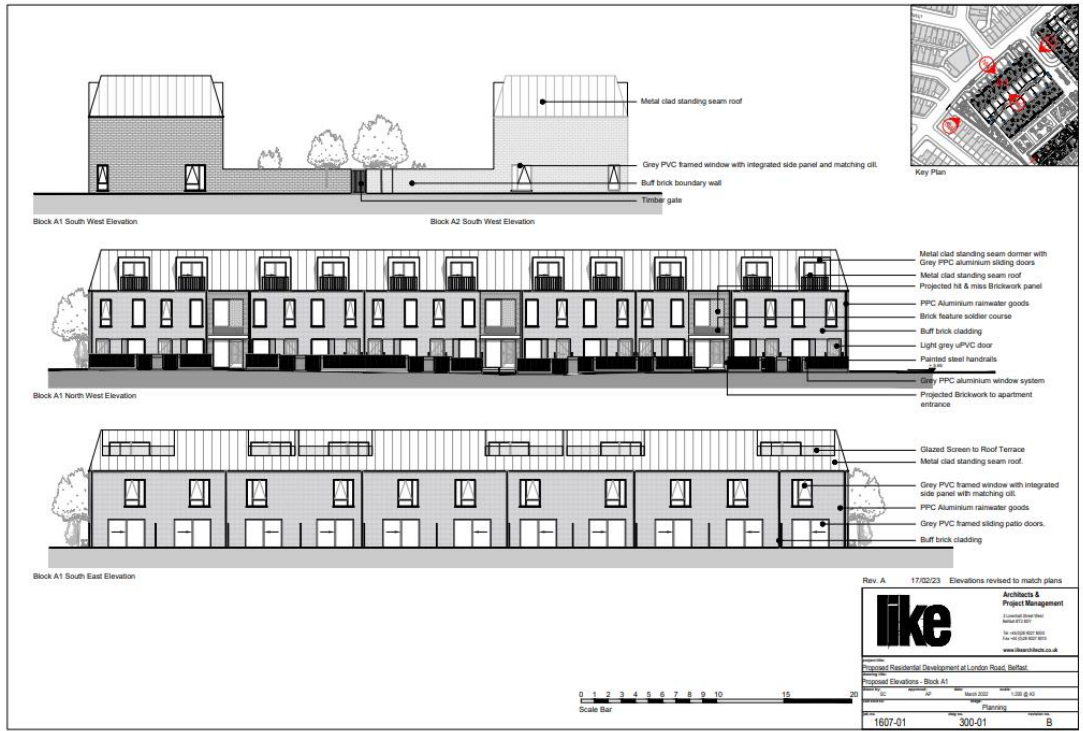
### Proposed Site Layout and Lower Ground Floor Plan:



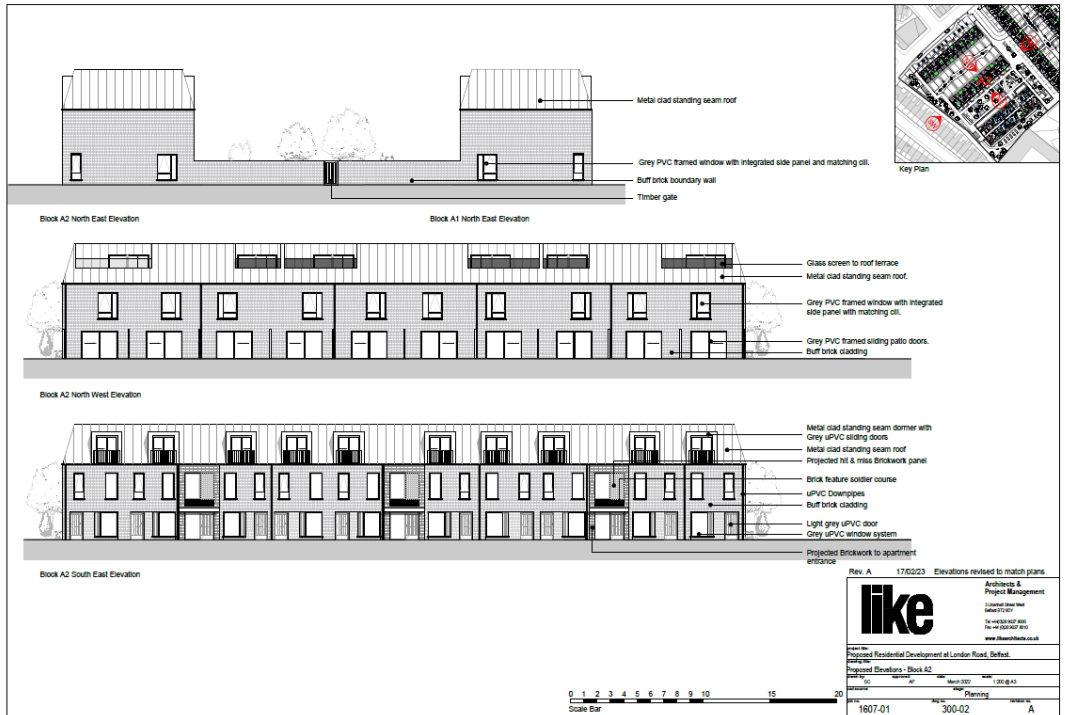
### Proposed Site Layout and Upper Ground Floor Plan:



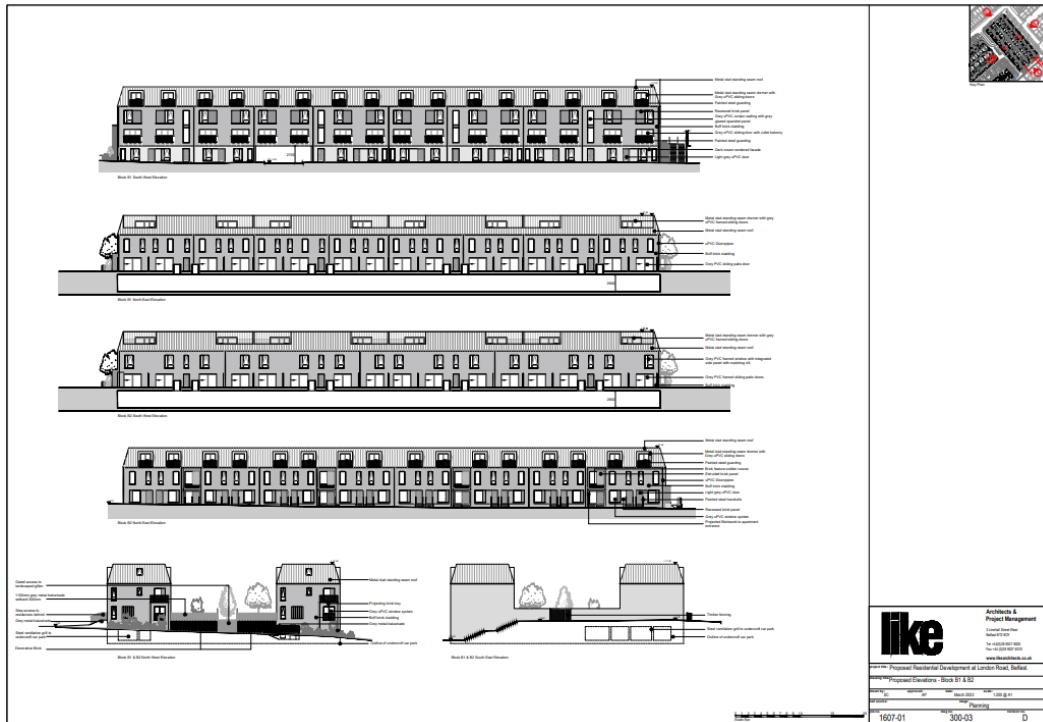
# Proposed Elevations Block A1



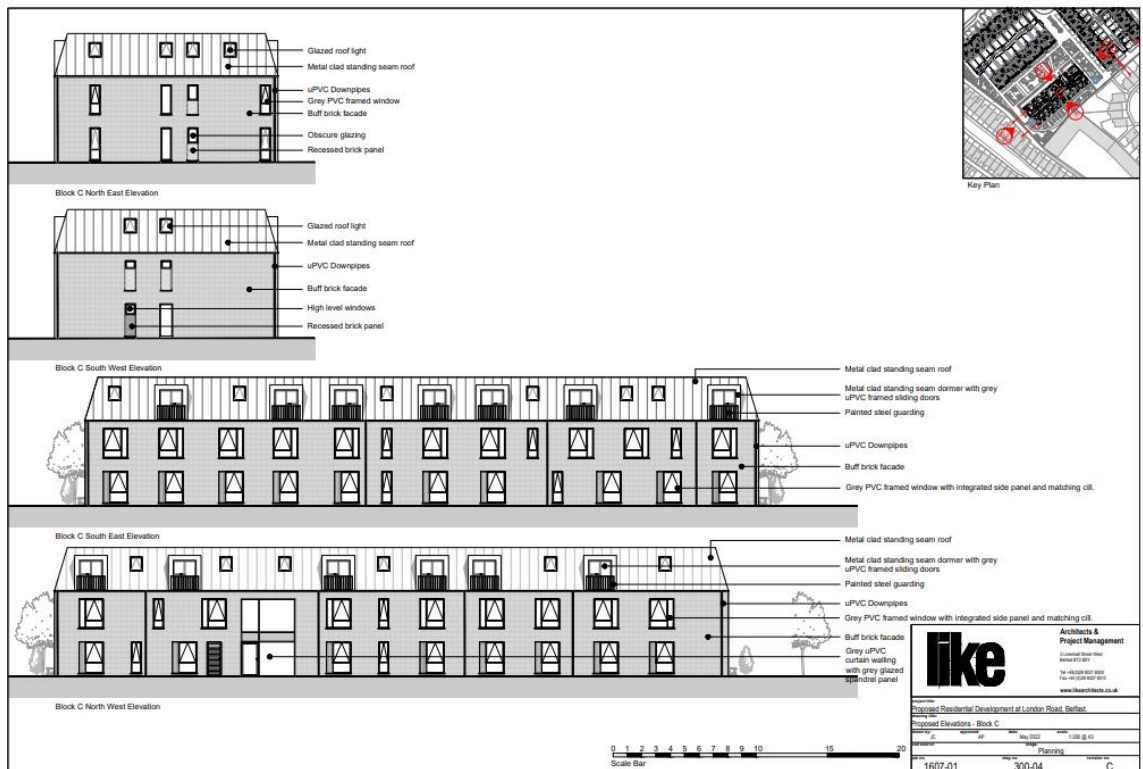
# Proposed Elevations Block A2



## Proposed Elevations Block B1 and B2:



## Proposed Elevations Block C1:





### Proposed Landscaping Plan:



### Proposed Planting Plan:



<p><b>1.0</b></p> <p>1.1</p> <p>1.2</p> <p>1.3</p>	<p><b>Characteristics of the Site and Area</b></p> <p>The application site is a square-shaped parcel of brownfield land with an area measuring 1.2ha. This is bounded by roads to its northeast (Lismore Street) and northwest (London Road). The rear of dwellings on Florida Drive and Imperial Street bound the site on its other two sides. A workshop / engineering works abuts the site to the southeast. The site is overgrown with weeds and wild/self-seeded trees. A redbrick wall and palisade fence secures the site on its London Road / Lismore Street sides. Levels across the site are relatively flat.</p> <p>The surrounding area is predominantly residential, characterised by narrow terraced streets lined redbrick, two-storey dwellings and on-street parking and small front and rear gardens.</p> <p><b>Description of Proposed Development</b></p> <p>The application seeks full planning permission for the erection of 115 residential units, mixed between single level and duplex apartments, 27 of which will be reserved for social housing. The scheme will be built over 5 separate blocks (referred to as blocks A1, A2, B1, B2 and C, respectively) with associated private and communal amenity space, landscaping, parking provision, access, relocation of existing substation and site works. The application was subject of a pre-application discussion (PAD) prior to submission (see planning history for details at <b>2.0</b>).</p>
<p><b>2.0</b></p> <p>2.1</p>	<p><b>PLANNING HISTORY</b></p> <p>Relevant planning history is summarised below.</p> <ul style="list-style-type: none"> <li>• LA04/2021/0058/PAD - Lands at London Road/Lismore Street. Residential developments comprising circa. 116 units (1,2 &amp; 3 Bedroom apartments) with associated private and communal amenity space and parking provision. Concluded.</li> <li>• LA04/2021/2166/PAN - Residential development comprising circa. 116 units (1, 2 &amp; 3 bed apartments) with associated private and communal amenity space and parking provision. Concluded.</li> <li>• Z/2009/1139/F - Land adjoining London Road/Lismore Street, Ballymacarret, BT06 8HH. Residential development of 176 apartments, associated car parking and landscaping. Approved (expired).</li> <li>• Z/2007/2030/F - Land adjoining London Road/Lismore Street, Ballymacarret, Belfast, BT6 8HH. Residential development of 226 apartments, associated car parking and landscaping. Approved (expired).</li> <li>• Z/2006/0430/RM - Land adjoining London Road/Lismore Street, Ballymacarret. Residential development of 48 Townhouses and 25 apartments, associated car parking and landscaping. Approved (expired).</li> <li>• Z/2005/0640/O - Land adjoining London Road/Lismore Street, Ballymacarret, Belfast, BT06 8EY. Residential development of 48 No. townhouses and 26 No. apartments, associated car parking and landscaping. Approved (expired).</li> </ul>
<p><b>3.0</b></p> <p>3.1</p>	<p><b>PLANNING POLICY</b></p> <p><b>Development Plan – operational policies</b></p> <p><u>Belfast Local Development Plan, Plan Strategy 2035</u></p> <p>Policy SP1A – managing growth and supporting infrastructure delivery</p>

	<p>Policy SP2 – sustainable development  Policy SP3 – improving health and wellbeing  Policy SP5 – positive placemaking  Policy SP6 – environmental resilience  Policy SP7 – connectivity  Policy SD2 – Settlement Areas  Policy HOU1 – Accommodating new homes  Policy HOU2 – Windfall housing  Policy HOU4 – Density of residential development  Policy HOU5 – Affordable housing  Policy HOU6 – Housing Mix  Policy HOU7 – Adaptable and accessible accommodation  Policy EC3 – Major employment and strategic employment locations  Policy EC4 – Loss of zoned employment land  Policy DES1 – Principles of urban design  Policy DES2 – Masterplanning approach for major development  Policy RD1 – New residential development  Policy BH5 – Archaeology  Policy HC1 – Promoting healthy communities  Policy TRAN1 – Active travel – walking and cycling  Policy TRAN 2 – Creating an accessible environment  Policy TRAN4 – Travel plan  Policy TRAN6 – Access to public roads  Policy TRAN8 – Car parking and servicing arrangements  Policy ENV1 – Environmental quality  Policy ENV2 – Mitigating environmental change  Policy ENV3 – Adapting to environmental change  Policy ENV4 – Flood Risk  Policy ENV5 - Sustainable drainage systems (SuDS)  Policy GB1 – Green and blue infrastructure network  Policy OS3 - Ancillary open space  Policy NH1 – Protection of natural heritage resources</p>
3.2	<p><b><u>Supplementary Planning Guidance</u></b></p> <p>Affordable Housing and Housing Mix  Residential Design  Placemaking and Urban Design  Masterplanning approach for Major developments  Sustainable Urban Drainage Systems  Transportation  Development Viability  Creating Place</p>
3.3	<p><b>Development Plan – zoning, designations and proposals maps</b></p> <p>Belfast Urban Area Plan (2001) BUAP  Draft Belfast Metropolitan Area Plan 2015 (v2004)  Draft Belfast Metropolitan Area Plan 2015 (v2014)</p>
3.4	<p><b>Regional Planning Policy</b></p> <p>Regional Development Strategy 2035 (RDS)  Strategic Planning Policy Statement for Northern Ireland (SPPS)</p>
3.5	<p><b>Other Material Considerations</b></p> <p>Developer Contribution Framework (2020)</p>

	Belfast Agenda (Community Plan)
<b>4.0</b>	<b>CONSULTATIONS AND REPRESENTATIONS</b>
4.1	<p><u>Statutory Consultees</u></p> <p><b>DfI Roads</b> – No objection subject to conditions.</p> <p><b>DfI Rivers</b> – No objection.</p> <p><b>NIEA</b> – No objection subject to conditions.</p> <p><b>NI Water</b> – No objection subject to conditions.</p> <p><b>Historic Environment Division – Historic Monuments</b> - No objection subject to conditions.</p>
4.2	<p><u>Non-Statutory Consultees</u></p> <p><b>Environmental Health</b> – No objection subject to conditions.</p> <p><b>NIHE</b> – supports the proposal, accepting the principle of off-site social housing.</p> <p><b>Shared Environmental Services (SES)</b> – no objection.</p> <p><b>BCC Parks, Landscape and Development</b> – no objection.</p> <p><b>BC LDP Urban Design</b> - Content.</p> <p><b>Planning Service Plans &amp; Policy Unit</b> – refer to main assessment.</p> <p><b>BCC LDP Environment</b> – refer to main assessment.</p> <p><b>BCC LDP Housing</b> – HOU5 broadly acceptable save for clustering/pepper-potting provision. HOU7 resolved.</p>
4.3	<p>Whilst consultees may have in some cases referred to the no longer extant Planning Policy Statements in their consultation responses, the substance of those policies remains sufficiently similar in the Plan Strategy so as not to require the consultees to re-evaluate the proposal in the context of the Plan Strategy.</p> <p><u>Representations</u></p>
4.4	The application has been advertised in the newspaper and neighbours notified.
4.5	Two third party representations in support of the proposal have been received. Reasons for support include: Site has been in a state of decay for too long; antisocial behaviour on the site.
<b>5.0</b>	<b>PLANNING ASSESSMENT</b>
	<b>Main Issues</b>
5.1	The main issues relevant to consideration of the application are set out below.

- Principle of development
- Housing density
- Affordable housing
- Housing mix
- Adaptable and accessible accommodation
- Design and placemaking
- Impact on the heritage assets
- Climate change
- Residential quality and impact on amenity
- Open space
- Access and transport
- Environmental protection
- Flood risk and drainage
- Waste-water infrastructure
- Natural heritage
- Employability and Skills
- Section 76 planning agreement
- Pre-application Community Consultation

**Development Plan Context**

5.2 Section 6(4) of the Planning (Northern Ireland) Act 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.

5.3 Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.

5.4 The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.

Operational Polices

5.5 The Plan Strategy contains a range of operational policies relevant to consideration of the application. These have been listed above.

Proposals Maps

5.6 Until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.

5.7	Belfast Urban Area Plan 2001 – the site is a Housing Action Area.
5.8	Belfast Metropolitan Area Plan 2015 (2004) – the site is located within the development limit. Site is zoned as a Major Area of Existing Employment (BT 011/24 - London Road).
5.9	Belfast Metropolitan Area Plan 2015 (v2014) – the site is located within the development limit. Site is un-zoned “white land”.
5.10	<p>The employment zoning of the site in the 2004 version of draft BMAP (v2004) was deleted from the 2014 draft version as per recommendations made by Planning Appeals Commission’s independent report on the basis that an objection to the proposed zoning was made on the grounds that planning permission for housing was approved on the site. it is therefore considered that no weight should be afforded to this zoning and on this basis the proposal does not contravene relevant employment and economic policies within the LDP.</p> <p><b><u>Principle of housing in this location</u></b></p>
5.11	<p>Given the site is previously developed, unzoned brownfield land it is considered a ‘windfall’ site in respect of proposed housing. Policy HOU1 of the Plan Strategy sets out the housing requirements for the plan-period. This includes a total of 2,000 windfall homes. The proposal comprises windfall housing and so Policy HOU2 applies. Policy HOU2 requires windfall housing to be delivered on previously developed land, which the application site meets due to previous uses, albeit vacant for a number of years. Policy HOU2 goes onto require that such proposals also satisfy three criteria discussed below.</p> <ol style="list-style-type: none"> <li>a. <b>The site is suitable for housing</b> – the site is located within a residential area comprising mostly terraced housing opposite and adjacent to the site and some local commercial/non-residential uses in the wider area. The location is therefore considered suitable in principle for housing given the context.</li> <li>b. <b>The location is accessible and convenient to public transport and walking cycle infrastructure</b> – the site is within walking distance/close proximity to two arterial routes, Ravenhill Road and Castlereagh Road and within reasonable walking distance to the city centre. It is accessible to shops, services, amenities and public transport.</li> <li>c. <b>Provision is made for any additional infrastructure required as a result of the development</b> – suitable infrastructure is in place.</li> <li>d. <b>The site has been subject of previous planning permissions for residential development, albeit now expired.</b></li> </ol>
5.12	<p>It is considered that the site is a suitable location in principle for housing and that the proposal is compliant with Policies HOU1 and HOU2.</p> <p><b><u>Housing density</u></b></p>
5.13	<p>Policy HOU4 seeks to promote appropriate housing densities to ensure effective use of land, a finite resource, in sustainable locations.</p>
5.14	<p>The site is located within inner city Belfast where the average density should be 75-150 dwellings per hectare (ha). The site area is 1.2ha. The proposal equates to a density of 96 dwellings per ha, within the recommended density and therefore demonstrating that it would make effective use of land.</p> <p><b><u>Affordable housing</u></b></p>

5.15 Policy HOU5 of the Plan Strategy requires housing schemes of 5 units or more, or sites of 0.1 hectares or greater, to deliver a minimum 20% affordable housing. The proposal includes 27 units reserved for social housing. This equates to 25% approx. of the total proposed 115 units. This exceeds the 20% requirement and is likely due to the housing association seeking an entire block for easier from a management and need in the area.

5.16 NIHE is supportive of the scheme. They state that at March 2023 there were 378 households on the waiting list for the area, of which 278 were in housing stress.

*Tenure*

5.17 The tenure of the development will be mixed with 25% social and 75% private. Block C will be reserved for the social housing element. This exceeds the minimum requirement of 20% as outlined in Policy HOU5.

5.18 However, the proposal fails to meet part of this policy due to the concentration of all affordable housing units into one block (Block C), segregating them from the other units. The associated guidance to this policy states that affordable housing should either be clustered or “pepper-potted” throughout the development. However, the end user, Arbor Housing Association, has outlined its preference for consolidating all social housing units into a single building or group of buildings to allow them to effectively manage the properties rather than having them pepper potted throughout the overall scheme.

*‘Tenure Blind’*

5.19 The SPG ‘Affordable Housing and Housing Mix’ refers to the term ‘tenure blind’. This is where there is no visual distinction between segregated blocks. There is no distinguishable difference between the design of Block C and the other blocks. It will also share access, parking, and open space provision. Each apartment has the same housing mix to ensure the demographic will be the same throughout the scheme. This aspect of the policy is therefore acceptable.

5.20 It is considered that the failure to “cluster or pepper pot” social provision is outweighed in this instance by the need and housing stress within the area, regeneration benefits, and compliance with housing policy on the whole. It must also acknowledged that this application was submitted in 2022, prior to the adoption of the LDP and Policy HOU5, and the introduction of this policy requirement. Taken cumulatively, these factors are sufficient justification to allow for a relaxation of this policy.

**Housing mix**

5.21 Table 1

Block C: Accommodation Type	Size per Unit	Number of Units
1 Person / 1 Bed Apartment	42-46sqm	4
2 Person / 1 Bed Apartment	50-56sqm	10
2 Person / 2 Bed Apartment - wheelchair	65sqm	3
3 Person / 2 Bed Apartment	60-65sqm	8
3 Person / 2 Bed Apartment - wheelchair	80-81sqm	2
		27 Total

5.22 Table 2

Total: All Accommodation Types	Size per Unit	Number of Units
1 Person / 1 Bed Apartment	35sqm	3
1 Person / 1 Bed Apartment	42-46sqm	4
1 Person / 1 Bed Apt -W'chair	50sqm	7
2 Person / 1 Bed Apartment	50-56sqm	12
2 Person / 2 Bed Apt - W'chair	65sqm	3
3 Person / 2 Bed Apartment	60-69sqm	31
3 Person / 2 Bed Apt - W'chair	80-81sqm	2
4 Person / 2 Bed Duplex Apt	80qm	53
		Total 115

5.23 Policy HOU6 applies. It requires that provision should be made for small homes across all tenures to meet future household requirements and that the exact mix of house types and sizes will be negotiated on a case-by-case basis, taking account of:

- a. Up to date analysis of prevailing housing need in the area;
- b. The location and size of the site;
- c. Specific characteristics of the development; and
- d. The creation of balanced and sustainable communities.

5.24 It goes on to state that the requirement for a mix of house types will not apply to single apartment developments such as the proposal. In such cases, the housing mix will be considered acceptable through greater variety in the size of units.

5.25 The proposed housing mix is shown in Tables 1 and 2 above. The proposal consists of mix of units types, ranging from 1 person / 1 bed, to 4 person / 2 bed apartments. This is considered to represent a reasonable housing mix. NIHE is supportive of the housing mix. Having regard to these factors, the proposed housing mix is considered acceptable.

**Space Standards**

5.26 The proposed internal sizes (see table 2, above) of each residential unit is in accordance with the minimum space standard as set out in Appendix C of the Plan Strategy.

**Adaptable and accessible accommodation**

5.27 Policy HOU7 requires that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life. Policy HOU7 sets six criteria (a. to f.) to be met in order to help deliver adaptable and accessible homes. The applicant has provided evidence that these criteria are satisfied.

5.28 The policy also requires that at least 10% of units in residential developments of 10 units or more are wheelchair accessible and provides an additional nine criteria (g. to o.) with which these units should accord. The proposal includes 12 wheelchair units which is in excess of the required 10%. It is considered that the proposal complies with the additional nine criteria g. to o. The proposed floor plans clearly show the 10% wheelchair acceptable units demonstrating that the criteria above has been met.

**Design and placemaking**

5.29 The proposal has been assessed against the SPPS, and Policies SP5, DES1, DES2 and RD1. Policies SP5 and DES1 promote good placemaking, high quality design and the importance of proposals responding positively to local context addressing matters such



5.30	<p>as scale height, massing, proportions, rhythm, and materials avoiding any negative impact at street level. Policy DES2 advocates adopting a holistic approach to site layout that is mindful of adjacent land.</p> <p>The prevailing character of the area largely comprises linear rows of typical two-storey terraced housing with or without small front gardens and associated setback from the public road with small gardens/yard areas to the rear. Materials generally comprise brick with pitched roofs finished in slate type tiles. The perimeter blocks would replicate the typical layout and form of the area, albeit in a contemporary manner and would not appear incongruous when viewed within the street scene. Public views of the internal blocks A2 and C would be restricted by the adjacent perimeter blocks. The layout and arrangement of these internal blocks would be at odds with the typical arrangement of dwellings directly addressing public roads in the area, however this approach is considered acceptable given the limited public views and associated impacts on the area. Each block will vary in height with a maximum height that will not exceed 12m at its highest point, with a range between 2.5 and 3.5 storeys maximum. The street frontages along London Road and Lismore Street will be both level and setback from the established building line. It is considered that the differentiation in heights, setbacks and vertical/horizontal articulation of materials assist in minimising the overall scale and massing of the scheme, which is considered in keeping with the area. The Council's Urban Design section are content with the overall design of the scheme and its relationship with the wider area which is a significant consideration.</p>
5.31	<p><b><u>Impact on heritage assets</u></b></p> <p>The proposal is sufficiently far from Listed Buildings such as to not impact on their setting. There would be no archaeological implications. The proposal is considered compliant with Policies BH1 and BH5.</p>
5.32	<p><b><u>Climate change</u></b></p> <p>Policies ENV2, ENV3 and ENV5 states that planning permission will be granted for development that incorporates measures to mitigate / adapt to environmental change and reduce greenhouse gases by promoting sustainable patterns of development.</p> <p>The proposal includes various sustainable design features which seek to mitigate environmental change. These measures include oversized drainage pipes, tree planting, planters, greenspace areas, and 1200sqm of permeable paving features. A condition is recommended to require that the proposal is constructed in accordance with these details. The proposal is considered compliant with the relevant parts of these policies. A condition is recommended requiring the hard surface areas to be porous.</p>
5.33	<p><b><u>Flood Risk</u></b></p> <p>DfI Rivers has assessed the proposal against the latest climate change data, a Drainage Assessment and the proposed use of SuDS and confirmed it is content. The proposal is therefore compliant with Policy ENV 4.</p>
5.34	<p><b><u>Residential quality and impact on amenity</u></b></p> <p>Policies DES1, DES1 and RD1 highlight the need to minimise the impact of overshadowing and loss of daylight on both new and existing residents and the promotion of quality residential environments.</p>

5.35	To minimise overlooking and promote privacy, the design guide <i>Creating Places</i> (CP) advocates a separation distance of 20m between new residential development and existing residential properties. However, CP advocates a greater separation distance of up to 30m between apartments where there are living rooms / balconies at upper floors that face directly towards windows of existing dwellings, as this can cause a significant loss of amenity to adjoining dwellings. However, CP states that greater flexibility will generally be appropriate in assessing schemes in inner urban locations, such as this. In neighbouring streets front to front elevation separation distances vary from approximately 20m in Florida Drive, to 18m-23m approximately in Imperial Drive, approximately 15m in minor streets NE of Lismore Drive, and approximately 16m along London Road. Rear separation distances are generally around 10m but increase to approximately 14m in some locations.
5.36	In this case, Block A1 faces directly towards the front of existing dwellings at 87-93 London Road at a distance of approx. 22m. whilst an existing 3-story apartment block at 95 London Road is 20m approx. from Block A1. The side gables of blocks A1 and A2 are 13.5m and 15m respectively at their closest points to the rear of dwellings at Florida Drive. The gables of blocks B1 and B2 to the rear of existing dwellings at Imperial Drive are 13.25m and 12.22m respectively at their closest points whilst the front of Block B2 is 20m approx. from the side gables of dwellings opposite across Lismore Street. The northwest gables of blocks B1 and B2 are 16.5m approx. from the front of dwellings on London Road. The rear of Block C backs onto a commercial premises at Sunwich Street with the exception of its southeast corner which backs onto the rear of dwellings at Imperial Drive at distance of 21m and at an angle of 45 degrees approx.
5.37	Internally, the separation distances between each block is as follows: <ul style="list-style-type: none"> <li>- 17.44m back-to-back between Blocks B1 and B2;</li> <li>- 20m approx. back-to-back between Blocks A1 and A2;</li> <li>- 21m approx. between the front of Block A2 and the front of Block C;</li> <li>- 15m approx. between the gable ends of Blocks A1 and A2 and the front of Block B1.</li> </ul>
5.38	Given the context of the immediate vicinity, which is characterised by back-to-back terraced housing, the separation distances between the proposed and existing residential is deemed to be acceptable. All other blocks are orientated to ensure minimal direct overlooking, overshadowing and dominance to any existing neighbouring residential property. This is deemed to be acceptable to minimise any potential adverse impacts for prospective residents.  <i>Open Space Provision</i>
5.39	Policy OS3 requires that all new development proposals make appropriate provision for open space, including hard and soft landscaped areas and outdoor amenity areas, to serve the needs of the development. The precise amount, location, type and design of such provision will be negotiated with applicants taking account of the specific characteristics of the development, the site and its context and having regard to a) the normal expectation will be at least 10% of the total site area; and b) complementary and ancillary equipment and facilities, including for active or passive enjoyment of residents or occupiers, should be incorporated into the design of the development. Furthermore, planning permission will only be granted for 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.
5.40	<i>Creating Places</i> advocates external private amenity space averaging between 10 and 30 sqm per residential unit for apartment developments, adding that private communal open

	<p>space will be acceptable in the form of landscaped areas, courtyards or roof gardens. The proposal includes both private and communal spaces, with the private open space being limited to the ground floor apartments, excluding Block C.</p>
5.41	<p>The total site area is 1.2ha, which means there is a requirement for 10.2% of ancillary shared open space as per Policy OS3 of the LDP. The total public open space provision for the development falls short of this figure at 973sqm of the total site area. However, Policy OS3 allows for a degree of flexibility for provision on-site less than 10% of the total site area where the proposal is close to and would benefit from ease of access to area of existing public open space. Ormeau Park's Ravenhill Road entrance is a 4 minute walking distance from the site.</p> <p>As the development comprises more than 100 units, play areas have also been incorporated into the public realm.</p>
5.42	<p>In respect of private amenity space, Blocks A &amp; B provide the following provision in the form of private gardens and terraces:</p> <ul style="list-style-type: none"> <li>• Block A – average 33.7sqm per unit; and</li> <li>• Block B – average 20.7sqm per unit.</li> </ul> <p>Block C, which contains 27 units, provides amenity space in the form of a communal garden which can be accessed only by those residents. The garden is 353sqm in area and this is in place of private terraces which equates to 13.07sqm per unit. Given the characteristics of the proposal and site, this is considered acceptable. This is well above the 10sqm average per unit set out by Policy OS3 of the LDP and Creating Places</p>
5.43	<p><i>Bin Storage</i></p> <p>Bins stores will broken up per property across the scheme and the majority provided to the rear of blocks and accessed via the gillen. The layout illustrates that two large standalone bin stores are provided to the rear of Block A2 in a similar arrangement to Blocks B1 and B2. The remaining two standalone bin stores (which serve Block C) are located away from the communal open space. The first is placed along the SW edge of Block C. It is noted that the second bin store has been placed to the SE corner of Block C, within the communal space proposed between Block C and B, albeit within a distant corner. The location and quantum of storage provided is acceptable and would not adversely impact on the amenity of prospective and residents.</p>
	<p><b><u>Access and transport</u></b></p>
5.44	<p>The site has good accessibility being within walking distance of the city centre and two arterial routes (Castlereagh Road and Ravenhill Road). The area is well served by existing pedestrian facilities with footways provided on both sides of the carriageways as well as controlled pedestrian crossings located at strategic locations on the surrounding road network including Castlereagh Road and Ravenhill Road. An internal cycle storage area is provided within the undercroft car park and externally to the rear of Blocks B and C to encourage cycling. DfI Roads is content with the number and provision of cycle stands. The proposal is considered compliant to Policy TRAN1.</p>
5.45	<p>Policy TRAN 2 states that the design of new developments must take account of the specific needs of people with disabilities and others whose mobility is impaired. The proposal includes ease of access to reserved parking, with the provision of 10 disabled parking spaces within the undercroft car park. There are no car parking spaces close to Block C but there are unhindered pathways throughout the development that will ensure ease of access between the car park and each block.</p>

5.46	<p>Policy TRAN 4 states that planning permission for development proposals with significant travel generating uses will require a travel plan. The application is supported by a travel plan, which sets out a range of measures and targets aimed at promoting sustainable travel within the development. This includes the following green travel measures:</p> <ul style="list-style-type: none"> <li>• One travel card offered per dwelling for a period of 3 years;</li> <li>• 50% subsidy of car club membership per dwelling for a period of 3 years;</li> <li>• Bicycle Scheme Voucher – Upon written request, the developer shall provide a voucher to the of £150 for each residential unit (first resident only/ one voucher per unit) redeemable from a recognised bicycle retailer to allow for the purchase of one bicycle for each residential unit.</li> </ul> <p>The travel plan measures are considered acceptable having regard to Policy TRAN4.</p>
5.47	<p>Policy TRAN 8 states that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. There are 122 car parking spaces provide within the curtilage of the redline boundary of the application site, including 10 disabled car parking spaces. The proposal is considered to accord with Policy TRAN8.</p>
5.48	<p>Dfl Roads offers no objection to the proposal, which is considered acceptable with regards to highway safety, traffic progression and parking. The proposal is considered acceptable having regard to Policies TRAN1, TRAN4, TRAN6, TRAN 8 and TRAN 9.</p>
	<p><b><u>Health impacts</u></b></p>
5.49	<p>Policy HC1 seeks to ensure that all new developments maximise opportunities to promote healthy and active lifestyles. New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles. This will include supporting active travel options, improving accessibility to local service centres, reducing the use of private car travel, adequate provision of public open space, leisure and recreation facilities, high quality design and promoting balanced communities and sustainable neighbourhoods.</p>
5.50	<p>The proposal provides opportunity for active travel, physical and improved mental wellbeing. The site is within walking distance of the city centre and its amenities. It is within short walking distance of Ormeau Park and the Connswater Greenway. Active travel will be further encouraged through the travel plan and green measures proposed as part of the application. An acceptable level of amenity space is incorporated into the scheme, between private and communal gardens as discussed above. The proposal would provide quality house for people in housing stress and housing need. The proposal is considered to satisfy the requirements of Policy HC1.</p>
	<p><b><u>Environmental protection</u></b></p>
5.51	<p>Policy ENV1 states that planning permission will be granted for development that will maintain and, where possible, enhance environmental quality, and protects communities from materially harmful development. The Council’s Environmental Health (EH) has been consulted and having assessed risks from contaminated land, air quality and noise, has advised that it is content on the proviso if planning permission is approved then this should be subject to conditions to ensure any risks associated with contamination, air quality and noise are adequately mitigated.</p> <p><b><u>Proposed Landscaping</u></b></p>

5.52	<p>There is no existing soft planting or trees on the site that merit retention, and as such all soft landscaping will be new. This consists of grass, and trees and shrubs. Species will be mixed to ensure resilience against disease. The planting will be subject of a long-term management and maintenance plan to ensure it establishment and longevity. Hard landscaping will consist of hard surfaced areas, boundary walls and steel railings and metal fences. The existing brick boundary wall to the southeast and southwest will be retained and rebuilt in places.</p> <p><b><u>Waste-water infrastructure</u></b></p>
5.53	<p>Policy SP1a requires that necessary infrastructure is in place to support new development. NI Water as the statutory authority was consulted and advised that it has no concerns from a wastewater and supply capacity, subject to conditions. On this basis, NIEA Water Management Unit also have no objections. This aspect is therefore acceptable.</p> <p><b><u>Natural heritage</u></b></p>
5.54	<p>Policy NH1 relates to the protection of natural heritage resources. NIEA Natural Heritage has been consulted and advised that as the site is not within any designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns.</p>
5.55	<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>
5.56	<p>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 the 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 NIEA.</p>
5.57	<p>In this case, it is considered that there would be clear intensification of the existing use of the site. Accordingly, it has been necessary to consult SES and DAERA. SES has advised following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, that the proposal would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. This conclusion is subject to mitigation in the form of a planning condition to prevent commencement of development until the method of sewage disposal has been agreed with NI Water. DAERA also offer no objection, recommending the equivalent condition. This condition is recommended.</p>
5.58	<p>Subject to this condition, the proposal is considered compliant with Policy NH1, Policy ENV1 and the relevant provisions of the Strategic Planning Policy Statement.</p>

	<p><b><u>Employability and Skills</u></b></p>
5.59	<p>The Developer Contribution Framework requires proposals for Major development to make a contribution towards Employability and Skills where necessary. The applicant has not submitted an Employability and Skills Profile in this instance. However, if this is considered necessary, it can be secured by way of a Section 76 planning agreement. Delegated authority to the Director of Planning and Building Control to resolve this issue.</p>
	<p><b><u>Section 76 planning agreement</u></b></p>
5.60	<p>If the application is approved, a Section 76 planning agreement to secure planning obligations. These are considered necessary to make the proposed development acceptable and include the following.</p> <ul style="list-style-type: none"> <li>• Social housing – to require the delivery of the 27 social housing units;</li> <li>• Green travel measures – travel plan and green travel measures;</li> <li>• Management and Maintenance arrangements for external and internal communal areas; and</li> <li>• Employability and Skills – should it be required by the Council's Economic Development Unit</li> </ul>
	<p><b><u>Pre-application Community Consultation</u></b></p>
5.61	<p>The application was preceded by a Proposal of Application Notice (PAN) which set out the applicant's proposals for pre-application community consultation.</p>
5.62	<p>The application is accompanied by a mandatory Pre-application Community Consultation Report (PACC). The PACC report describes the comprehensive pre-application consultation undertaken by the applicant.</p>
5.63	<p>The applicant actively sought the views of the public and stakeholders with regards to this development by utilising the following methods of engagement:</p> <ul style="list-style-type: none"> <li>• Issued a press notice to highlight information about the proposals and provide notification of an online public information event;</li> <li>• Distribution of an information leaflet containing the details of the proposals and the avenues through which recipients could provide their comments and feedback; and</li> <li>• Hosted an online public exhibition event with members of the project team to assist in any questions and to allow for further feedback.</li> </ul>
5.64	<p>The feedback was reviewed, and the matters were considered within the PACC report, detailing how the feedback was gathered, analysed, assessed, and considered.</p>
5.65	<p>It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.</p>
5.66	<p>It should be pointed out that the public event was online as per a relaxation of pre-application community consultation requirements during Coronavirus emergency period as provided for in The Planning (Development Management) (Temporary Modifications) (Coronavirus) (Amendment No.2) Regulations (Northern Ireland) 2021.</p>

<b>6.0</b>	<b>Recommendation</b>
6.1	<p>The proposal would provide housing units included a significant element of social housing in excess of 20% requirements, for which there is a significant unmet need in the city, and would assist the further regeneration of an area that is socially and economically deprived. The design of the proposed housing is considered on balance acceptable. Sufficient parking would be provided and the proposal would not be detrimental to highway safety. Following amendments, the proposal would not give rise to harmful impacts on existing neighbouring properties. It is recommended that planning permission is granted.</p>
6.2	<p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, subject to final comments from DfI Roads, and deal with any other matters that arise, provided that they are not substantive.</p>
7.0	<p><b>DRAFT CONDITIONS:</b> (Delegated authority to the Director of Planning and Building Control to finalise conditions requested)</p>
7.1	<p>The development hereby permitted must be begun within five years from the date of this permission. Reason: <i>As required by Section 61 of the Planning Act (Northern Ireland) 2011.</i></p>
7.2	<p>All external facing and roofing materials shall be carried out as specified on the approved plans. Reason: <i>In the interests of the character and appearance of the area</i></p> <p>Prior to installation of window units throughout each block of the hereby permitted development, the applicant shall submit to the planning authority, for review and approval in writing, the final window schedule detailing the glazing configuration and sound reduction performance of the proposed windows to habitable rooms on all facades of the hereby permitted development. The sound reduction for the window specification (in terms of dBRtra) for habitable rooms shall be in line with the recommendations in the AONA report titled: 'Residential development comprising 121 units with associated private and communal amenity space, landscaping, parking provision and associated site works on Lands at London Road / Lismore Street Belfast BUT 8HH, Noise Impact Assessment Report', report reference: ENV-6044, dated Mach 2023.</p> <p>Reason: <i>In the interests of residential amenity.</i></p>
7.3	<p>Prior to installation of any alternative means of ventilation to be incorporated within the hereby permitted development, the applicant shall submit to the planning service, for review and approval in writing, confirmation of the specification of the alternative means of ventilation to serve habitable rooms. The alternative means of ventilation shall be acoustically attenuated and capable of achieving the internal noise levels for habitable rooms outlined in British Standard BS8233:2014 with the windows shut and the alternative means of ventilation operating or in the open position.</p> <p>Reason: <i>In the interests of residential amenity.</i></p>

7.4	<p>Prior to occupation of each hereby permitted apartment block, the window schedule and alternative means of ventilation shall be installed, as approved, to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the windows closed and the alternative ventilation provided. The approved windows and alternative means of ventilation shall be retained thereafter.</p> <p>Reason: In the interests of residential amenity.</p>
7.5	<p>Prior to occupation of the hereby permitted development, the developer shall verify that the windows specification as per the approved schedule and alternative means of ventilation as approved have been installed by way of a written declaration from the supplier and installation contractor confirming such installation.</p> <p>Reason: In the interests of residential amenity.</p>
7.6	<p>In the event that any 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 &amp; Development Control: Planning For Air Quality (January 2017), this Service would request that an updated Air Quality Impact Assessment be submitted to and approved in writing by the Planning Authority prior to the installation of the plant. The assessment shall include details of the combustion plant to be installed, to include emission rates and flue termination heights of the proposed combustion systems and 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.</p>
7.7	<p>The suitability of the proposed combustion plant, flue location and flue termination height shall be confirmed using the emission screening tools detailed within the Defra Local Air Quality Management Technical Guidance document LAQM.TG (22). Where the emission screening tools are not applicable to the proposed development, suitability must be demonstrated using atmospheric dispersion modelling software.</p> <p>The emission screening tools and atmospheric dispersion modelling must demonstrate that there will be no exceedances of the UK Air Quality Strategy objectives at relevant receptor locations.</p> <p>Reason: To ensure that ambient air pollution related to the site is appropriately dealt with, in the interests of human health.</p>
7.8	<p>No development shall commence on site (other than site clearance, enabling works or works to fulfil this condition) unless an Updated Remediation Strategy has been submitted to and approved in writing by the Council. The Updated Remediation Strategy shall consider the RSK reports: 'DLL Properties Ltd Environmental Site Assessment and Generic Quantitative Risk Assessment Lands Adjacent to London Road, Belfast 603272 – R1 (01). Dated: the 18th of May 2022' and; the RSK report entitled- 'DLL Properties Ltd. Remedial Strategy Lands adjacent to London Road, Belfast 603272 – R2 (00). Dated: the 18th of May 2022'.</p>



7.9	<p>The Updated Remediation Strategy shall follow current Environment Agency and CIRIA guidance and British Standards 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.</p> <p>The development shall not be carried out unless in accordance with the approved Updated Remediation Strategy.</p> <p>Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.</p>
7.10	<p>Prior to occupation of the development, a Verification Report shall be submitted to and approved in writing by the Council. The Verification Report shall be completed by competent persons and be in accordance with current Environment Agency and CIRIA guidance and British Standards. It must demonstrate that the mitigation measures outlined in the agreed Updated Remediation Strategy have been implemented, that they have broken the relevant contaminant linkages and that the site no longer poses a potential risk to human health.</p> <p>Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.</p>
7.11	<p>If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related development works shall cease, and the Council shall be notified immediately in writing. No further related development works shall proceed until this new contamination has been fully investigated in accordance with current Environment Agency and CIRIA guidance and British Standards.</p> <p>In the event of unacceptable human health risks being identified, a Remediation Strategy shall be submitted to and agreed in writing by the Council. The Remediation Strategy shall be implemented and subsequently a 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 and demonstrate the successful completion of the remediation works and that the site is now fit for end-use. The Verification Report shall be in accordance with current Environment Agency and CIRIA guidance and British standards.</p> <p>Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.</p>
7.12	<p>No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999 by NIEA WMU.</p> <p>Reason: To ensure a practical solution to sewage disposal is possible at the site that will protect features of indirectly connected European Sites in Belfast Lough from adverse effects.</p>
7.13	<p>No development shall be commenced until the developer has entered into an agreement with NI Water under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006.</p>

7.14	<p>Reason: To ensure a practical solution to sewage disposal from this site is possible.</p> <p>No development shall proceed beyond sub-floor construction until the foul sewerage network engineering solution as shown on solution design drawing to mitigate the downstream foul capacity issue as agreed with NI Water is provided by the developer to the satisfaction of NI Water. The development shall not be occupied until the developer has complied with all of the requirements set out in the agreement entered into with NI Water under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006.</p>
7.15	<p>Reason: To ensure a practical solution to sewage disposal from this site is possible.</p> <p>That no development shall proceed beyond sub-floor construction until a suitable dedicated surface water solution has been agreed upon. The applicant may requisition NI Water in accordance with Article 154 of the Water and Sewerage Services (Northern Ireland) Order 2006, for this purpose.</p>
7.16	<p>Reason: To ensure a practical solution to the disposal of surface water from this site.</p> <p>No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Belfast City Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:</p> <ul style="list-style-type: none"> <li>• The identification and evaluation of archaeological remains within the site;</li> <li>• Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;</li> <li>• Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and</li> <li>• Preparation of the digital, documentary and material archive for deposition.</li> </ul>
7.18	<p>Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.</p> <p>No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition <b>L15a</b>.</p> <p>Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.</p>
7.19	<p>A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition <b>L15a</b>. These measures shall be implemented and a final archaeological report shall be submitted to Belfast City Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Belfast City Council.</p> <p>Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.</p>

7.20	<p>All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the approved details.</p> <p><i>Reason: In the interests of the character and appearance of the area.</i></p>
7.21	<p>The residential unit/s hereby approved shall not be occupied until their respective boundary treatment has been implemented in accordance with the approved plans. The boundary treatment shall be retained in accordance with the approved details.</p> <p><i>Reason: In the interests of amenity.</i></p>
7.22	<p>Works shall be managed and maintained thereafter in accordance with the landscape management and maintenance plan.</p> <p><i>Reason: To ensure establishment and longevity of the soft landscaping plan.</i></p>
7.23	<p>The development hereby permitted shall not be occupied until details of the hard surfaces within the site, including driveways, parking and turning areas, footways and patios, have been submitted to and approved in writing by the Council. All new hard surfacing areas shall be permeable or drained to a permeable area. The development shall not be occupied unless the approved works have been carried out and retained as such thereafter.</p> <p><i>Reason: In the interests of the character and appearance of the area, and to promote sustainable drainage.</i></p> <p><i>Awaiting final consultation response from Roads – conditions to be added when they respond.</i></p>

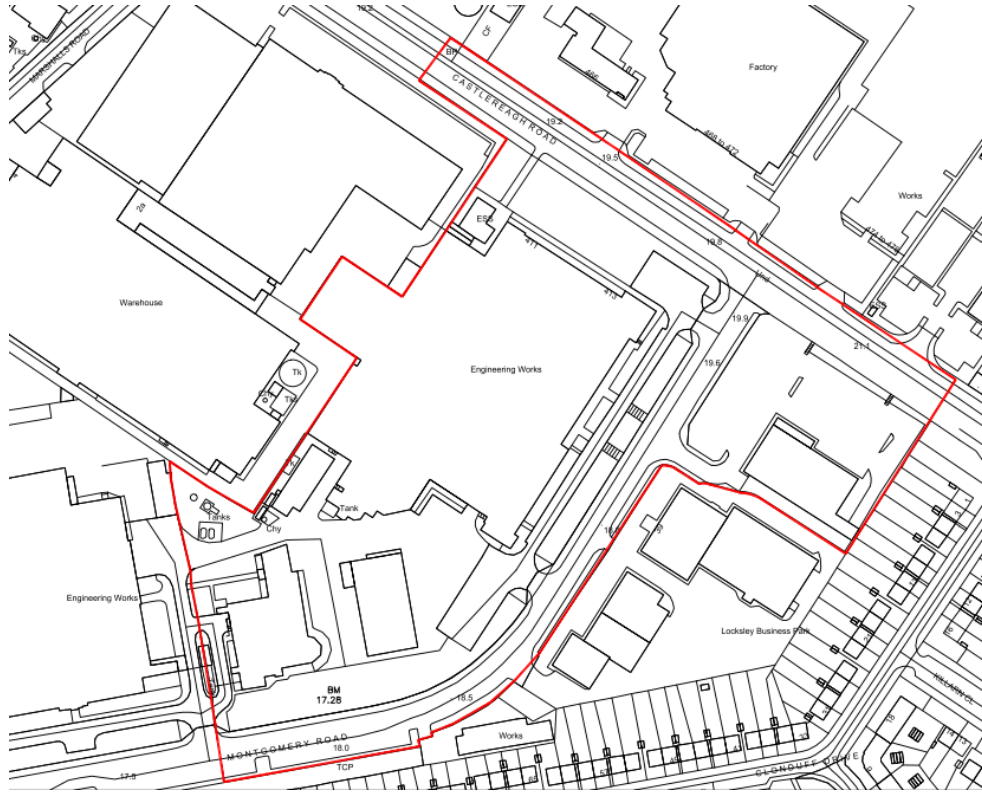
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## Development Management Officer Report

Summary	
<b>Application ID:</b> LA04/2023/4397/F	<b>Committee Meeting Date:</b> 16 <sup>th</sup> April 2024
<b>Proposal:</b> Variation of Condition 3 of LA04/2020/1211/F relating to the submission of a Verification Report for Phase 4 of the approved development	<b>Location:</b> No 46 Montgomery Road (former Hughes Christensen site, now Lidl), vacant site between nos 44 and 46, Montgomery Road, and no 41 Montgomery Road (former Lidl), Belfast
<b>Referral Route:</b> Major development (the proposal seeks to vary a condition on a previous permission for Major development and would, if approved, create a new standalone approval)	
<b>Recommendation:</b>	Approval subject to conditions
<b>Applicant Name and Address:</b> Lidl Northern Ireland Nutts Corner Dundrod Road Crumlin BT29 4SR	<b>Agent Name and Address:</b> MBA Planning 4 College House Citylink Business Park Belfast BT12 4HQ
<p><b>Executive Summary:</b> This application seeks to vary condition 3 of planning permission LA04/2020/1211/F, which grants planning permission for a Mixed use regeneration scheme involving: demolition of vacant buildings Hughes Christensen site; erection of 8No. Class B2 (light industrial) and Class B4 (storage/distribution) unit; extension to, and subdivision of, existing supermarket building to form 4no. Class B4 units (existing retail use to be discontinued); erection of replacement supermarket; provision of new accesses from Montgomery Road and Castlereagh Road; road improvements; car parking, landscaping and associated site works. (Lynas Food Outlet building to be retained).</p> <p>Condition 3 relates to the submission and agreement in writing of a verification report relating to the removal of above and below ground fuel tanks prior to any phase of the permitted development becoming operational. The fuel tanks referred to are located within Phase 4 of the development, south of the new Lidl supermarket built which is within Phase 2. The applicant has stated the removal of the tanks is not relevant to the operation of the supermarket within Phase 2.</p> <p>This application seeks to vary the condition to require that the verification report be submitted and approved prior to any development contained within Phase 4 of the approved phasing plan of the development becoming operational.</p> <p>Consultees have offered no objections subject to conditions. No representations have been received.</p> <p>It should be noted that the granting of a Section 54 application to vary conditions creates a new standalone planning permission. Therefore, should permission be granted, the other original conditions should be repeated as appropriate.</p> <p>Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions and an informative referring to the original section 76 obligations which shall continue to have effect without modifications. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.</p>	

# 1.0 Drawings

## Site Location Plan



## Aerial image



<b>2.0</b>	<b>Characteristics of the Site and Area</b>
2.1	The site comprises two sites either side of Montgomery Road and adjacent to the Castlereagh Road. The northern side of the site comprises the newly built single storey Lidl supermarket with associated car parking and areas of landscaping. This portion of the site also includes free-standing buildings towards the western boundary and areas of hard standing/parking.
2.2	The southern part of the site consists of a previous Lidl free standing supermarket which is single Storey in height and finished in render with a mono pitch roof finished in tiles. hard standing parking areas located to the east and north of the building with a landscaped buffer area around the site periphery. Two Storey dwellings are located adjacent to the site to the south, with two storey business units adjacent to the site to the west.
<b>3.0</b>	<b>Description of Proposed Development</b>
3.1	In March 2022, full planning permission was granted under application LA04/2020/1211/F for a mixed use regeneration scheme involving: demolition of vacant buildings Hughes Christensen site; erection of 8No. Class B2 (light industrial) and Class B4 (storage/distribution) unit; extension to, and subdivision of, existing supermarket building to form 4no. Class B4 units (existing retail use to be discontinued); erection of replacement supermarket; provision of new accesses from Montgomery Road and Castlereagh Road; road improvements; car parking, landscaping and associated site works. (Lynas Food Outlet building to be retained).
3.2	In November 2023, the current application was submitted seeking to vary condition 3 of planning approval LA04/2020/1211/F.
3.3	<p>Condition 3 as approved states:</p> <p><i>“Prior to any phase of the development hereby permitted becoming operational, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the RSK Ireland report entitled 'LIDL NI and Heron Bros / Heron Property, Environmental Site Assessment and Generic Quantitative Risk Assessment, Mixed Use Regeneration Scheme, Montgomery Road, Belfast' dated October 2020 and referenced 602253- R2(02), have been implemented.</i></p> <p><i>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (commercial). The Verification Report shall be in accordance with Environment Agency guidance. In particular, this Verification Report must demonstrate that:</i></p> <ul style="list-style-type: none"> <li><i>a) All above ground and underground fuel storage tanks and associated infrastructure have been fully decommissioned and removed from the site in line with Guidance for Pollution Prevention (GPP2) and the Pollution Prevention Guidance (PPG27).</i></li> <li><i>b) The ground underlying the tanks has been proven to be suitable to remain in-situ through validation sampling. The remediation works shall be retained thereafter and not removed or altered without the prior consent of the Council in writing.</i></li> </ul> <p><i>Reason: Protection of human health.</i></p>
3.4	It is proposed to vary the wording of the condition to require that the verification report be submitted and approved prior to any development contained within Phase 4 of the approved phasing plan of the development becoming operational. The fuel tanks referred to are located within Phase 4 of the development, south of the new Lidl supermarket built

	which is within Phase 2. The applicant has stated therefore the removal of the tanks is not relevant to the operation of the supermarket within Phase 2.
<b>4.0</b>	<b>Planning Assessment of Policy and Other Material Considerations</b>
4.1	<b>Development Plan – operational policies</b> Belfast Local Development Plan, Plan Strategy 2035
4.2	<b>Development Plan – zoning, designations and proposals maps</b> Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)
4.3	<b>Regional Planning Policy</b> Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	<b>Other Policies</b> Belfast Agenda
<b>4.5</b>	<b>Relevant planning history</b> The most relevant planning history is summarised below.  LA04/2023/3493/DC – Discharge of Condition 8 – Condition not discharged 18 <sup>th</sup> July 2023  LA04/2022/1016/DC – Discharge of Condition 7 – Condition not discharged 17 <sup>th</sup> October 2022  LA04/2022/1015/DC – Discharge of Condition 5 – Condition discharged 20 <sup>th</sup> July 2022.  LA04/2020/1211/F - Mixed use regeneration scheme involving: demolition of vacant buildings Hughes Christensen site; erection of 8No. Class B2 (light industrial) and Class B4 (storage/distribution) unit; extension to, and subdivision of, existing supermarket building to form 4no. Class B4 units (existing retail use to be discontinued); erection of replacement supermarket; provision of new accesses from Montgomery Road and Castlereagh Road; road improvements; car parking, landscaping and associated site works. (Lynas Food Outlet building to be retained) – Permission granted 4 <sup>th</sup> March 2022.
<b>5.0</b>	<b>Consultations and Representations</b>
5.1	<b>Statutory Consultees</b> DAERA Regulation Unit – No objection
5.2	<b>Non Statutory Consultees</b> BCC Environmental Health – No objection
5.3	<b>Representations</b> The application has been neighbour notified and advertised in the local press. No written representations have been received.
<b>6.0</b>	<b>PLANNING ASSESSMENT</b>
<b>6.1</b>	<b>Development Plan Context</b>
6.2	Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any



	<p>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>
6.3	<p>Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.</p>
6.4	<p>The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.</p>
6.5	<p><b>Operational policies</b> – the Plan Strategy contains a range of operational policies relevant to consideration of the application. The main policies for consideration in this case are Policies</p>
6.6	<p><b>Proposals Maps</b> – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious. The relevant zonings/designations are set out below. The site is within the development limits of Belfast in the BUAP, and both versions of draft BMAP 2015. Part of the application site is zoned in the 2004 version of draft BMAP 2015 as an area of Existing Employment/Industry under designation MCH 13. The application site fronts onto an arterial route. Part of the application site is zoned in the 2014 version of draft BMAP 2015 as an area of Existing Employment under designation MCH 10.</p>
<b>7.0</b>	<p><b>Key issues</b></p>
7.1	<p>The principle of development has already been established through the planning approval LA04/2020/1211/F to which this proposal relates. The key issue to be considered in the assessment of the current application is the submission and agreement of the verification report for Phase 4 only of the approved phasing plan (18A/ drawing no 01-07 rev A).</p>
<b>8.0</b>	<p><b>Verification report</b></p>
8.1	<p>Condition 3 of the approved development requires decommissioning and remediation of fuel tanks at the existing site prior to any phase of the permitted development becoming operational.</p>
8.2	<p>The approved plan, 18A, shows 4 phases of development including demolition. The fuel tanks referred to are located within Phase 4 of the development, south of the new Lidl supermarket built which is within Phase 2. The applicant has stated the removal of the tanks is not relevant to the operation of the supermarket within Phase 2. This application seeks to vary the condition to require that the verification report be submitted and approved prior to any development contained within Phase 4 of the approved phasing plan of the development becoming operational.</p>

8.3	<p>Phase 1 relates to demolition and consultees have confirmed phase 3 does not require any remediation. Having regard to the advice from BCC Environmental Health and DAERA Regulation Unit as well as the Plan Strategy, it is considered that the proposed variation of condition 3 relating to the agreement of a verification report for phase 4, and not phase 2, is acceptable. The variation of condition 3 will create a new standalone planning permission and it will be necessary to repeat the conditions on the original permission as appropriate, with the exception of those already discharged subject to the variations granted by this decision.</p>
8.4	<p>The proposed wording of condition 3 is as follows:</p> <p><i>Prior to any development within Phase 4 as shown on drawing number 01-07 rev A becoming operational, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the RSK Ireland report entitled 'LIDL NI and Heron Bros / Heron Property, Environmental Site Assessment and Generic Quantitative Risk Assessment, Mixed Use Regeneration Scheme, Montgomery Road, Belfast' dated October 2020 and referenced 602253- R2(02), have been implemented.</i></p> <p><i>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (commercial). The Verification Report shall be in accordance with Environment Agency guidance. In particular, this Verification Report must demonstrate that:</i></p> <ul style="list-style-type: none"> <li><i>c) All above ground and underground fuel storage tanks and associated infrastructure have been fully decommissioned and removed from the site in line with Guidance for Pollution Prevention (GPP2) and the Pollution Prevention Guidance (PPG27).</i></li> <li><i>d) The ground underlying the tanks has been proven to be suitable to remain in-situ through validation sampling. The remediation works shall be retained thereafter and not removed or altered without the prior consent of the Council in writing.</i></li> </ul> <p><i>Reason: Protection of human health.</i></p>
9.0	<p><b>Section 76</b></p>
9.1	<p>A Section 76 was attached to the original permission. The Development has commenced, and ownership has not changed. The variation in this application does not materially change the original permission and the condition to be amended does not go to the heart of the permission, in line with case law set out in <i>Peel Land and Property Investments Ltd v Hyndburn Borough Council</i>, a further Section 76 is not required. The original Section 76 remains in effect and is required to be complied with; an informative will be added to any approval to this effect.</p>
10.0	<p><b>Recommendation:</b></p>
10.1	<p>Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.</p>
11.0	<p><b>Draft Conditions:</b></p>
11.1	<p>It should be noted that the other original conditions will be repeated as appropriate as approval of this Section 54 variation of condition application will create a new standalone</p>

planning permission. One condition of the original approval LA04/2020/1211/F has been discharged and final wording will make reference to this.

1. Prior to any development within Phase 4 as shown on drawing number 01-07 rev A becoming operational, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the RSK Ireland report entitled 'LIDL NI and Heron Bros / Heron Property, Environmental Site Assessment and Generic Quantitative Risk Assessment, Mixed Use Regeneration Scheme, Montgomery Road, Belfast' dated October 2020 and referenced 602253- R2(02), have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (commercial). The Verification Report shall be in accordance with Environment Agency guidance. In particular, this Verification Report must demonstrate that:

- e) All above ground and underground fuel storage tanks and associated infrastructure have been fully decommissioned and removed from the site in line with Guidance for Pollution Prevention (GPP2) and the Pollution Prevention Guidance (PPG27).
- f) The ground underlying the tanks has been proven to be suitable to remain in-situ through validation sampling. The remediation works shall be retained thereafter and not removed or altered without the prior consent of the Council in writing.

Reason: Protection of human health.

<b>ANNEX</b>	
<b>Date Valid</b>	14/11/23
<b>Date First Advertised</b>	15/12/23
<b>Date Last Advertised</b>	(as above)
<b>Date of Last Neighbour Notification</b>	15/01/24
<b>Date of EIA Determination</b>	N/A